MARIPOSA COUNTY ORDINANCE NO. 822

AN ORDINANCE ADDING SUB-TITLE 17.300 ENTITLED "MARIPOSA TOWN PLANNING AREA SPECIFIC PLAN ZONING REGULATIONS AND DISTRICTS" TO TITLE 17 ENTITLED "MARIPOSA COUNTY ZONING ORDINANCE"

WHEREAS, Government Code Sections 65450 through 65457 provide for the development, adoption, and implementation of Specific Plans as a means of implementing the General Plan and said sections permit the adoption of Specific Plans, or portions thereof, by ordinance; and

WHEREAS, the Board of Supervisors has adopted by resolution a Specific Plan for the Mariposa Town Planning Area; and

WHEREAS, Section 17.12.010(A) of the Zoning Ordinance asserts that precise zoning regulations and zones are to be adopted to implement Specific Plans; and

WHEREAS, the standards and land use districts contained in Section 3 of the adopted Specific Plan have been prepared for adoption by ordinance as zoning regulations and zones; and

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

WHEREAS, the Mariposa County Planning Commission has reviewed the amendment and recommended approval of the amendment with modifications; and

WHEREAS, the Board of Supervisors has considered the Planning Commission's recommendation; and
WHEREAS, the Board, acting as the Lead Agency, has
certified as complete and adequate an Environmental Impact
Report (EIR) for the amendment in accordance with the
California Environmental Quality Act (CEQA), the CEQA
Guidelines, and the Mariposa County Environmental Review
Policies and Procedures; and

WHEREAS, the Board has made findings of fact for the
significant environmental effects identified in the Final EIR
and adopted a Mitigation Monitoring Program; and

WHEREAS, the amendment to the Zoning Ordinance is
consistent with the Mariposa County General Plan and Mariposa
TPA Specific Plan.

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

SECTION I

Sub-Title 17.300 entitled "Mariposa Town Planning Area
Specific Plan Zoning Regulations and Districts", the complete
text of which is attached hereto as Exhibit "A", is hereby
added to Title 17 entitled "Mariposa County Zoning
Ordinance".

SECTION II

Exhibit "B" attached hereto is hereby adopted as the
"Mariposa Town Planning Area Specific Plan Zoning Maps"
thereby establishing the designations and boundaries of each
zone district in the Mariposa Town Planning Area.

SECTION III

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

PASSED AND ADOPTED by the Mariposa County Board of
Supervisors on this 21st day of January , 1992 by the
following vote:

AYES: ERICKSON, RADANOVICH, BAGGETT, PUNTE

NOES: NONE

ABSTAINED: NONE

EXCUSED: TABER

SALLY S. PUNTE, Chairman
Mariposa County Board of Supervisors

ATTEST:

MARGIE WILLIAMS
Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

JEFFREY O. GREEN
County Counsel
EXHIBIT A

SUB-TITLE 17.300

MARIPOSA TOWN PLANNING AREA ZONING REGULATIONS AND DISTRICTS

Chapters:

17.304 GENERAL PROVISIONS
17.312 SINGLE FAMILY RESIDENTIAL (9,000 SQUARE FEET) ZONE (SFR-9K)
17.314 SINGLE FAMILY RESIDENTIAL (1/2 ACRE) ZONE (SFR-1/2AC)
17.316 MULTI-FAMILY RESIDENTIAL ZONE (MFR)
17.318 PROFESSIONAL OFFICE ZONE (PO)
17.320 GENERAL COMMERCIAL ZONE (GC)
17.322 LIGHT INDUSTRIAL ZONE (LI)
17.324 PUBLIC-QUASI PUBLIC ZONE (P-Q)
17.326 SCENIC RESOURCE ZONE (SR)
17.328 PLANNED UNIT DEVELOPMENT OVERLAY ZONE (PUD)
17.330 DESIGN REVIEW OVERLAY ZONE (DRO)
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17.334 SUPPLEMENTARY USE STANDARDS
17.336 SUPPLEMENTARY DEVELOPMENT STANDARDS
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17.340 NON-CONFORMING USES AND STRUCTURES
CHAPTER 17.304

GENERAL PROVISIONS

17.304.010 Adoption of Mariposa TPA Specific Plan Zoning Ordinance.

The Mariposa Town Planning Area Specific Plan Zoning Ordinance as set forth in this Sub-Title is hereby adopted pursuant to Section 17.12.010(A) of Title 17 of County Code and is supplemental to the provisions of Title 17.

17.304.020 Application.

The regulations established by this Sub-Title shall apply to all property within the boundaries of the Mariposa Town Planning Area, except such lands as may be specifically excluded from County land use regulations by Federal statute or regulations. The provisions of this Sub-Title shall take precedence over all other provisions of Title 17, and in instances where there is a conflict between the standards of this Sub-Title and other standards of Title 17, the standards of this Sub-Title shall govern. In instances where standards are not set forth in this Sub-Title, the standards of Title 17 shall govern.

17.304.030 Specific Plan Zoning Maps.

A map or a series of maps, known as the Mariposa Town Planning Area Specific Plan Zoning Maps, shall be established to show the designations and boundaries of each zone district in the Mariposa Town Planning Area. The Specific Plan Zoning Maps and all notations, references, and other information shown thereon are included as part of this Sub-Title as though they were all fully described and set forth herein. The Specific Plan Zoning Maps shall be maintained by the Mariposa County Planning Department and shall be available for public review and purchase.

17.304.040 Establishment of Specific Plan Zoning Districts.

In order to regulate the use of land, buildings, and structures and establish minimum parcel sizes, the following principal zone districts and combining zone districts are established:

A. Principal Zone Districts
   1. SFR-9K: Single Family Residential (9,000 square feet)
   2. SFR-1/2AC: Single Family Residential (1/2 acre)
   3. MFR: Multi-Family Residential
   4. PO: Professional Office
   5. GC: General Commercial
   6. LI: Light Industrial
   7. P-Q: Public-Quasi Public
   8. SR: Scenic Resource

B. Combining Zone Districts (Also referred to as Overlay Zone Districts)
   1. PUD: Planned Unit Development Overlay
   2. DRO: Design Review Overlay
   3. HDRO: Historic Design Review Overlay
CHAPTER 17.312

SINGLE FAMILY RESIDENTIAL (9,000 SQUARE FEET) ZONE (SFR-9K)

17.312.010 Single Family Residential (9,000 square feet) Zone

The purpose of this zoning classification is to provide single family housing on smaller parcels based upon the availability of community water and sewer systems. Development within this classification shall be limited to single family residential structures and appurtenant structures and uses and other uses and activities that will not be detrimental or obnoxious to the surrounding neighborhood.

17.312.020 Development Standards for SFR-9K.

Development standards for the SFR-9K Zone shall be as follows:

A. Uses:
   1. Permitted Uses:
      a. One single family residence per parcel.
      b. Residential accessory structures.
      c. Residential care and day care facilities within a residence and serving six or less residents in accordance with the standards contained in Section 17.334.030.
      d. Home occupations in accordance with the standards contained in Section 17.334.010.
   2. Conditional Uses:
      a. One secondary residence with a maximum size of 800 sq. ft. on parcels which comply with the minimum parcel size standard.
      b. Churches.
      c. Community parks and playgrounds.
      d. Day care facilities within a residence and serving seven (7) to 12 children.
   3. Prohibited Uses:
      All uses not listed as permitted or conditional shall be prohibited.

B. Minimum Lot Size/Density: Minimum lot size shall be 9,000 sq. ft. exclusive of road easements. The maximum density shall be one single family residence per parcel including a secondary residence as provided for in this section.
CHAPTER 17.314

SINGLE FAMILY RESIDENTIAL (1/2 ACRE) ZONE (SFR-1/2AC)

17.314.010 Single Family Residential (1/2 acre) Zone. The purpose of this zoning classification is to provide single family housing on larger parcels based upon the availability of community water and sewer systems. Development within this classification shall be limited to single family residential structures and appurtenant structures and uses and other uses and activities that will not be detrimental or obnoxious to the surrounding neighborhood.

17.312.020 Development Standards for SFR-1/2AC. Development standards for the SFR-1/2AC Zone shall be as follows:

A. Uses:
   1. Permitted Uses:
      a. One single family residence per parcel.
      b. Residential accessory structures.
      c. One secondary residence with a maximum size of 800 sq. ft. on parcels which comply with the minimum parcel size standard.
      d. Residential care and day care facilities within a residence and serving six or less residents in accordance with the standards contained in Section 17.334.030.
      e. Home occupations in accordance with the standards contained in Section 17.334.010.
   2. Conditional Uses:
      a. Churches
      b. Community parks and playgrounds.
      c. Day care facilities within a residence and serving seven (7) to 12 children.
   3. Prohibited Uses:
      All uses not listed as permitted or conditional shall be prohibited.

B. Minimum Lot Size/Density: Minimum lot size shall be 1/2 acre (21,780 sq.ft.) exclusive of road easements. The maximum density shall be one single family residence per parcel including a secondary residence as provided for in this section.
CHAPTER 17.316
MULTI-FAMILY RESIDENTIAL ZONE (MFR)

17.316.010 Multi-Family Residential Zone.
This zoning classification is designed to provide higher
density housing in and around the commercial core of the community.
Housing within this classification may include apartments,
condominiums, townhouses, zero lot line homes, mobile home parks or
detached single family homes.

