

MARIPOSA COUNTY ORDINANCE NO. 425

The Board of Supervisors of the County of Mariposa do ordain as follows:

I.

Overlay Zone

SECTION 1.0: Overlay Zone. County Ordinance No. 180 is hereby amended by adding the following Subsection C to Section IV to establish an overlay zone for all land Under the jurisdiction of Mariposa County

II.

Purpose

SECTION 2.0: Purpose. A Planned Development Zone is intended to provide a zone which can permit and enjoin logical or desirable development and carry out the objectives of the General Plan by:

- A. Permitting the initial development or enlargement of commercial districts in close proximity to residential areas while protecting the character and quality of adjacent residential uses.
- B. Permitting clusters of multiple-family developments or single-family dwellings on lots smaller than County minimum in appropriate locations within single-family land use classifications with suitable controls imposed.
- C. Providing for the location, under suitable safeguards of desirable types of research and manufacturing uses adjacent to and within commercial or residential areas.
- D. Permitting planned developments on a large scale which would include a combination of any two or all of the above-mentioned developments.
- E. Permitting the redevelopment of parcels for residential, commercial, or industrial purposes or any combination thereof, in areas already built upon, but which now have marginal development.
- F. Permitting commercial development on lots smaller than County minimums in appropriate locations within commercial land use classifications with suitable controls imposed.

III.

Establishment of P-D Zone

SECTION 3.0: Establishment of P-D Zone. Applications shall be initiated by the owner or owners of the land. Applications for the establishment of or reclassification to a P-D site classification must include a development plan as described in Development Plan. The P-D zone establishment or reclassification shall be processed in the manner as provided for approval described in Plan Adoption. Applications and development plans will be reviewed by County departments prior to submission for preliminary review to the Planning Commission. Planning Commission'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.

IV.

Findings Required for P-D Zone

SECTION 4.0: Findings Required for P-D Zone. The Planning Commission, after a public hearing, may recommend the establishment of a P-D zone; and the Board of Supervisors, after a public hearing, may by ordinance establish a P-D zone provided they find that the facts submitted with the application and presented at the public hearings establish:

- A. That 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;
- B. That 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;
- C. That any deviation from the 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

- D. That the principles incorporated in the proposed development plan indicate certain unique or unusual features which could not otherwise be achieved under standard subdivision provisions.

V.

Principal Permitted Uses

SECTION 5.0: Principal Permitted Uses. In a P-D zone any and all uses are permitted provided such use or uses are shown on the development plan for the particular P-D zone as approved by the Planning Commission and Board of Supervisors.

SECTION 5.1: Use Permits. A use permit shall be required for any and all uses in a P-D zone 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.

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.

VI.

Development Plan

SECTION 6.0: Development Plan. 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.

- A. Components - The development plan shall include all of the following:
1. A plot plan map which shows:
 - a. Existing and proposed public street and sidewalk improvements.
 - b. Lot design.
 - c. 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.
 - d. Parking and interior traffic flow, including parking ratios.
 - e. Land uses within 500 feet of the external boundary of the P-D zone.
 2. Site plan details, including:
 - a. Preliminary building plans, including generalized elevations.
 - b. Maximum building heights.
 - c. Maximum lot or area coverages.
 - d. Minimum distance between structures.
 - e. Minimum setbacks from interior lot lines.
 - f. Minimum setbacks from street rights-of-way.
 - g. Landscaping, screening, and lighting.
 - h. Population densities within the planned development zone.
 3. Signing limitations, including generalized locations, maximum sizes, maximum height, and lighting arrangements. For purposes of this section, "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.
 4. Land use classifications to be located within the development.
 5. Development schedule, including date of commencement of construction, annual accomplishment, and completion of planned development.
 6. Any other reasonably related information necessary for the Planning Commission to act.
- The Planning Commission shall accept only such plans that contain the information specified or reasonably determined necessary.
- B. 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.

