

MARIPOSA COUNTY ORDINANCE NO. 774

AN ORDINANCE AMENDING TITLE 17 OF THE MARIPOSA COUNTY CODE
ENTITLED MARIPOSA COUNTY ZONING ORDINANCE

WHEREAS, the Mariposa County board of Supervisors initiated text amendments to the Mariposa County Zoning Ordinance; and

WHEREAS, the Board of Supervisors determined, based upon recommendation by the Planning Director, that the proposed text amendments have no potential to create environmental effects and a notice of exemption has been filed; and

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

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

WHEREAS, the amendments to the zoning ordinance are consistent with the Mariposa County General Plan.

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

SECTION I: Section 17.66, Design Review Overlay (DRO) is added to the Zoning Code, the complete text of which is attached hereto as Exhibit A.

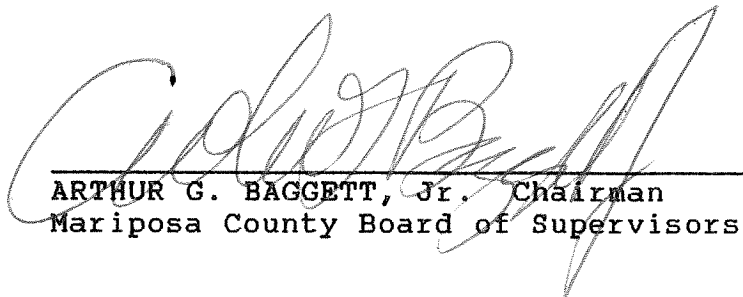
SECTION II: Section 17.67, Historic Design Review Overlay (HDRO) is added to the Zoning Code, the complete text of which is attached hereto as Exhibit B.

SECTION III: The official zoning maps of the County are amended to apply the Design Review District and Historic Design Review District to the Mariposa Town Planning area as shown on the map attached hereto as Exhibit C.

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

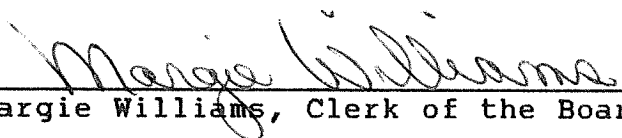
PASSED AND ADOPTED this 12th day of June, 1990 by the Board of Supervisors of Mariposa County by the following vote:

AYES: BAGGETT, PUNTE, RADANOVICH, TABER
NOES: ERICKSON
ABSENT: NONE
ABSTAINED: NONE



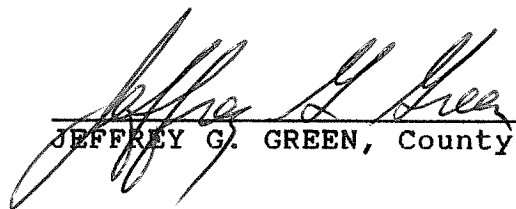
ARTHUR G. BAGGETT, Jr. Chairman
Mariposa County Board of Supervisors

ATTEST:



Margie Williams, Clerk of the Board

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



JEFFREY G. GREEN, County Counsel

EXHIBIT A

CHAPTER 17.66 DESIGN REVIEW OVERLAY (DRO)

SECTIONS:

17.66.010

17.66.010. The Design Review Overlay Zone (DRO) is an overlay district which is intended to be combined with any other district in which it is determined desirable to protect the overall appearance of the district by regulating the design of new structures and changes in the appearance of existing structures. The purpose of this district 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 surrounding areas. The intent of the zone is to promote the overall economic vitality of a district, enhance tourism and to stabilize and increase property values. This district may be applied to areas containing public or private buildings and lands exhibiting unique architectural themes and/or scenic beauty.

A. Development Standards for the DRO.

1. Uses: Permitted, conditional and prohibited uses shall be as set forth in the Principal Zone.

2. Minimum Parcel or lot size: As established by the Principal Zone.

3. Density: As established by the Principal Zone.

4. Setbacks, building height, parking and other applicable development standards: As established by the Principal Zone.

B. Special Development Standards for the DRO.

Development in the DRO District shall conform to architectural theme and development guidelines established by the Board of Supervisors pursuant to Subsection G of section 17.66.010 of this chapter. In reviewing and approving the application for design review, the Planning Director shall find that the application complies with the architectural theme and development guidelines established by the Board of Supervisors with respect to the following:

1. Height, bulk, and area of buildings;
2. Yards and setbacks;

3. Colors and materials of the exterior of any buildings or signs;
4. Type and pitch of roofs;
5. Size and spacing of windows, doors, and other openings;
6. Size, type and location of signs;
7. Landscaping and site grading;
8. Location and design of parking areas;
9. Exterior lighting;
10. Location and design of exterior mechanical equipment and other appurtenances such as trash enclosures and propane tanks;
11. Design and location of any outside storage areas;
12. Any other aspects of building construction or site development that may relate to maintaining an overall theme within the area in which the proposed development is located;

In the instance that a Special Development Standard established by this section conflicts with a Development Standard of the Principal Zone, the Special Development Standard established by this section shall apply.