17.316.020 Development Standards for MFR.
Development standards for the MFR Zone shall be as follows:
A. Uses:
   1. Permitted Uses:
      a. Single family residential structures in accordance
         with the density standards set forth in Section 17.316.020(B) and
         subject to the Architectural Theme and Development Guidelines for
         the Design Review Overlay Zone contained in Section 17.336.060.
      b. Attached residential units including duplexes,
         apartments, condominiums, townhouses and similar development
         subject to the density standards established herein.
      c. Residential accessory structures.
   2. Conditional Uses:
      a. Mobile home parks.
      b. Churches, non-profit lodge halls, clubs, fraternal
         organizations.
      c. Light commercial uses when an integral part of a
         multi-family development.
   3. Prohibited Uses:
      All uses not listed as permitted or conditional shall
      be prohibited.
B. Minimum Lot Size/Density: The density standard shall be
4,000 sq. ft. of land area for the first multi-family unit and
1,500 sq. ft. for each additional residential unit added thereto,
or 9,000 sq. ft. for single-family residential uses. Calculation
of square footage shall be exclusive of road easements. Minimum
lot size shall be 9,000 sq. ft. except as provided by planned unit
development zoning.
CHAPTER 17.318

PROFESSIONAL OFFICE ZONE (PO)

17.318.010 Professional Office Zone.
This zoning classification is designed to provide areas for the development of business and professional office uses with related business and institutional uses to the exclusion of retail business in general. It is intended that PO areas, and the uses therein, will be compatible and convenient to residential areas and the general business area.

17.318.020 Development Standards for PO.
Development standards for the PO Zone shall be as follows:
A. Uses:
   1. Permitted Uses:
      a. Law offices, title company offices, accountants offices, insurance offices, and doctors and dentists offices.
      b. Government offices.
      c. Retail uses appurtenant to permitted uses.
      d. One single family residential unit per parcel.
      e. Other uses determined to be similar to and compatible with the above.
   2. Conditional Uses:
      a. Churches, non-profit lodges, clubs, fraternal organizations.
      b. Commercial parking lots.
      c. Multi-family residential in accordance with the density standards contained in Chapter 17.316 (Multi-Family Residential Zone).
   3. Prohibited Uses:
      All uses not listed as permitted or conditional shall be prohibited.

   B. Minimum Lot Size/Density: Minimum lot size shall be 9,000 sq. ft. exclusive of road easements. Density shall be one single family residence per 9,000 sq. ft. except that higher densities shall be allowed subject to an approved use permit.
CHAPTER 17.320

GENERAL COMMERCIAL ZONE (GC)

17.320.010 General Commercial Zone. This zoning classification is designed to provide the commercial services necessary and desirable to residents within the Mariposa Town Planning Area, the surrounding region and tourists.

17.320.020 Development Standards for GC. Development standards for the GC Zone shall be as follows:

A. Uses:
   1. Permitted Uses:
      a. General retail sales located within a building generally including the sale of food, clothing, hardware, drugs, liquor, general merchandise, artwork, antiques, auto parts and other uses of a similar character.
      b. Professional offices of a service character located within a building including doctors, dentist, real estate sales, title company, attorney and other similar offices; photographic studios, printing and duplication services and other uses of a similar character.
      c. Restaurants, drive-in restaurants, cocktail lounges, bowling alleys, movie theaters, lodge halls and other similar uses.
      d. Hotels, motels, conference facilities and other similar tourist service facilities.
      e. Dry cleaning establishments, laundromats, video rental and other similar miscellaneous uses.
      f. A maximum of four residential units per parcel when an integral part of a commercial development.
   2. Conditional Uses:
      a. Any uses involving outside sales or storage areas.
      b. Service stations.
      c. Any use involving the bulk storage of flammable or hazardous materials.
      d. Emergency medical care facilities, fire stations and other similar uses.
      e. Single or multi-family residential uses in accordance with the density standards contained in Chapter 17.316 (Multi-Family Residential Zone).
   3. Prohibited Uses:
      All uses not listed as permitted or conditional shall be prohibited.

B. Minimum Lot Size/Density: Minimum lot size shall be 9,000 sq. ft. exclusive of road easements.
CHAPTER 17.322
LIGHT INDUSTRIAL ZONE (LI)

17.322.010 Light Industrial Zone.
This zoning classification is designed to provide locations for those essential uses not allowed within the residential or commercial classification. This classification allows for the types of uses that generate employment opportunities for residents of Mariposa and the surrounding area. Typically the uses allowed within this classification are not appropriate in the commercial areas due to space and access demands and potential land use conflicts.

17.322.020 Development Standards for LI.
Development standards for the LI Zone shall be as follows:

A. Uses:
   1. Permitted uses:
      a. Exterior and interior sales of equipment, building materials, hardware, machinery, automobiles and other similar uses.
      b. Equipment and automobile rental yards and other similar uses.
      c. Automotive and equipment repair, tire shops, muffler shops, auto glass shops, body shops and other similar uses.
      d. Construction equipment yards, public utility yards, cabinet shops, electrical shops, plumbing shops, welding shops and other similar uses.
      e. Kennels, veterinarian services, animal hospitals.
      f. Service stations, car washes and other similar uses.
      g. Manufacturing of equipment, clothing, handicrafts, electrical components and other similar uses.
      h. Warehousing and storage uses including mini-storage, boat and R.V. storage and other similar uses.
      i. Food processing including wineries, bottling plants and other similar uses.
      j. Regional office facilities including insurance, advertising, design and similar offices.
      k. Electronic research laboratories.
      l. High tech component manufacturing plants.
      m. Forest Service and Regional Government Headquarters.
     n. Uses determined to be similar to and compatible with the above.
     o. One residential unit per parcel in conjunction with a light industrial use.

   2. Conditional Uses:
      a. Bulk plants for the storage of petroleum products or other similar flammable or hazardous materials.
      b. Commercial-recreational uses.

   3. Prohibited Uses:
      All uses not listed as permitted or conditional shall be prohibited.
B. **Minimum Lot Size/Density:** Minimum lot size shall be 9,000 sq. ft. exclusive of road easements. Residential densities are not applicable to this classification.
CHAPTER 17.324
PUBLIC-QUASI PUBLIC ZONE (P-Q)

17.324.010 Public-Quasi Public Zone.
This zoning classification is applied to those areas in public ownership and whose improvements are used by the public and also those areas in private ownership but planned for public use. All private land within the P-Q land uses shall be developed with consideration of adjacent land use policies, to be determined by the Planning Director, on a case-by-case basis.

17.324.020 Development Standards for P-Q.
A. Uses:
   1. Permitted Uses:
      a. Those existing land uses such as the County Courthouse, the Hall of Records, the High School, Grammar School and the cemetery shall form the nucleus for future centers for P-Q land use. Typical uses include:
         i. Public schools, public hospitals and health care facilities.
         ii. Courthouse, civic center, administrative offices.
         iii. Public fairgrounds, fire houses.
         iv. Public utility service area, motor vehicle pool.
         v. Public parks, playgrounds, recreation areas, parkways, greenbelts, waterways, reservoirs, forests, and cemeteries.
         vi. Uses determined to be similar to and compatible with the above.
   2. Conditional Uses:
      a. Campgrounds.
      b. Uses involving bulk storage of flammable or hazardous materials.
   3. Prohibited Uses:
      All uses not listed as permitted or conditional shall be prohibited.
CHAPTER 17.326

SCENIC RESOURCE ZONE (SR)

17.326.010 Scenic Resource Zone.
This zoning classification identifies an area of land whose potential use for building sites is limited due to very steep slopes which offer adverse conditions for road building, surface drainage, septic systems, and especially road and site grading. This classification is applied to the steep hillside areas surrounding the community and generally outside of the service area for community water and sewer.

17.326.020 Development Standards for SR.

A. Uses:

1. Permitted Uses:
   a. Single family residential development sited and constructed in accordance with the Scenic Highway Overlay standards contained in Chapter 17.65 of this Title.
   b. Open space recreational uses including parks, recreational areas, hiking trails and similar non-intensive uses.
   c. Limited agricultural including grazing and the raising of crops.
   d. Timber harvesting conducted in accordance with the Scenic Highway Overlay standards contained in Chapter 17.65 of this Title.
   e. One secondary residence per parcel on parcels complying with the minimum parcel size.

2. Conditional Uses:
   None

3. Prohibited Uses:
   All uses not listed as permitted or conditional shall be prohibited.

B. Minimum Lot Size/Density: Minimum lot area shall be 20 acres. The maximum density shall be one single family residence per parcel and a secondary residence as provided for in this section. The maximum density may be increased to one (1) residence per five (5) acres through the planned development process.
CHAPTER 17.328

PLANNED UNIT DEVELOPMENT OVERLAY ZONE (PUD)

17.328.010 Planned Unit Development Overlay Zone.
This overlay is applied to lands that have diverse development potential but also may be subject to environmental constraints. This district is typically applied to larger tracts of land to insure that complete master planning of the site is accomplished prior to the initiation of development. The intent of the overlay is to provide for innovative design concepts including mixed use, cluster development and open space preservation.

17.328.020 Development Standards for PUD.
A. Development Standards: Standards for development shall be established through specific planned development standards prepared for property within this zone. The underlying principal zone shall be used as a guide for development with variation relative to use and density allowed through the Planned Development process. The Planned Development review standards are contained in Section 17.328.030. One single family residence per parcel shall be allowed prior to approval of the Planned Development overlay.

B. Minimum Parcel Size/Density: Minimum parcel size and densities shall be developed through the Planned Development process. No subdivision shall be allowed until the Planned Development standards for the site are approved.

17.328.030 Procedures and Approval Standards for PUD.
A. Approval of the Plan: Applications shall be initiated by the owner or owners of the land. Applications for the establishment of a PUD must include a development plan as described herein. The PUD approval shall be processed in the manner as provided for approval as described herein. Applications and development plans will be reviewed by the Planning Department prior to submission for review by the Planning Commission. The Planning Department's preliminary review shall consist of plan review with the applicant to gain a full understanding of the planned development proposal and environmental review consistent with adopted county policy. The Planning Commission may approve, disapprove, modify, or attach conditions to a development plan.