- C. Density Control - The number of dwelling units shall be determined by dividing the net development area by the minimum lot area per family proposed for the P-D zone by the applicant. 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 percent of the remainder for streets regardless of the amount of land required for streets. Open spaces for recreational uses shall be included in determining the number of dwelling units permitted.
- D. Exterior Setbacks - There shall be a minimum setback as required by the standards of the subdivision ordinance for all exterior boundaries of the planned development.
- E. Revision of Plan - 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.
- F. Area Requirements - Minimum parcel size shall be 2.5 acres exclusive of easements.
- G. 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, 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.
- H. Filing Fees - In addition to the fee required for subdivision application, there shall be a fee prescribed by resolution of the Board of Supervisors to provide for publication costs and for the inspection of the development plans. Such fee shall not be required for revisions to the plan provided, however, that if the Planning Commission or Board of Supervisors required the holding of a public hearing, the fee of \$25 shall be paid.

VII.

Development Schedule

SECTION 7.0: Development Schedule.

- A. An application for a P-D zone 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 P-D zone, 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 in the P-D zone and his successors in interest. The County shall require the posting of a bond to guarantee reimbursement to the County for court costs and attorneys' fees of any civil action brought to enforce any provisions of a P-D zone. Said bond is to be in the amount of \$5,000.
- B. Periodically the Planning Commission shall compare the actual development in the various P-D zone with the approved development schedules.
- C. If, in the opinion of the Planning Commission, the owner or owners are failing or have failed to meet the approved schedule, the Commission may initiate proceedings to reclassify the property and revoke the approval of the development plan or to amend the development plan. Upon the recommendation of the Planning Commission and for good cause shown by the property owner, the Board of Supervisors may extend the limits imposed by the development schedule.

VIII.

Identification of P-D Zone

SECTION 8.0: Identification of P-D Zone. Each P-D zone shall be numbered, the first adopted being shown on the General Plan map as P-D 1 and each zone subsequently adopted being numbered consecutively.

IX.

General

SECTION 9.0: General. 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 of Mariposa.

A planned development may be accepted with applications for minor or major subdivisions and may be processed simultaneously, including staff review, environmental review, public hearings at the Planning Commission and Board of Supervisors.

SECTION 9.1: Plan Adoption. Planned development application shall be accompanied by (1) the required fee, (2) a plan proposal prepared according to the specifications as described in the development plan, (3) a legal description by metes and bounds of the area to be affected by the planned development, and (4) a list of names and addresses of property owners with property located within three hundred (300) feet of the proposed planned development and in cases where nearby parcels are generally two (2) acres or less in area, or within five hundred (500) feet of the proposed planned development in cases where nearby parcels are generally larger than two (2) acres in area.

SECTION 9.2: Public Hearings. The Planning Commission shall hold at least one (1) 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 published at least one (1) time in a newspaper of general countywide circulation at least ten (10) days prior to the hearing. In addition, property owners with property located within three hundred (300) feet of the proposed planned development shall receive notice by mail of such hearing, or, in lieu of such mailed notice, the Planning Commission shall cause notices of such hearing to be conspicuously posted along all roads within the area affected by the proposed planned development.


SECTION 9.3: Planning Commission. Following the aforesaid hearing, 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 within ninety (90) days after published notice of said hearing; provided that such time limit may be extended by mutual agreement of the parties having an interest in the proceedings. Such report shall include a statement as to whether the proposed planned development is in conformance with the latest adopted County General Plan. Failure of the Planning Commission to so report within ninety (90) days shall be deemed to be disapproval of the proposed planned development by the Planning Commission. If the Planning Commission deems it advisable, it may recommend that the area under consideration for a planned development be enlarged or diminished or be reclassified to a zone other than the proposed planned development originally initiated or requested.


SECTION 9.4: Action by the Board of Supervisors. Upon receipt of such report from the Planning Commission or upon the expiration of such ninety (90) days, as aforesaid, the Board of Supervisors shall schedule the matter for public hearing and publish notice thereof as required above. The Board of Supervisors shall render its decision within sixty (60) days after receipt of the report and recommendation of the Planning Commission or after the expiration of such ninety (90) days as aforesaid. Such decision shall be to deny or approve all or part of the proposed planned unit development.

SECTION 9.5: Abandonment after Proceedings Have Begun. Upon the 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.

PASSED AND ADOPTED, by the Board of Supervisors of the County of Mariposa, this 20th day of July, 1976, with the following vote:

AYES: CLARK, DALTON, RICHARDSON
NOES: None
NOT VOTING: None
ABSENT: LONG, MOFFITT


TOM R. RICHARDSON, Pro Tem
Chairman of the Board
of Supervisors

ATTEST:

ELLEN BRONSON, County Clerk &
ex officio Clerk of the Board