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MARIPOSA COUNTY ORDINANCE NO. 801
AN ORDINANCE AMENDING TITLE 17 OF THE MARIPOSA COUNTY CODE
ENTITLED MARIPOSA COUNTY ZONING ORDINANCE AND
AMENDING THE MARIPOSA COUNTY ZONING MAP

WHEREAS, the Mariposa County Board of Supervisors has initiated a Scenic Highway Protection Program which requires text amendments to the Mariposa County Zoning Ordinance and an amendment to the Mariposa County Zoning Map; and

WHEREAS, the Mariposa County Planning Commission and Board of Supervisors have held duly noticed public hearings on the amendments in accordance with State Law and County Code; and

WHEREAS, the Mariposa County Planning Commission has recommended approval of the amendments; and

WHEREAS, the Board of Supervisors has determined, based upon recommendations by the Planning Director and Planning Commission, that the amendments have no potential to create significant environmental effects and a notice of exemption has been filed in accordance with the California Environmental Quality Act and the Mariposa County Environmental Review Policies and Procedures adopted pursuant thereto; and

WHEREAS, the amendments to the Zoning Ordinance and the Zoning Map are consistent with the Mariposa County General Plan.

NOW THEREFORE the Mariposa County Board of Supervisors does hereby ordain as follows:

SECTION I

Chapter 17.65 is hereby added to the County Zoning

1 Ordinance, the complete text of which is attached hereto as
2 Exhibit A.

3 SECTION II

4 The Official Zoning Map of Mariposa County shall be
5 modified to reflect that the properties as shown on the map
6 attached as Exhibit B are located in the Scenic Highway Overlay
7 district as specified in Section I.

8 SECTION III

9 This ordinance shall become effective thirty (30) days
10 after final passage pursuant to Government Code Section 25123.

11 PASSED AND ADOPTED by the Mariposa County Board of
12 Supervisors on this 9th day of April , 1991 by the following
13 vote:

14 AYES: BAGGETT, PUNTE, ERICKSON, TABER

15 NOES: NONE

16 ABSTAINED: NONE

17 EXCUSED: RADANOVICH

18
19 _____
GEORGE P. RADANOVICH, Chairman
Mariposa County Board of Supervisors

20 ATTEST:

21 By: Sally S. Punte
SALLY S. PUNTE, Vice-Chairman

22 Margie Williams
MARGIE WILLIAMS
Clerk of the Board

23 APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

24 Jeffrey G. Green
25 JEFFREY G. GREEN
26 County Counsel
27
28

CHAPTER 17.65
SCENIC HIGHWAY OVERLAY (SHO)

SECTIONS:
17.65.010

17.65.010. The Scenic Highway Overlay Zone (SHO) is an overlay district which is intended to be combined with any other district to protect the scenic qualities of public highways or roadways designated a scenic highway by the State of California and/or the Board of Supervisors. The purpose of this district is to maintain the recreational, social and economic values of the County by protecting and enhancing the designated highway, for the benefit of residents and visitors. This zone will function to promote the overall economic vitality of a district, enhance tourism, and stabilize and increase property values.

A. SHO Plan - Required Review

Except as provided for in this section, no Commercial, Industrial, Multi-family Residential, or Single Family Residential Use (including Home Enterprises) shall be established, no development or grading shall occur, no sign shall be installed, and no building or grading permit shall be issued for any use which is located wholly or partially within the SHO District until an application for Scenic Highway Review Plan has been submitted to and approved by the Planning Director in accordance with the procedures and standards established in this Chapter. In reviewing and approving an application for Scenic Highway Review, the Planning Director shall find that the development is harmonious with the scenic quality of the designated highway, complies with all applicable standards pursuant to this Chapter, and is consistent with the goals, policies, and standards of the General Plan. Where the applicant can demonstrate to the Planning Director that the proposed development is not visible from the Scenic Highway, the project shall be exempt from the requirements of this Chapter. In addition, building permits which will not result in any exterior modifications are exempt, as are Single Family Residential developments which do not require a grading permit.