B. Findings Required for Approval of a Planned Development:
The Planning Commission, after a public hearing, may recommend the approval of a planned development, and the Board of Supervisors, after a public hearing, may by resolution approve a planned unit development provided they find that the facts submitted with the application and presented at the public hearings establish that:

1. Each individual unit of the development if built in stages, as well as the total development, can exist as an independent unit capable of creating a good environment in the locality and being in any stage as desirable and stable as the total development;

2. The uses proposed will not be a detriment to the
present and proposed surrounding land uses, but will enhance the desirability of the area and have a beneficial effect;

3. Any deviation from Title 16 (Subdivision Ordinance) requirements is warranted by the design and additional amenities incorporated in the development plan which offer certain unusual redeeming features to compensate for any deviations that may be permitted; and 4. The principles incorporated in the proposed development plan indicate certain unique or unusual features which could not otherwise be achieved under standard subdivision provisions.

C. Principal Permitted Uses: In a planned development, any use may be permitted provided such uses are generally consistent with the underlying land use classification of the specific plan, or the uses are shown on the development plan for the particular PUD and is approved by the Planning Commission and Board of Supervisors. An approved development plan shall be considered an addition to or augmentation of the specific plan.

D. Use Permits:
1. A use permit shall be required for all uses in a PUD with the exception of a single-family residence on an approved building site and buildings accessory thereto which serve the domestic needs of single-family dwellings.
2. A use permit may be issued by the Planning Commission at the option of the Planning Commission without a public hearing if the structure or structures comply with the adopted development plan and conditions thereof.

E. Development Plan--Design and Location: A planned development shall be designed and located so as to minimize traffic congestion on public highways and streets in its vicinity and to best fit the land use pattern and topography of the area in which it is located.

F. Filing Fees: There shall be a fee prescribed by resolution of the Board of Supervisors to provide for the costs for processing the application and the development plans.

G. Application--Items Required: Planned development application shall be accompanied by:
1. A completed application on a form provided by the Planning Department.
2. The required fee.
3. A plan proposal prepared according to the specifications as described for the development plan in Section 17.328.030(H).
4. A legal description by metes and bounds of the area to be affected by the planned development.
5. A list of names and addresses of property owners with property located within six hundred feet of the proposed planned development.

H. Development Plan--Components:
1. The development plan shall include all of the following:
   a. A site plan map which shows;
      i. Existing and proposed private and public streets and sidewalk improvements,
ii. Lot design,
   iii. Areas proposed to be dedicated or reserved for any public use including but not limited to public utility easements, public buildings, and public land uses,
   iv. Parking and interior traffic flow, including parking ratios,
   v. Land uses adjacent to the external boundary of the PUD site;
   
b. Site development details, including:
      i. Preliminary building plans, including generalized elevations,
         ii. Maximum building heights,
         iii. Maximum lot or area coverages,
         iv. Minimum distance between structures,
         v. Minimum setbacks from interior lot lines,
         vi. Minimum setbacks from street rights-of-way,
         vii. Landscaping, screening, and lighting.
         viii. Population densities within the planned development;

c. Signing standards, including generalized locations, maximum sizes, maximum height, and lighting arrangements. For purposes of this Chapter, "neighborhood shopping center" shall be defined as a shopping center in which the major tenant is a supermarket. "Major tenant" shall be defined as the tenant occupying the greatest amount of floor space;
   d. Land uses proposed to be located within the development;
   e. Development schedule, including date of commencement of construction, annual accomplishment, and completion of planned development;
   f. Any other reasonably related information necessary for the planning commission to act.

2. The Planning Department shall accept only such plans that contain the information specified or reasonably determined necessary.

   I. Standards: Setbacks, building heights, distances between buildings, lot coverage, parking requirements, and landscaping requirements shall be established by the Planning Commission for each planned development in a manner which assures the suitable integration of the planned development into the neighborhood or area in which it is located.

   J. Density Control: The number of dwelling units shall be determined by dividing the net development area by the minimum lot area of the underlying principal zone for the site proposed for the P-D. Net development area shall be determined by subtracting the area set aside for churches, schools, or commercial use from the gross development area and deducting 15% of the remainder for streets. Open spaces for recreational uses shall be included in determining the number of dwelling units permitted. The 15% street set-aside may be waived based on a finding that the project represent exemplary design characteristics relative to the overall intent of the planned development standards.

K. Revision of plan—Use Permit: A public hearing by the Planning Commission and Board of Supervisors shall be required
prior to issuance of a use permit for revisions of the plan which involve changes in land use, expansion or intensification of development, or a revision in the standards of development. All other revisions may be allowed after a use permit is approved by the Planning Commission. A public hearing may be called regarding such changes if deemed necessary by the Planning Commission.

L. **Area Requirements:** Minimum parcel size for the consideration of a planned unit development shall be two and one-half acres exclusive of access easements.

M. **Public Improvements:** Improvement to full County standards of all public rights-of-way abutting and within the development shall be required. In addition, if determined necessary for proper traffic circulation, the applicant may be required to provide proper methods of ingress and egress to the development including acceleration and deceleration lanes, and traffic devices including channelization.

N. **Development Schedule:**
   1. An application for a PUD shall be accompanied by a development schedule indicating the approximate date when construction of the project can be expected to begin, which date shall be no later than one year from the effective date of the approval of the PUD, the anticipated rate of development, and completion date. The development schedule, if approved by the Board of Supervisors, shall become a part of the development plan and shall be adhered to by the owner of the property covered by the P-D and his successors in interest. The county shall require the posting of a bond to guarantee reimbursement to the county for court costs and attorney's fees of any civil action brought to enforce any provisions of a PUD. The bond is to be in the amount of five thousand dollars ($5,000).
   2. Periodically the Planning Department shall compare the actual development in the various Planned Developments with the approved development schedules.
   3. If, in the opinion of the Planning Department, the owner or owners are failing or have failed to meet the approved schedule, the department may recommend the commission initiate proceedings to revoke the approval of the development plan. Upon the recommendation of the Planning Commission and for good cause shown by the property owner, the Planning Commission may also extend the limits imposed by the development schedule.

O. **Identification of Planned Developments:** Each PUD shall be numbered, the first adopted being shown on the specific plan map as PUD 1 and each planned development subsequently approved being numbered consecutively.

P. **Compliance with Provisions—Interpretation:**
   1. Compliance with any requirement shall not be construed to relieve applicant from compliance with subdivision regulations, building code requirements, or any other applicable regulations of the county.
   2. A planned development may be accepted with applications for minor or major subdivisions and may be processed simultaneously, including staff review, environmental review, and public hearings at the Planning Commission and Board of Supervisors.
Q. **Public hearings:** The Planning Commission shall hold at least one public hearing on the proposed planned development. Notice of the time and place of such hearing and the area affected by the proposed amendment shall be provided in accordance with the public hearing procedures of Chapter 17.132 of this Title.

R. **Report of Planning Commission—Findings and Recommendations:** Following the hearing required by Section 17.328.030(Q), the Planning Commission shall make a report of its findings and recommendations with respect to the proposed planned development and shall file with the Board of Supervisors a copy of such report. Such report shall include a statement as to whether the proposed planned development is in conformance with the latest adopted specific plan. If the Planning Commission deems it advisable, it may recommend that the area under consideration for a planned unit development be enlarged or diminished.

S. **Action by the Board of Supervisors:** Upon receipt of such report from the Planning Commission, the Board of Supervisors shall schedule the matter for public hearing and publish notice thereof as required in Section 17.328.030(Q). The Board of Supervisors shall render its decision after consideration of the report and recommendation of the Planning Commission, public testimony and comments by the applicant, and such decision shall be to deny, conditionally approve, or approve all or part of the proposed planned unit development.

T. **Abandonment after Proceedings have Begun:** Upon consent of the Planning Commission, any application for a planned unit development may be withdrawn by written request of a majority of all persons who signed such application. The Planning Commission or Board of Supervisors may by resolution abandon any proceedings for a planned development initiated by its own resolution of intention; provided, that such abandonment may be made only when such proceedings are before such body for consideration; and provided, that any hearing of which public notice has been given shall be held.

U. **Site Restoration:** Security to the satisfaction of County Counsel is required to restore the property to nearly its natural and original state in the event of abandonment after construction has begun. The amount is to be based on 10% percent of the total construction cost of the project, or an engineer's estimate of the cost of site preparation and grading. This amount is to be confirmed by the Department of Public Works, covered by a 50% contingency, and guaranteed by an appropriate agreement with the County. Upon completion of the project and final approval by the County, the required security shall be returned to the developer.
CHAPTER 17.330
DESIGN REVIEW OVERLAY ZONE (DRO)

17.330.010 Design Review Overlay Zone.
The Design Review Overlay Zone (DRO) is an overlay zone for the Mariposa Town Planning Area which is intended to be combined with the underlying principal zone and any other overlay zones. The Design Review Overlay Zone has been applied to all properties within the Mariposa Town Planning Area to protect the overall appearance of the TPA by regulating the design of new structures and changes in the appearance of existing structures. The purpose of this zoning classification is to ensure that proposed buildings, structures, signs, and landscaping and modifications to buildings, structures, signs, and landscaping within the Town Planning Area are in harmony with the surrounding properties and areas. The intent of the zone is to promote the overall economic vitality of the Town Planning Area, enhance tourism and to stabilize and increase property values.

17.330.020 Development Standards and Plan Review Requirements for DRO. The development standards, DRO plan review requirements, and DRO plan processing procedures for the Mariposa TPA DRO Zone shall be as specified in Chapter 17.66 of this Title.

17.330.030 Architectural Theme and Development Guidelines. The architectural theme and development guidelines for the Mariposa TPA DRO Zone shall be as specified in Section 17.336.060.
CHAPTER 17.322

HISTORIC DESIGN REVIEW OVERLAY ZONE (HDRO)

17.322.010 Historic Design Review Overlay Zone.
The Historic Design Review Overlay Zone (HDRO) is an overlay zone which is intended to be combined with the underlying principal zone and any other overlay zones. The HDRO Zone has been applied to an area containing a substantial number of historic buildings to protect the overall appearance and integrity of the historic area by preserving existing structures and regulating the design of new structures and changes in the appearance of existing structures. The purpose of this zoning classification is to ensure that proposed buildings, structures, signs, and landscaping and modifications to buildings, structures, signs, and landscaping within these areas are in harmony with the historic nature of the area. The intent of the zone is to promote the overall economic vitality of the historic district, enhance tourism and to stabilize and increase property values.

17.322.020 Development Standards and Plan Review Requirements for HDRO. The development standards, HDRO plan review requirements, HDRO plan processing procedures, and demolition permit and review standards for the Mariposa TPA HDRO Zone shall be as specified in Chapter 17.67 of this Title.

17.322.030 Architectural Theme and Development Guidelines.
The architectural theme and development guidelines for the Mariposa TPA HDRO Zone shall be as specified in Section 17.336.070.
CHAPTER 17.334
SUPPLEMENTARY USE STANDARDS

17.334.010 Home Based Occupations.
Home based occupations will be permitted in all single family residential structures subject to the following:

A. Home occupation shall mean a use which, as determined by the Planning Director, is customarily carried on within a dwelling or mobile home by the inhabitants thereof, which use is clearly incidental and secondary to the residential use of the dwelling or mobile home, and which use:

1. Is confined completely within the dwelling or mobile home and occupies not more than thirty-three (33%) percent of the gross area of one floor thereof;
2. Is operated only by the members of the family occupying the dwelling or mobile home;
3. Produces no evidence of its existence in the external appearance of the dwelling, mobile home, or premises or in the creation of noise, odors, smoke or other nuisances to a degree greater than that normal for the neighborhood in which such use is located;
4. Does not generate pedestrian or vehicular traffic beyond that normal in the neighborhood in which use is located;
5. Meets the requirements of the applicable building codes and fire district of jurisdiction; and
6. Requires no additions or extensions to the dwelling or mobile home, unless approved under use-permit provisions.
7. Does not have signs advertising the business.

B. Prior to the establishment of a home occupation, the following procedures shall be followed:
1. A notice of intent to establish a home occupation shall be filed with the Mariposa County Planning Department.
2. The Mariposa County Planning Department shall post a notice on the subject property or residence in a conspicuous manner for a period of fifteen consecutive days and notice to be sent to all property owners within 300 feet of the proposed home occupation.
3. The notice shall briefly describe the intended home occupation proposed.
4. The filing of a petition signed by 50% of the property owners residing within 300 feet of the proposed home occupation site, which protest the intended activity and is filed with the Mariposa County Planning Department within 20 days of posting subject property, shall require such proposed home occupation to be permitted by conditional use permit only.
5. Upon failure of such a protest petition being filed as described above, the Planning Department shall issue a notice of approval to the applicant within 10 working days of the closing of a protest petition filing date.
17.334.020 Bed and Breakfast and Residential Transient Rentals.

Bed and Breakfast and Transient Rental Establishments shall be considered a permitted use within all single family residential structures. Bed and Breakfast Establishments are defined as a single family residential structure which is occupied by a non-transient. Residential Transient Establishments are defined as a single family structure which is available for rental to a family or a group on a transient basis. These structures are also defined as single family dwelling units where in title is held by a deed which describes only that property on which the structure is located or the single family dwelling unit together with any common areas. Notwithstanding other code provisions, a duplex shall be considered a single family dwelling for the purpose of this chapter. Both Bed and Breakfast and Residential Transient Rentals shall meet the following requirements:

A. No more than three (3) bedrooms are available for occupancy by transients.

B. The structure and facilities used shall be approved for such use by the Mariposa County Health Department and shall at a minimum comply with the following standards:
   1. The residence shall be serviced by an approved community sewage disposal system, or have an individual system satisfying current code requirements.
   2. Water supply shall be by an approved community system, or from an individual well having quality and quantity satisfying current code requirements.

C. The structure and facilities used shall be approved by the applicable fire protection agency and comply with applicable provisions of the Public Resources Code.

D. A sign of not more than four square feet shall be posted and clearly visible from the nearest road. The sign shall require the street address and may contain the name of the owner or the establishment. Larger signs shall require Planning Commission Approval.

E. At a minimum, an 8 1/2 x 11 inch written notice must be placed in each rental unit which contains the following information:
   1. Instructions in case of fire or other emergency.
   2. Quiet hours are between 10:00 p.m. and 8:00 a.m., and shall be strictly enforced.
   3. Water and energy conservation measures.
   4. Proper use of wood burning stoves and fireplaces.
   5. Parking and snow removal requirements if necessary.

No parking on roadway is permitted during snow removal periods declared by the Director of Public Works, pursuant to County Code, Section 10.08.110.

6. An identification of the character of area in which the unit is located (i.e. rural, agricultural, residential).

7. A statement relative to respect for adjacent property owner's rights and trespassing concerns.

F. At the time the permit is approved, the structure must be found in conformance with current building code requirements by the Chief Building Inspector relative to the basic health, safety and
welfare of the occupants.

G. The following on-site parking standards shall apply:
1. Bed and breakfast establishments shall have two (2) parking spaces for the residence plus at least one (1) space for each bedroom available for rent.
2. Residential transient rental establishments shall have one (1) parking space for each bedroom to be rented.
3. Parking provided shall be maintained so that it is accessible, usable, and utilized at all times during the year, when it is occupied.

H. The applicant shall apply to the Mariposa County Planning Department for site plan review and approval. The Planning Department shall forward the application to the Building Department, Health Department, and a fire protection agency for review.

1. Following approval by all appropriate agencies, a valid transient occupancy registration certificate shall be issued by the Mariposa County Treasurer/Tax Collector's Office.

17.334.030 Day Care and Community Care Facilities.

A. Day Care Facilities: Preschool, child day care, and adult day care facilities for six (6) or fewer persons shall be a permitted use in residential structures in any zone in which residential uses are permitted. In addition to the provisions of the Health and Safety Code, the following special standards shall apply:

1. All outdoor play areas shall be enclosed with fencing a minimum of four (4) feet high, provided that such fencing is to be solid and a minimum of six (6) feet in height on any property line abutting a residential use on an adjoining lot.
2. In addition to the parking normally required for the residence, an off-street drop-off area shall be provided with the capability to accommodate at least one car.

B. Nursing Care Facilities: Nursing and personal care shall be a permitted use in all zones in which residential uses are permitted when six (6) or fewer persons are provided twenty-four (24) hour care in a single family residence. In addition to the provisions of the Health and Safety Code, the following special standards shall apply:

1. Play areas for children must be fenced to prevent uncontrolled access to and from the site.
2. The facility shall conform to all other residential site design standards.

17.334.040 Agricultural Uses.

Agricultural uses, including the raising and/or keeping of livestock, the production of crops, and other horticultural, viticultural or silvicultural uses shall be considered permitted uses in the SFR (1/2 acre) Zone when appurtenant to a residential use and when conducted in such a manner as not to constitute either a private or public nuisance. The raising and/or keeping of livestock shall comply with the following limits:

A. The parcel shall be a minimum of one (1) acre exclusive of access easements in size;
B. 1 horse, mule, cow/steer or similar sized animal per acre;
C. 3 sheep, goats, turkeys, swine or similar sized animal per acre;
D. 10 chickens, ducks, geese, rabbits or similar sized animals per parcel;
E. No animals or fowl, except dogs and cats kept as domestic pets, shall be housed or confined in a building or structure which is within 36 feet of any street or any structure on an adjacent parcel designed for human habitation.

17.334.050 Special Use Provisions for Historic Structures.
All uses may be considered for structures or buildings included on the List of Historical Resources in Mariposa, with the exception of permitted uses, regardless of the primary land use within which the structure is located subject to the following provisions:
A. The Planning Commission may approve a conditional use permit on designated historic structures where it is demonstrated that the special use will be of benefit to the community by requiring the restoration and preservation of a historic structure to reflect its original state.
B. All exterior modifications, alterations or reconstruction to take place on the structure are to be described as part of the special use permit application and if approved by the Planning Commission are to be made part of the conditions granting the permit.
C. The Planning Commission shall follow standard use permit procedures in reviewing special historic structure uses and shall not approve uses which have the potential for creating a public nuisance or have substantial detrimental effect on adjacent property. In reviewing such matters, the Commission must consider the advantages of preserving a historic structure to the benefit of the community versus the possible negative effects of permitting a normally incompatible use in an area. Such review and deliberation may encompass alternative uses which may be of a lesser negative impact yet achieve the primary purpose of feasible historic preservation and restoration of historic structures.
D. The special use provisions of this section shall only apply to existing historic structures. A building or structure which has been demolished, destroyed or otherwise rendered unusable shall not be subject to these provisions nor shall these provisions apply to proposals which will result in such alterations or remodeling of the historic structure as to cause the structure to lose its original historic character and/or significance.
CHAPTER 17.336
SUPPLEMENTARY DEVELOPMENT STANDARDS

17.336.010 Building Setbacks.
A. Residential Uses:
   1. Front Yard: All structures shall be a minimum of 50 feet from the centerline and 20 feet from the right-of-way boundary of a local street or State Highway. Fences, three (3) feet or less in height, shall be allowed within the front yard setback.
   2. Side Yard: All structures shall be a minimum of five (5) feet from a side property line. Fences, six (6) feet or less in height, shall be allowed within the side yard setback.
   3. Rear Yard: All buildings shall be a minimum of 20 feet from a rear property line. Fences, six (6) feet or less in height, shall be allowed within the rear yard setback.
B. Commercial and Industrial Uses:
   1. Front Yard: All structures shall be a minimum of 30 feet from the centerline of a local street or ten (10) feet from the right-of-way boundary of a State Highway. Off-street parking shall not be allowed within the front yard setback.
   2. Side and Rear Yard: There shall be no mandatory side and rear yard setbacks. Appropriate setbacks shall be determined based upon design review considerations, circulation and loading/unloading needs.
C. Building Setbacks from Drainage Ways:
   1. Major Drainages: All buildings and fill placements shall have a minimum setback of 50 feet from the apparent centerline of Mariposa and Stockton Creeks and in no case shall buildings be placed within the 100-year floodway as established by the Flood Insurance Rate Maps on file in the Mariposa County Planning Department.
   2. Minor Drainages: All buildings and fill placements shall have a minimum setback of 25 feet from the apparent centerline of minor drainages as identified in Exhibit 7 of the Mariposa Town Planning Area Specific Plan. Lesser setbacks may be approved from minor drainages when it is determined, based upon an engineered study, that the drainage will not be adversely affected by a lesser setback. Such engineered studies shall analyze the entire watershed of the minor drainage based upon planned buildout.