B. SHO Plan - Application Contents

An application for Scenic Highway Review Plan for Commercial, Industrial or Multi-family Residential use (including Home Enterprises not entirely operated within a residential structure) or any use requiring a conditional use permit shall include the following:

1. A completed Commercial, Industrial and Multi-family Dwelling Building Permit Application.

2. A plot plan drawn to the scale specified by the Planning Director and other such maps, plans, photographs, drawings and sketches necessary to illustrate the information specified in section 17.08.150 of this Title and the following information:

a. Site vegetation, including trees and shrubs - their approximate location, species, proposed treatment (to be removed or retained), and size (tree measurement to be given as diameter at four feet above ground level, and shrub measurement to be given as overall height);

b. Rock outcroppings and boulders larger than twenty-four (24) square feet - approximate location, proposed treatment (to be removed or retained) and size (measurement to be calculated by multiplying approximate width by length);

c. Existing topography of scenic highway if scenic highway is immediately adjacent to site;

d. Signs - materials, colors, and lighting;

e. Location of all utilities (including existing and proposed electric and communication lines and facilities, and propane tanks), mechanical equipment, dumpsters, and exterior work areas.

3. Elevations of all sides of the proposed building or structures visible from the scenic highway showing:

a. Dimensions;

b. Proposed architectural treatment, building and roofing materials and colors;

c. Signs;

d. Lighting;

e. Mechanical equipment and utilities.

4. Preliminary grading plan indicating grading necessary for all proposed site development.

5. The applicant may submit a narrative description of the proposed development to assist in the Scenic Highway Review process. This narrative may describe how the development was designed to be harmonious with the scenic quality of the corridor, and to comply with the design guidelines.

An application for Scenic Highway Review Plan for Single Family Residential development (including Home Enterprises entirely operated within a residential structure) shall include the following:

1. A completed Single Family Dwelling Building Permit Application.

2. A plot plan drawn to the scale specified by the Planning Director which illustrates the information specified in section 17.08.140 of this Title, and the location of existing and proposed electric and communication lines and facilities.

3. Preliminary grading plan indicating grading necessary for all proposed site development.

C. SHO Plan Application - Processing Procedures

Upon receipt of a Scenic Highway Review Plan application, the Planning Department shall, within five (5) working days, determine whether the application is complete. Upon acceptance of the application as complete, the Planning Director shall consider the scenic highway review plan and act to approve, conditionally approve, or deny the scenic highway review plan within thirty (30) days. The Planning Director's action shall be based upon the findings and standards listed in section 17.65.010 A. of this chapter. The Planning Commission's action on uses subject to a conditional use permit shall also be based upon the findings listed in section 17.65.010 A. of this chapter. The Planning Director shall provide specific findings if a scenic highway review plan is denied. Determinations made regarding a scenic highway review plan application may be appealed in accordance with Chapter 17.136 of this Title.

D. Development Standards for the SHO

1. Uses and General Development Standards: Permitted, conditional and prohibited uses shall be as set forth in the Principal Zone, with the following exceptions:

a. The following uses shall be permitted within the Scenic Highway Overlay:

(1). Commercial Timber Harvesting, when in compliance with the standards for special treatment areas established by Title 14, California Administrative Code, Section 953.4 and other appurtenant sections; and upon approval by the Planning Director of a Timber Harvest Plan as described in Public Resources Code 4582.

b. The following uses shall be conditional within the Scenic Highway Overlay:

(1). Mining, Mineral and Construction Material Processing

(2). Outdoor Storage

(3). Portable Sawmills

(4). Communications and Transmission Towers

(5). Rural Home Industries

c. The following uses shall be prohibited within the Scenic Highway Overlay:

(1). Off-site Signs

2. Minimum Parcel or Lot Size: As established by the Principal Zone.

3. Density: As established by the Principal Zone.

4. Setbacks, Building Height, Parking and other Applicable Development Standards: As established by the

Principal Zone and/or the additional standards contained within this Chapter.

5. In the instance that a permitted use and/or development standard of the Principal Zone conflicts with a standard of the Scenic Highway Overlay Zone, the more restrictive standard shall apply.

E. Special Development Standards for Multi-family Residential, Commercial and Industrial Uses within the SHO

All Multi-family Residential, Commercial and Industrial development (including Home Enterprises not entirely operated within a residential structure) in the SHO District shall comply with the following standards:

1. Site Development Standards

a. Minimize grading by utilization of multiple parking areas and multiple or stepped buildings which conform to the natural topography; and by design of access and interior roads or routes which conform to the natural topography.

b. All earthmoving activities which expose soil surfaces shall be followed by application of soil stabilization and revegetation measures to prevent erosion and revegetate exposed surfaces. Revegetation and soil stabilization methods as recommended by the Soil Conservation Service or the Mariposa County Resource Conservation District shall be required.