17.336.020 Building Height.
No building or structure shall be erected, constructed, or altered in any manner so that the building or structure exceeds its present height, two stories or 35 feet as measured from natural grade as defined in Section 17.108.140(C) of this Title, whichever constituting the greatest height. These standards establish maximum heights and lesser heights may be required on buildings and structures subject to design review standards.

17.336.030 Parking Standards.
The following parking standards shall apply to all new development and changes of occupancy which increase the required
number of parking spaces. The purpose of these standards is to insure adequate on-site parking so that development does not increase congestion by requiring parking or maneuvering within public rights-of-way or impact public parking lots financed by existing development. This section shall not apply to those properties located within the boundaries of the Mariposa Parking District.

A. On-site Parking Space Requirements:

1. Residential Uses:
   a. Studio or one bedroom apts - 1.5 parking spaces per unit.
   b. Two or more bedroom apartments or single family residential - 2 parking spaces per unit.

2. Commercial Uses:
   a. Professional Office - 1 space for each 200 sq. ft. of gross floor area, except floor area used exclusively for storage.
   b. Grocery stores, drug stores and similar intensive retail establishments - 1 space for each 200 sq. ft. of gross floor area, except for floor area used exclusively for storage and not accessible to the public.
   c. Restaurants, fast food restaurants, drinking establishments - 1 space for each 100 sq. ft. of gross floor area and a minimum of 10 spaces.
   d. Furniture, appliance, carpet and similar low intensity retail sales - 1 space for each 750 sq. ft. of gross floor area.
   e. General Retail except as otherwise specified herein - 1 space for each 400 sq. ft. of gross floor area.
   f. Exterior Retail Sales such as auto dealer shops - 1 space for each 1000 sq. ft. of sales and display area.
   g. Fuel Service Stations - 3 spaces plus 2 additional spaces for each service bay.
   h. Auto Repair - 1 space for each 200 sq. ft. of gross floor area.
   i. Hotels/Motels - one space for each unit.
   j. Bowling Alleys - 3 spaces for each lane.
   k. Health Clubs - 1 space for each 250 sq. ft. of gross floor area.
   l. Theaters - 1 space for each 4 fixed seats or 1 space for each 50 sq. ft. of gross floor area if seats are not fixed.
   m. Barber/Beauty Shops - 2 for each barber chair and beautician station.
   n. Laundromats/Dry Cleaning Facilities - 1 space for each 200 sq. ft. of gross floor area.
   o. Banks and Savings and loans - 1 space for each 250 sq. ft. of gross floor area.

3. Industrial Uses:
   a. Mini-Storage/Outside Storage - 3 customer spaces plus the spaces required for the office and caretakers residence, if any.
   b. Manufacturing, Processing, Fabrication and Warehousing Uses - 1 space for each 800 sq. ft. of gross floor area.
within a building. 1 space for each 2000 sq. ft. of exterior active use area. 1 space for each 5000 sq. ft. of exterior storage area.

c. Research and Development Facilities - 1 space for every employee on the largest shift plus 1 space for each company vehicle.

4. Institutional Uses:
   a. Churches, Lodge Halls and Other Public Assembly Areas - 1 space per 4 fixed seats (18 linear inches along a bench is considered 1 fixed seat) or 1 space per 50 sq. ft. if fixed seats are not provided.
   b. Libraries, galleries and museums - 1 space for each 250 sq. ft. of gross floor area.
   c. Day care and pre-school - 1 parking space and one loading/unloading space for each 5 children.
   d. Elementary and Jr. High School - 1 space for each classroom and 1 space for each 4 fixed seats or 50 sq. ft. of area in the auditorium or gymnasium.
   e. High Schools - 6 spaces for each classroom and 1 space for each 4 fixed seats or 50 sq. ft. of area in the auditorium or gymnasium.
   f. Hospitals - 2 spaces for each bed.
   g. Convalescent Hospitals, Nursing Homes - 1 space for each 5 beds plus the number of spaces required for the office and the residence, if applicable.

B. General Provisions: Accessible off-street parking areas shall be provided and maintained as set forth in this section. Parking areas shall provide parking and maneuvering room for motor vehicles and for pedestrian safety based on the anticipated occupancy of the related building, structure or exterior use. Where there is a combination of principal uses in any one facility, the sum of the parking requirements of these uses shall be provided unless otherwise provided. If the calculation of parking requirements results in the requirement for a fraction of a parking space, such parking space need not be provided unless the fraction exceeds fifty percent. This section shall not be construed to prohibit the installation and maintenance of more parking spaces than the minimum required.

1. Parking Review: Plans submitted for a building permit to construct a building which has parking areas shall include the design of the required parking area drawn to scale. Such plans shall include all parking spaces and maneuvering areas, curb cuts, landscaping and other improvements. The building permit shall not be issued until such parking plans have been approved by the Planning Department and no final inspection shall be approved until the parking spaces and required landscaping are installed.

If the parking demand is increased due to a change of occupancy which does not require a building permit, the Planning Department shall review and approve the parking plan prior to the establishment of the new occupancy. The parking plan shall be approved in this case if it complies with all standards contained in this section.

2. Seats or Seating Capacity: Where the standards for parking set forth in this section are based upon seating capacity,
the capacity shall be determined by reference to the actual seating capacity of the subject area based upon the number of seats or one (1) seat per 18 inches of bench or pew length and one (1) seat per 24 inches of booth length for dining, but in no case shall seating be less than as required by the Uniform Building Code.

3. Parking Reductions: Parking reductions or modifications to parking standards may be granted by the Planning Commission when considered through the variance process or in conjunction with a use permit or other discretionary application. Such reductions or modifications shall only be granted when warranted by unique circumstances. The project proponent shall submit evidence documenting the existence of the unique circumstance. In addition to this process, the following variation to the parking standards may also be granted.
   a. Double Counting - At the discretion of the Planning Director or the Planning Commission, whichever has jurisdiction, where two (2) or more commercial uses in a planned commercial development share parking facilities, and the business hours of such uses do not overlap, the minimum space requirement may be reduced by up to fifty (50%) percent of the parking requirement for the use requiring the least parking, subject to a minimum of 20 parking spaces being provided. Such a reduction shall be subject to the recordation of enforceable agreements prior to issuance of a building permit, which ensures that appropriate programs are implemented for the life of the use and shall be required as a condition of approval of the parking reduction.
   b. Bus Spaces - For parking lots containing 25 or more parking spaces and serving tourist oriented uses as determined by the Planning Director, one bus space shall be allowed to take the place of six (6) conventional parking spaces. One bus space shall be allowed in this manner for each 25 conventional parking spaces within a parking lot. A bus parking space shall have a minimum dimension of 12 feet by 50 feet and shall include adequate maneuvering room for safe ingress and egress.

4. Existing Facilities: Any building or use for which parking facilities become substandard by the adoption of this Sub-Title shall be considered a nonconforming use. Such nonconforming use may continue, but no enlargement or expansion shall be made in such use or building, unless the required number of parking spaces or parking areas required by this section for the enlargement or expansion are provided in addition to the existing parking spaces and areas. Any change of occupancy or use in an existing building or lot which requires more parking space shall provide the additional parking spaces and areas required by this section.

5. Tandem Parking: Except where specifically permitted by this section, parking spaces shall not be in tandem. All parking spaces shall be free of obstructions, and parking shall be accomplished in a continuous forward movement. Tandem parking shall mean one parking space located behind another parking space which has no direct access to the driveway or street.

6. Provisions for Residential Uses:
   a. Parking Locations: Off-street parking spaces for single-family detached dwellings shall be located on the same lot or parcel on which the dwelling is located. Off-street parking
spaces for all other dwellings shall be located on the same
development site and on the same lot or parcel or not more than 200
feet from the lot or parcel on which the dwelling is located.

b. Senior Citizen Parking: The total number of
parking spaces required for senior citizen housing may be reduced
by up to twenty-five (25%) percent, based upon a finding that the
proposed development is located within 500 feet of a shopping
center or is served adequately by a transportation system.

c. Assigned Spaces: One (1) of the required parking
spaces for each multi-family dwelling unit shall be an assigned
parking space, not more than 200 feet away from the unit to be
served.

7. Provisions for Commercial and Industrial Uses:
   a. Parking Location: In commercial zones, off-street
   parking shall be located on the same lot as, or on a lot contiguous
to, the building, structure, or use to be served except for uses
within the Mariposa Parking District.

b. Spaces Not for Repair or Storage: Required
parking spaces shall not be used, or be permitted to be used, for
the repair, servicing, or storage of vehicles or for the storage of
materials.

c. Uses Not Specified: Commercial parking
requirements for uses not specified in this part shall be based
upon a standard of one space per 250 square feet of gross floor
area, unless the Planning Director or Planning Commission approve a
different parking requirement, based on the most comparable uses
specified in this part.

C. Design Standards:
   1. Parking Stall Sizes: Except for designated employees
parking spaces, each standard off-street parking space shall be at
least the following minimum sizes:

<table>
<thead>
<tr>
<th>Angle in Degree</th>
<th>Curb Length per Car</th>
<th>Stall Depth</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>24' - 0&quot;</td>
<td>8' - 6&quot;</td>
</tr>
<tr>
<td>30</td>
<td>16' - 6&quot;</td>
<td>16' - 0&quot;</td>
</tr>
<tr>
<td>45</td>
<td>11' - 6&quot;</td>
<td>19' - 0&quot;</td>
</tr>
<tr>
<td>60</td>
<td>10' - 0&quot;</td>
<td>20' - 0&quot;</td>
</tr>
<tr>
<td>90</td>
<td>9' - 0&quot;</td>
<td>19' - 0&quot;</td>
</tr>
</tbody>
</table>

All compact off-street parking spaces shall be at least
the following minimum sizes:

<table>
<thead>
<tr>
<th>Angle in Degree</th>
<th>Curb Length per Car</th>
<th>Stall Depth</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>21' - 0&quot;</td>
<td>8' - 6&quot;</td>
</tr>
<tr>
<td>30</td>
<td>16' - 6&quot;</td>
<td>14' - 0&quot;</td>
</tr>
<tr>
<td>45</td>
<td>11' - 6&quot;</td>
<td>15' - 6&quot;</td>
</tr>
<tr>
<td>60</td>
<td>10' - 6&quot;</td>
<td>16' - 6&quot;</td>
</tr>
<tr>
<td>90</td>
<td>8'</td>
<td>14'</td>
</tr>
</tbody>
</table>
For Designated Employee parking space, the space width may be reduced to 8'6" for 90° parking.
No more than 40 percent (40%) of the required number of parking spaces may be sized for compact cars. Such spaces shall be clearly marked "Compact Cars Only".
All standard and compact parking stalls shall be clearly striped.

2. Handicapped Requirements: Off-street parking spaces shall be provided for handicapped persons. The number of handicapped spaces and the design shall be as specified by Title 24 of the California Code of Regulations. Generally, all handicapped parking spaces shall be located in proximity to curb ramps or other pedestrian walks providing the most direct access to the primary entrance of the building served by the parking lot.

3. Parking Lot Access and Circulation: All exits from parking lots shall be clearly posted with "Stop" signs, and stop bars, and appropriate directional signs shall be maintained when necessary and as required by the Planning Director.
Driveway access to parking spaces for a single family dwelling unit shall not be less than nine (9') feet in width. Driveway access used to serve more than two (2) dwelling units shall not be less than twelve (12') feet in width. The maximum driveway grade for a single-family residence shall be 16% and for commercial development 16%. Driveway access to all uses other than residential shall have a width of not less than fourteen (14') feet if one-way, or not less than twenty-six (26') feet for a two-way, combined entrance and exit. Minimum aisle widths shall be as follows:

<table>
<thead>
<tr>
<th>Angle - In Degrees</th>
<th>Aisle Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>30 *</td>
<td>14' - 0&quot;</td>
</tr>
<tr>
<td>45 *</td>
<td>14' - 0&quot;</td>
</tr>
<tr>
<td>60 *</td>
<td>20' - 0&quot;</td>
</tr>
<tr>
<td>90 *</td>
<td>26' - 0&quot;</td>
</tr>
</tbody>
</table>

* - Denotes one-way aisles only.

Where two-way traffic is permitted, the minimum aisle width shall be twenty-six (26) feet.

4. Parking Lot Surface: All areas used for parking and accesses to such parking areas shall be completely paved with asphalt or concrete surfacing, or such other alternative materials as approved by the Planning Director. Further, all parking areas and accesses shall be provided with adequate drainage as approved by the Planning Director. Any portion of the parking area not paved shall be landscaped.

5. Parking Lot Slope: Commercial parking lots shall not have a slope exceeding 4.5%, except for access ramps or driveways which shall not exceed a slope of sixteen (16%) percent.

6. Wheel Stop Standards: Wheel stops shall be installed two (2') feet from the edges of the required sidewalks, planters, and landscaped areas for all parking spaces in order to protect the required sidewalks, planters and landscaped areas from vehicular
overhang and to protect any structure from vehicular damage. The regular planter curb may function as the wheel stop but the planter shall be a minimum of six (6') feet in width. All wheel stops shall be maintained in good condition.

7. Off-Street Loading and Unloading Spaces: General office uses shall have the following off-street loading and unloading spaces:

<table>
<thead>
<tr>
<th>Square Feet</th>
<th>Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 30,000 sq. ft.</td>
<td>0</td>
</tr>
<tr>
<td>30,001 to 50,000 sq. ft.</td>
<td>1</td>
</tr>
<tr>
<td>Excess of 50,000 sq. ft.</td>
<td>2</td>
</tr>
</tbody>
</table>

Retail/commercial and industrial/manufacturing uses shall have the following off-street loading and unloading spaces:

<table>
<thead>
<tr>
<th>Square Feet</th>
<th>Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 5,000 sq. ft.</td>
<td>0</td>
</tr>
<tr>
<td>5,001 to 30,000 sq. ft.</td>
<td>1</td>
</tr>
<tr>
<td>Excess of 30,000 sq. ft.</td>
<td>2</td>
</tr>
</tbody>
</table>

Each loading space for general office uses and for retail/commercial uses less than 30,000 square feet shall be located off the street and shall be twelve (12') feet in width by twenty-five (25') feet in depth by fourteen (14') feet in vertical clearance. All other loading spaces, regardless of use, shall be twelve (12') feet in width by fifty (50') feet in depth by fourteen (14') in height.

17.336.040 Hillside Development.
These standards shall regulate all new on-lot construction, including residential construction, on parcels with an average slope in excess of 20% as determined by the Planning Director.

A. Building Design: All structures shall be designed and constructed using stepped foundations to reduce required cut and fill. Conventional monolithic slabs shall be prohibited on such slopes. This requirement may be waived where it can be shown to the satisfaction of the Planning Director that the proposed building site has a natural grade of less than 10%.

B. Grading and Foundation Standards:
1. All on-lot grading shall be based upon engineered plans prepared in accordance with the standards in the Grading Ordinance and based upon a specific building design. The grading plans shall include soil stabilization and revegetation measures based upon Soil Conservation Service or comparable standards. The grading plan shall include gutter and down spout locations.

2. All building footings shall have a minimum depth of 18 inches below undisturbed native ground and a minimum width of 12 inches unless a reduction to the depth and/or width of the footings is allowed by specific geotechnical analysis. All footings shall be inspected by a soils engineer prior to concrete placement unless inspection is waived by the Building Official.
3. Cut slopes less than 5 feet high shall not be steeper than 1 to 1. Cut slopes higher than 5 feet shall not be steeper than 1 1/2 to 1. Cut slopes greater than 10 vertical feet (aggregate total) shall be prohibited. If retaining walls are utilized, the height of cut banks shall be measured from the top of the retaining wall. Cut slopes within building areas shall not exceed 2 to 1 unless specifically engineered. Fill banks greater than 10 vertical feet (aggregate total) shall be prohibited. Fill slopes shall not be steeper than 2 to 1. All cut and fill slopes shall be stabilized and revegetated.

4. No grading plans shall be approved and no on-lot grading shall occur except in conjunction with approved building plans for residential construction.

C. General Development Standards:

1. A landscaping plan shall be submitted in conjunction with the grading plan for individual lot grading. The landscaping plan shall be designed to provide for the permanent revegetation of all disturbed areas that will not be covered with buildings, driveways or parking areas. The landscaping plan shall be prepared and reviewed in accordance with the plan preparation and plant criteria established in Chapter 17.66 and Section 17.336.060 of this Title. The landscaping shall be installed and approved prior to the issuance of a certificate of occupancy to the residence.

2. The maximum lot coverage for buildings and structures shall be 30%.

17.336.050 Improvement Standards.

The following improvements shall be completed in conjunction with all construction within the Mariposa Town Planning Area. Issuance of building permits shall be subject to an approved design of the required improvements and a certificate of occupancy for a structure shall not be issued until the required improvements are completed or deferred based upon an approved improvement agreement or payment of an equal in-lieu fee as determined by the Public Works Director.

A. Roads: Road improvements shall include roadways, parking lanes, curb, gutter and sidewalks, pedestrian paths, street lights and street landscaping as appropriate.

1. Single Family Residences: No improvements required except as specified by the final subdivision map creating the parcel upon which construction is occurring.

2. Commercial, Industrial, Institutional, and Multi-family: Frontage improvement, as defined by the Mariposa County Road Improvement and Circulation Policy, shall be required for all projects generating more than 100 average daily trips as determined by the Public Works Director.

B. Water and Sewer: All new construction located within the Mariposa Public Utility District which increases the demand for water and/or sewer services shall connect to the MPUD water and sewer system. The developer shall provide the necessary infrastructure including adequate fire flows and fire hydrants as determined by the District. All new development within the TPA shall be subject to the following water conservation standards:

1. Specific low-flow fixtures and devices required: The
plumbing fixtures and devices specified in this section shall be installed, unless otherwise indicated herein, in every new building or addition to an existing building for which a building permit is required, and when a replacement fixture or device is required in any building.

a. Faucets (general): All lavatory, kitchen and bar sink faucets shall be designed, manufactured, installed or equipped with a flow control device or aerator which will not allow a water flow rate in excess of 2.75 gallons per minute.

b. Faucets (public restrooms): In addition to the general requirements set forth in Subsection (a) above, lavatory faucets located in restrooms intended for use by the general public shall be of the metering or self-closing type.

c. Showerheads: Showerheads, except where provided for safety reasons, shall be designed, manufactured and installed with a flow limitation device which will not allow a water flow rate in excess of 2.75 gallons per minute. The flow limitation device must be a permanent and integral part of the showerhead and must not be removable to allow flow rates in excess of 2.75 gallons per minute.

d. Urinals: Urinals shall be designed, manufactured and installed so the maximum flush will not exceed 1.5 gallons of water. Adjustable type flushometer valves may be used provided they are adjusted so the maximum flush will not exceed 1.5 gallons of water.

e. Water closets: Water closets shall be designed, manufactured and installed so the maximum flush will not exceed 1.5 gallons of water.