c. Preserve significant natural features which contribute to the corridor's scenic quality including vegetation, boulders and rock outcroppings, natural waterways and drainages, and existing topography or topographic features. Incorporation of these natural features into the proposed site grading and development is encouraged.

d. The minimum open space required per parcel shall be determined by parcel size and topography as follows:

Parcel Size	Open Space Required if average slopes on project parcel are less than 30%	Open Space Required if average slopes on project parcel are 30% or more
0 - .99 acres	20%	40%
1.0 - 1.99 acres	30%	50%
2.0 acres or more	40%	60%

e. Location and grouping of buildings, structures, and site development shall have an appropriate scale which is harmonious with the scenic quality of the corridor and the area immediately surrounding the parcel.

f. Location of structures shall not unnecessarily obstruct scenic views from the designated highway, including all views of rivers and streams.

g. A transition area shall be required from the designated highway to buildings and structures to minimize the views of the buildings or structures from the scenic highway. Use of existing topography, existing vegetation, and landscaping are appropriate within this area to achieve this standard.

h. All utilities, with the exception of propane storage, shall be located underground within the project parcel.

i. Refuse storage areas, dumpsters, service yards, exterior work areas, mechanical equipment and propane tanks shall be screened from view from the designated highway by landscaping or other methods which meet the standards established for this District.

j. Exterior lighting shall be designed to minimize all off-site impacts. Methods to minimize impacts may include, but not be limited to, such details as directing light fixtures downward, and locating fixtures so that the sphere of lighting is entirely on-site.

k. All proposed new construction of electric and communication distribution facilities which are within 1000 feet from each edge of the right-of-way of the designated highway shall be located underground if those facilities would be visible from the designated highway if erected above ground. This requirement shall not apply to the upgrading of existing above ground lines, or to the installation of additional lines on existing poles which support operating lines. An exception to this requirement may be granted upon a finding by the Planning Director that such undergrounding is infeasible and inconsistent with sound environmental planning. Standards which may be required as conditions of the exception include, but are not limited to, the following:

(1). Avoid prominent ridge lines and barren sides of mountains or hills;

(2). Keep alignment along the bottom or lower slopes and valleys between hills;

(3). Avoid crossing hill contours at right angles; avoid steep grades which expose the right-of-way to view from the designated highway.

Substations, padmount transformer facilities, and similar padmount equipment operating within the distribution facility voltages may be located above ground, but shall not be visible from the scenic highway.

2. Building and Structure Design

a. Buildings and structures include all buildings, fences, walls, retaining walls, signs, and other structural elements on site.

b. Buildings, structures, and appurtenant mechanical and electrical equipment shall be designed so as to minimize their visual impact on the scenic highway. Materials and colors selected for the exterior of all buildings, structures and equipment shall blend with the natural colors of the surrounding environment. Use of natural materials such as wood and stone shall be encouraged. Reflective materials shall

be prohibited.

3. Landscaping

a. Landscaping shall include existing and planned vegetation, berms, and irrigation systems.

b. Landscaping shall screen views of site development from the scenic highway and shall be used to revegetate soils exposed by grading activities. Vegetation utilized for screening shall be equally effective at all times of the year.

c. Utilization of indigenous and/or water conserving plants shall be strongly encouraged. Utilization of plants which are susceptible to insects and disease shall be prohibited.

d. Landscaping shall be required for all new parking lots where the aggregate size of all new parking lots on the parcel is greater than 2,000 square feet, or expansion of existing parking lots which exceed fifty percent (50%) of the original parking lot size.

e. A differentiation between requirements for parking lot perimeter landscaping and interior landscaping is made in these standards. The purpose of perimeter landscaping is to screen parking areas and vehicles utilizing parking areas from the designated highway. The purpose of interior landscaping is to break up the expanse of paved or gravelled surfaces. Where the applicant can demonstrate that the proposed parking area and vehicles utilizing the proposed parking area are not visible from the designated highway, no perimeter or interior landscaping shall be required.

f. Planting areas for perimeter landscaping shall be designed so as to maximize the effectiveness of the landscaping as a screen. Plant species and spacing shall be chosen such that full screening from the road is achieved within five (5) years of project completion. Planting areas for perimeter landscaping shall be a minimum of three (3) feet wide.

g. Planting areas for interior landscaping shall be designed to break up the surface of parking areas. The minimum area for interior landscaping shall be ten percent (10%) of the total parking area, including drive aisles, curbs and gutters.