C. Utilities: All construction on parcels of 3 acres (gross) or smaller in size shall be required to underground all power, phone, cable t.v. and other similar utility lines. Undergrounding of utilities shall occur from the nearest overhead line, if applicable.


These standards shall apply to multi-family residential, commercial and industrial development within the Mariposa Town Planning Area and shall be applied to all new construction and building modifications/renovations requiring a building permit.

A. Site Development Standards:

1. Minimize grading by utilization of multiple or stepped buildings conforming with the natural topography. On-site grading shall not be allowed until a development plan for the site is approved.

2. Maximum building area for development shall be determined by appropriate building scale and landscaping.

3. Require desirable and appropriate transition from street to building including landscaping, pedestrian access and parking.

4. Preserve prominent or unique natural features including topographic features, rock formations, water courses and vegetation.

5. Encourage clusters of buildings which are in scale
with the area in which they are located.

6. Allow designs incorporating passive and active solar design for both heating and cooling.

7. Establish Mariposa Creek as an open space area for flood control, recreation, pedestrian circulation and community enhancement purposes and require individual development to observe and enhance the open space area.

8. All utilities, with the exception of propane storage tanks, shall be underground within the project site.

B. Building Design Standards:
1. Diversity of architectural style is encouraged within the broad bounds of what is appropriate for Mariposa.

2. Buildings shall incorporate functional elements of the historic buildings of the region such as porches and roof overhangs for shade and weather protection, durable and fire resistant building materials and limited site excavation. The historic design review overlay architectural theme and development guidelines shall provide specific information regarding historical buildings.

3. Buildings shall have an appropriate scale which is harmonious with the neighborhood.

4. Building design and character should not conflict with adjoining development.

5. Monotony of design within the community should be avoided. Projects involving multiple buildings should include variation in building location and detail.

6. Base color for buildings (largest building surface) should generally be light colors in warm tones. Trim may be brighter or darker colors to compliment architectural features. Natural finishes such as stone, wood, brick, and tile are encouraged. Painted surfaces shall be harmonious with the natural finish. Quality and longevity of exterior finishes will be an important consideration in the design review.

7. All exterior mechanical equipment on roof, building and ground should be enclosed or screened from public view eitherby utilizing materials compatible with the building or locating them away from public view. Refuse storage areas, service yards and exterior work areas shall be screened from public areas such as streets, sidewalks and parks.

8. Drive-thru facilities shall be prohibited.

C. Landscaping Standards:
1. Landscaping shall include existing and planned vegetation, fences, walls, pedestrian ways, exterior furniture and patios, berms, and irrigation systems.

2. Landscaping is necessary to enhance architectural features, screen unsightly areas and provide an attractive transition from street to building and between adjacent developments.

3. Utilization of indigenous and/or water conserving plants shall required. Utilization of plants which are susceptible to insects and disease shall be strongly discouraged.

4. Natural topographic and vegetative elements should be incorporated into the project design when such elements contribute to the attractiveness of the development.
5. Trees and landscaping shall be included in all parking lot designs. A differentiation between perimeter landscaping and interior landscaping is made in these requirements. The purpose of perimeter landscaping is to screen parking areas from the street and/or adjacent residential uses. The purpose of interior landscaping is to provide shade within the parking area, reduce heat generated by paved parking areas, assist in on-site circulation and improve the general appearance of the site.

6. Planting areas for interior landscaping shall be designed so as to maximize provision of shade throughout the parking area during the summer months. For new construction or expansion of existing parking lots by 50% or more, the minimum area for interior landscaping shall be calculated as follows:
   
a. Option 1- Ten % of the total parking area, including drive aisles shall be landscaped. Generally a minimum of one tree shall be provided in the interior landscaping areas for every 5 parking spaces. Developments requiring less than 5 parking spaces are exempt from the interior landscaping standard. Perimeter landscaping may count for up to 50% of the required interior landscaping if site conditions dictate.
   
b. Option 2- Interior landscaping shall be provided so as to meet minimum shading requirements. Shading requirements shall be achieved by use of on-site shade trees placed so that the required percentage of the total parking area, including drive aisles, is shaded by tree canopies within 15 years of securing a building permit for the proposed development. Minimum shading requirements are established as follows:

<table>
<thead>
<tr>
<th>Parking Spaces Required</th>
<th>% of total parking shaded</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 - 24 spaces</td>
<td>30% minimum</td>
</tr>
<tr>
<td>25 - 49 spaces</td>
<td>40% minimum</td>
</tr>
<tr>
<td>50 + spaces</td>
<td>50% minimum</td>
</tr>
</tbody>
</table>

Tree coverage shall be determined by the approximate crown diameter of each tree at 15 years as estimated on the approved tree list. The percentage of area required to be shaded shall be based upon the number of above ground and uncovered parking spaces provided. Developments providing less than 5 parking spaces shall be exempt from the minimum shading requirements.

7. Planting areas for perimeter landscaping shall be designed so as to maximize effectiveness of the landscaping as a visual screen. Planting areas for perimeter landscaping shall be a minimum of 3 feet wide. Shrub materials used in perimeter landscaping areas shall be a minimum of 5 gallons in size at the time of planting. Perimeter planting areas shall only be required when screening of parking areas from the street or adjacent residential uses is necessary.

8. If landscaping is utilized for screening of mechanical or electrical equipment, or service areas including those which contain such items as trash dumpsters and propane tanks, vegetation used shall be equally effective at all times of the year.

9. 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.

10. Landscaping plans shall consider the full growth of the vegetation.

11. Parking lots shall contain plantings and walkways that help direct pedestrians safely and comfortably to their destinations.

12. Planting areas subject to damage from foot or vehicle traffic shall be protected by curbing, fencing or walls.

13. Parking areas and pedestrian ways shall be surfaced with A.C. paving, concrete or similar materials unless a determination is made that the traffic intensity of the use is low enough that such surfacing is not required.

14. All trees utilized in landscapes shall be from the approved tree list and a minimum of 15 gallons in size at the time of planting. Dwarf trees or unique specimens or species are exempted from this requirement when used as accents and not to meet shade requirements.

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

16. 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 the size requirements established herein.

17. Grades for berms used in perimeter landscaping areas shall not exceed 33%.

18. All landscaped areas must incorporate use of ground cover. Use of vegetative ground cover is encouraged and use of gravel, rock or bark, may be allowed if determined appropriate based upon the proposed landscape theme.

D. Sign Standards:

1. For the purpose of this policy, signs shall be defined as advertising displays visible from the exterior of a building.

2. Signs shall be integrated into the building design and harmonize with the overall site development. Signs on the face of the building or low lying monument signs are encouraged. Roof signs and perpendicular signs attached to the building, and extending more than 6 ft. from the face of the building, shall be strongly discouraged.

3. Signs constructed of natural materials (wood, stone, brick, etc.) shall be encouraged.

4. Overall sign size shall be related to the scale and type of development. Maximum area for sign(s) complying with paragraph No. 3 shall be 64 sq. ft. for each sign and the total aggregate area of all signs for each business. Internally lit signs or signs not made of natural materials shall have maximum area of 32 sq. ft. for each sign and the aggregate of all signs for each business. Businesses utilizing any internally lit signs or signs not made of natural materials shall be subject to the 32 sq. ft. maximum sign area. Larger signs for large scale tourist oriented development may be considered if they comply with the overall intent of these standards. Sign size shall be defined as
the area of the smallest rectangle that wholly contains the sign.

5. Graphic elements on signs shall be limited to the minimum necessary to convey services offered and shall be proportional to the overall sign area.

6. On-site directional signs which are less than 10 sq. ft. in size and do not advertise the business or contain the business logo or trademark shall not be included in calculating the overall sign area, however, such signs shall be reviewed as a part of the overall design plan.

7. In no instance shall it be appropriate for a sign to extend above the rooftop of the building.

8. Temporary signs and banners for short-term sales and events shall not be regulated by these policies. Banners and signs displayed for longer than 21 days shall be subject to these regulations.

9. Community information boards, not exceeding 96 sq. ft. in area and constructed of natural materials, may be located within the Mariposa Town Planning Area. Such signs may include a map of the community, the location of groups, civic organizations, churches and matched business advertisements each of which may not exceed 2 sq. ft. in area.

10. Off-site signs shall be specifically prohibited.

**17.336.070 Architectural Theme and Development Guidelines for the Historic Design Review Overlay Zone.**

These standards shall apply to residential, commercial and industrial development within the Historic Design Review Overlay Zone.

**A. Development Standards:** All standards of the Architectural Theme and Development Guidelines for the Design Review Overlay Zone shall apply within the Historic Design Review Overlay Zone except as modified by the following specific standards:

1. All construction within the Historic Overlay Zone shall comply with historical Mariposa Architecture defined as architecture generally utilized in the region from 1850 to 1920 and which is exemplified by the buildings outlined in the list of historical resources in Mariposa contained in the Mariposa TPA Specific Plan. Spanish style construction is included as historically significant.

2. Buildings shall be constructed of wood, brick, adobe or stone. Modern materials which closely resemble the historic materials are allowable. Examples of the desired surface and texture of the historic material are provided as an appendix to this document.

3. All buildings shall comply with the style of architecture typical to the region in the period identified above. Such architecture typically included design features such as gabled or shed roofs, tall narrow windows and doors, dormer windows, functional iron or wood shutters, balconies, porches, awnings, detailed scroll work, ornate functional elements such as vents, railings, support posts, etc. Examples of the desirable architectural elements are contained in the Mariposa County Gold Rush Design Review Guidelines, Mariposa County Planning Department.

4. Signs shall be constructed of natural materials
consistent with No. 2 above. The maximum sign area for any business shall be 32 sq. ft. Graphic elements on the signs shall be designed utilizing the lettering types and techniques of the historic period. Lighting equipment for signs shall not be visible from public view. Sign standards shall be constructed of materials consistent with the historic architecture. Internally lit signs shall be prohibited.

5. New structures within the district shall not be significantly larger in size and scale than existing buildings within the Historic Overlay Zone.

6. New development shall be designed to promote foot traffic throughout the Historic Overlay Zone. Signs shall be designed to provide information to the pedestrian as well as the automobile.

7. Screening of parking areas from public view shall be strongly encouraged. This can be accomplished by locating the parking behind buildings or by utilizing landscaping.

8. Exposure and renovation of original building surfaces on historical structures shall be encouraged.

17.336.080 Grading.

A. A sediment control plan prepared and approved in accordance with Section 15.28.120(C) of County Code shall be required for all grading activities conducted between November 1 and April 1 requiring a grading permit.

B. A stormwater drainage plan, prepared and approved in accordance with 15.28.110 of County Code, shall be required for all multi-family residential, commercial, and industrial development which have building and parking areas exceeding 5,000 sq. ft.

C. The 100-year flood plains of Mariposa and Stockton Creeks as delineated in the Flood Insurance Rate Maps on file in the Mariposa County Planning Department are identified as Flood Hazard Areas in accordance with Section 15.28.150 of County Code.

D. All exposed and/or disturbed soils created by grading which requires a grading permit shall be watered down or suppressed during grading operations to reduce the generation of fugitive dust. During non-grading periods, all stockpiles of debris, soil, sand, or other materials shall be protected from wind erosion.

17.336.090 Private Wells.

The drilling, construction, and/or utilization of new private water wells within the Mariposa Public Utility District shall be prohibited.

17.336.100 Woodstoves, Fireplaces, and Chimneys.

A. Woodstoves and Fireplaces: All new woodstoves and fireplaces, including replacement woodstoves, installed within the Town Planning Area shall comply with the Phase II standards of the United States Environmental Protection Agency. Repair of existing fireplaces shall be exempt from this standard.

B. Chimneys: A maximum of one (1) chimney associated with a wood burning heat source shall be allowed in new residential units constructed within the Town Planning Area.
17.336.110 Wildlife Protection.
Prior to any construction that displaces soil requiring a building and/or grading permit within the habitat boundaries of the Mariposa Clarkia as identified in Exhibit 34 of the Mariposa Town Planning Area Specific Plan, a botanical survey shall be conducted by a qualified botanist. The purpose of this survey is to locate any existing populations of Mariposa Clarkia that may be impacted by the proposed construction or grading. Measures shall be incorporated into the construction plans to avoid any adverse impacts on the Mariposa Clarkia. Individual botanical surveys shall not be required if the County performs an areawide survey identifying and mapping all existing populations.

17.336.120 Archaeological Protection Standards.
A. Prior to any construction that displaces soil requiring a building and/or grading permit on the properties comprising Assessor's Parcel Numbers 12-200-18 and 19, an archaeological reconnaissance shall be performed by a qualified archaeologist. The construction/grading plans shall incorporate all mitigation measures identified in the archaeologist's report. The mitigation measures identified in the archaeologist's report shall comply with the criteria established by Appendix K of the California Environmental Quality Act Guidelines.

B. Prior to consideration of any land division application proposing parcels less than five (5) acres in size or Specific Plan amendments on property in the northern part of the TPA outside the MPUD boundaries, an archaeological reconnaissance shall be performed on the subject property. The approving body shall develop mitigation measures to preserve, protect, or excavate any important archaeological resources based on the recommendations contained in the reconnaissance report and the recommended mitigation set forth in Appendix K of the California Environmental Quality Act Guidelines.

C. If human remains not previously identified are discovered or recognized during grading or development activities in the identified areas listed in subsections A and B of this section, there shall be no further excavation or disturbance of the site or nearby area reasonably expected to overlie adjacent human remains. The County Coroner shall investigate the cause of death of the remains, and an archaeological reconnaissance shall be performed on the subject property to evaluate the remains. The Planning Director shall develop mitigation measures to protect, preserve, or properly excavate the remains in accordance with the mitigation for human remains set forth in Appendix K of the CEQA Guidelines.
CHAPTER 17.338

MULTI-FAMILY RESIDENTIAL AND LOW TO MODERATE INCOME HOUSING

17.338.010 Conditional Use Permit Findings and Standards Applicable to Development of Multi-Family Housing in Commercial Zones.

The purpose of the use permit for multi-family residential developments in the commercial zones is to allow the proper integration of multi-family residential uses in commercial areas through proper site design and development standards taking into consideration the characteristics of the individual site and the immediate area. An additional purpose of the use permit is to ensure that commercial centers or cores are not significantly impacted by the improper siting of multi-family residential uses. The Planning Commission shall process and consider the use permit application in accordance with Chapter 17.112 of this Title.

A. Consideration of Use Permit Application: In evaluating a proposed multi-family residential development, the Planning Commission shall approve a use permit provided the mandatory findings listed in Section 17.112.40 of this Title can be made for the project in addition to the following findings:

1. The project is adjacent to properties planned for residential uses or developed primarily with residential uses and will not result in the degradation of an existing or potential commercial center.

2. Adequate on-site parking is provided for the residents of the project and their guests, and the project will not significantly affect the availability of on-street parking in the immediate area.

B. Denial of Use Permit: Denial of a use permit for multi-family residential development shall be based upon a determination that one or more of the mandatory findings listed in this section cannot be made for the project and the Commission cannot impose any reasonable conditions or requirements on the project to guarantee compliance with the mandatory findings. The Planning Commission's action of denial shall be rendered in the form of a resolution which shall state the reasons for denial and the mandatory findings for denial.

17.338.020 Incentives for Low to Moderate Income Housing.

A. When a developer of housing agrees or proposes to construct at least (1) 20 percent of the total units of a housing development for lower income households, as defined in Section 50079.5 of the Health and Safety Code, or (2) 10 percent of the total units of a housing development for very low income households, as defined in Section 50105 of the Health and Safety Code, or (3) 50 percent of the total dwelling units of a housing development for qualifying residents, as defined in Section 51.2 of the Civil Code, the County shall either:

1. Grant a density bonus and at least one of the concessions or incentives unless the County makes a written finding that the additional concession or incentive is not required in
order to provide for affordable housing costs as defined in Section 50052.5 of the Health and Safety Code or for rents for the targeted units to be set as specified in subdivision (2), or

2. Provide other incentives of equivalent financial value based upon the land cost per dwelling unit.

B. A developer shall agree to and the County shall ensure continued affordability of all lower income density bonus units for 30 years or longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program or rental subsidy program. Those units targeted for lower income households, as defined in Section 50079.5 of the Health and Safety Code shall be affordable at a rent that does not exceed 30 percent of 60 percent of area median income. Those units targeted for very low income households, as defined in Section 50105 of the Health and Safety Code shall be affordable at a rent that does not exceed 30 percent of 50 percent of area median income. If the county does not grant at least one additional concession or incentive pursuant to paragraph (a) of subdivision (1), the developer shall agree to and the County shall ensure continued affordability for 10 years of all lower income housing units receiving a density bonus.

C. A developer may submit to the County a preliminary proposal for the development of housing pursuant to this section prior to the submittal of any formal requests for specific plan amendments, zoning amendments, or subdivision map approvals. The county shall, within 90 days of receipt of a written proposal, notify the housing developer in writing of the procedures which it will comply with this section. The Board of Supervisors shall approve the means of compliance with this section. The county will consider waiving or modifying development and zoning standards which would otherwise inhibit the utilization of the density bonus on specific sites. These procedures shall include, but not be limited to, such items as minimum lot size, side yard setbacks, and placement of public works improvements.

D. The housing developer shall show that the waiver or modification is necessary to make the housing units economically feasible.

E. For the purposes of this Chapter, "density bonuses" means a density increase of at least 25 percent over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan as of the date of application by the developer to the county. The density bonus shall not be included when determining the number of housing units which is equal to 10 or 20 percent of the total. The density bonus shall apply to housing developments consisting of five or more dwelling units.

F. The definition of terms and the consideration of incentives shall occur in accordance with California Government Code Section 65915 et seq.
CHAPTER 17.340

NON-CONFORMING USES AND STRUCTURES

17.340.010 Definition of Non-Conforming Use or Structure.
All legally established uses and structures which are in existence at the time of the adoption of this Sub-Title but which are not in conformance with the standards of this Sub-Title shall be deemed non-conforming uses and/or structures.

Non-conforming uses and structures shall comply or be consistent with the following provisions:

A. Non-conforming uses shall be allowed to continue and to be maintained, but shall not be allowed to expand. The expansion of non-conforming structures shall be allowed if such expansion, including its use, complies with all standards of this Sub-Title.

B. Continuation of a non-conforming use may include a change of ownership, tenancy or management where the previous line of business or other function is substantially unchanged. A non-conforming use may be changed to a non-conforming use of equal or less intensity. In no case shall a different use be allowed that would increase the level of non-conformance with any standard contained herein. Whenever a non-conforming use has been changed to a less intensive use, or to a conforming use, such use shall not thereafter be changed to a more intensive use or non-conforming use.

17.340.030 Abandonment of Non-Conforming Use.
A. Residential Uses: If a non-conforming residential use is abandoned or discontinued for a period of three (3) consecutive years or more, any subsequent use of the building or premises shall conform to the use and density regulations of the zone in which it is located. For reasonable cause, the Planning Director may grant one (1) year extensions to the time period up to a maximum time extension period of two (2) years.

B. Commercial-Industrial Uses: If a non-conforming commercial or industrial use is abandoned or discontinued for a period of twelve (12) consecutive months or more, any subsequent use of the building or premises shall conform to the regulations of the zone in which it is located. For reasonable cause, the Planning Director may grant a one (1) year extension to the time period.

17.340.040 Restoration.
When a building or other structure which does not conform to the provisions of this Sub-Title is damaged or destroyed, it may be restored or rebuilt to accommodate its original use. Such restoration or rebuilding shall conform to existing building code requirements and standards. If the rebuilt structure is located in such a manner that it would not comply with the standards of this Sub-Title or contains a use that is non-conforming, it shall not exceed the size of the original building.