h. Shrub materials shall be a minimum of five (5) gallons in size at the time of planting. Trees shall be selected from the Planning Department's approved tree list, and shall be a minimum of fifteen (15) gallons in size at the time of planting. Landscaping plans shall consider the full growth of vegetation.

i. Landscaping shall be designed so that it will not obstruct sightlines necessary for safe vehicular and pedestrian circulation, and will not interfere with public utilities.

j. Planting areas subject to damage from pedestrian or vehicular traffic shall be protected by curbing, fencing or walls.

k. Provisions for irrigation shall be provided

within all landscaped areas where necessary. Drip irrigation systems shall be encouraged as a water conservation measure.

l. The property owner shall be responsible for the maintenance of all landscaping in good condition so as to present a healthy, neat and orderly appearance for the life of the development. Dead or diseased plants shall be immediately replaced with plants which meet size requirements.

m. Grades for berms used in perimeter landscaping areas shall not exceed thirty-three percent (33%).

4. Sign Standards

a. Low lying monument signs are encouraged. Signs attached to buildings shall not extend more than sixteen (16) inches from the face of the building and shall not extend above the roofline of the building.

b. If all signs on a parcel are constructed of natural materials such as wood or stone, the maximum aggregate area for all signs shall be one hundred and twenty (120) square feet per parcel. If one or more signs on a parcel are not constructed of natural materials, the maximum aggregate area for all signs shall be sixty-four (64) square feet per parcel. Smaller signs may be required depending upon scale and type of development.

c. Signs for Home Enterprises and Rural Home Industries shall have a maximum area of sixteen (16) square feet. One sign for Home Enterprises shall be permitted per parcel.

d. Temporary political, election, or campaign signs shall have a maximum area of sixteen (16) square feet and shall be removed within two weeks following the election.

e. Maximum aggregate area of signs advertising the sale, lease or rental of use of parcel or of parcel itself shall be sixteen (16) square feet. These signs shall contain not outline tubing, flashing lights or moving parts. These sign shall be required to comply with all standards of this Chapter if displayed for longer than six (6) months.

f. Signs shall not contain any flashing or intermittent lights, or any parts which are moving or appear to be moving. No sign shall be directly or indirectly illuminated by artificial light which is not maintained stationary and constant in color and intensity at all times when in use.

g. One free standing sign shall be permitted per parcel providing the sign meets all other standards of this section. The height of free standing signs shall be limited to twenty (20) feet.

h. Signs used as directional and informational aids which are approved (if necessary) by the U.S. Forest Service, Caltrans or the County for concessionaires, private commercial recreation facilities and public recreation facilities shall be considered appurtenant on-site signs if located within a reasonable distance of the access road to these facilities.

i. Federal, State and County signs shall not require review pursuant to this Title.

F. Special Development Standards for Single Family Residential Uses within the SHO

All Single Family Residential development in the SHO District (including Home Enterprises entirely operated within a residential structure) shall comply with the following standards:

1. Site Development Standards
 - a. Site development standards 1.a., 1.b., 1.c., and 1.k. as listed in Subsection E. of Section 17.65.010 of this Chapter shall apply to all Single Family Residential development within the SHO District.
2. Sign Standards
 - a. Signs for Home Enterprises shall have a maximum area of sixteen (16) square feet. One sign for Home Enterprises shall be permitted per parcel.
 - b. All other standards as listed in Subsection B. of Section 17.65.010 of this Chapter shall apply to signs for Home Enterprises.

G. SHO - Nonconforming Uses and Structures

Nonconforming uses and structures within the SHO District shall comply with the provisions of Section 17.08.020 of this Title, except as modified below:

1. A nonconforming use or structure may be expanded through approval of a site plan application processed in conformance with Sections 17.08.140, 17.08.150, and 17.08.160 of this Title, and through approval of a Scenic Highway Review Plan processed in conformance with this Chapter. All exterior modification of a nonconforming use or structure must comply with the provisions of the Scenic Highway Overlay.
2. If the use of a building or premises does not conform to the land use regulations of this District, and that use is discontinued for a period of twelve (12) consecutive months, any subsequent use of the building or premises for that nonconforming use shall conform to the regulations of this District, and the Principal Zone in which it is located.
3. When a building or other structure which does not conform to the provisions of this Title is damaged or destroyed, it may be reconstructed, repaired or rebuilt to accommodate its original use, including nonconforming uses. Such reconstruction, restoration, or rebuilding shall conform to the provisions of this Title, and all other existing applicable policies, and regulations, and shall require the submission and approval of a scenic highway review plan.