C. DRO Plan Review-Required.

Except as provided in this section, no Commercial, Industrial or Multi-family Residential use shall be established, no development shall occur, no exterior advertising display installed and no building or grading permit shall be issued for any Commercial, Industrial or Multi-Family Residential use or development in the DRO District until an application for Design Review Plan has been submitted to and approved by the Planning Director in accordance with the procedures established in this section.

D. DRO Plan-Application Contents

An application for design review shall include the following:

1. A completed Commercial, Industrial and Multi-Family Dwelling Building Permit Application Form. Complete construction drawings are not necessary for the design review process.
2. A plot plan drawn to the scale specified by the Planning Director which contains the information specified in section 17.08.150 of this title.
3. Elevations of all sides of the proposed

building or structures showing:

- a. Dimensions of the buildings or structures;
- b. Proposed architectural treatment, building materials and colors;
- c. Roof design and materials;
- d. Size and spacing of windows, doors, and other openings;
- e. Signs;
- f. Exterior lighting;
- g. Exterior mechanical equipment and above ground utilities;

An exemption from the requirement for providing elevations of all sides of the proposed building or structure may be allowed where it can be shown to the satisfaction of the Planning Director that certain sides of the building/structure are not visible from public property or public rights of way. In this instance the elevations of the sides not visible are not required.

4. Preliminary grading plan indicating grading necessary for the proposed structures, access roads and parking areas. The plan shall indicate the location, height and grade of all cut and fill banks necessary for the proposed project.

5. A narrative description of the proposed development and how it was designed in accordance with the applicable architectural theme and design guidelines may be submitted to assist in the design review process.

E. DRO Plan-Application Processing Procedures.

A pre-application meeting with the Planning Department to discuss a proposed project and the applicable design review standards is strongly encouraged. Upon receipt and acceptance of a Design Review Plan application as complete, the Planning Department shall, within 5 days, refer such application to the Design Review Committee appointed by the Board of Supervisors having jurisdiction over the area in which the development is proposed. The design review committee shall formulate a recommendation to approve, conditionally approve or deny the design review plan within fourteen (14) days of the receipt of a completed application from the Planning Department. In the instance that no design review committee has been appointed or the appointed design review committee fails to formulate a recommendation by majority vote, the Planning Director shall consider the design review plan. The Planning Director shall consider the design review plan application

along with the recommendation and act to approve, conditionally approve or deny the application. Action on the design review plan shall occur within 5 days of receipt of the recommendation from the design review committee. The Planning Director's action shall be based upon the findings listed subsection 17.66.010 B of this section. The Planning Director shall provide specific written findings if a design review plan is denied.

F. DRO Plan Application-Review Exemption.

The Planning Director may approve an exemption from review by the design review committee where it can be determined that the proposed development is of a small scale (generally less than 5000 sq. ft.) or is a minor alteration or expansion of an existing development that clearly complies with all of the Special Development Standards established pursuant to this section by the Board of Supervisors for the affected area. For the purpose of this subsection a minor alteration or expansion is defined as an alteration that will not significantly modify the exterior appearance of the structures and/or site. The applicant shall be required to submit the information required by subsection 17.66.010 D of this section in order to justify the exemption.

G. Establishment Of Architectural Theme and Development Guidelines For DRO Districts.

The Board of Supervisors shall establish an Architectural Theme and Development Guidelines for each DRO District established pursuant to this section. The standards shall provide guidelines for development in accordance with the Special Development Standards established by subsection 17.66.010 B of this section. The standards may be adopted separately or as part of a Specific Plan for an area and shall be adopted by resolution or ordinance.

Drozone2 BCD5 Rev 6/5/90

EXHIBIT B

CHAPTER 17.67
HISTORIC DESIGN REVIEW OVERLAY (HDRO)

SECTIONS:

- 17.67.010 HDRO Procedures
17.67.020 Demolition within a HDRO

17.67.010. The Historic Design Review Overlay Zone (HDRO) is an overlay district which is intended to be combined with any other district located in an area containing a substantial number of historic buildings where it is determined desirable to protect the overall appearance and integrity of the district by preserving existing structures and regulating the design of new structures and changes in the appearance of existing structures. The purpose of this district 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 district. The intent of the zone is to promote the overall economic vitality of a district, enhance tourism and to stabilize and increase property values. This district may be applied to areas containing public or private buildings determined to be historically significant.

A. Development Standards for the HDRO

1. Uses: Permitted, conditional and prohibited uses shall be as set forth in the Principal Zone.
2. Minimum Parcel or lot size: As established by the Principal Zone.
3. Density: As established by the Principal Zone.
4. Setbacks, building height, parking requirements and other applicable development standards: As established by the Principal Zone.

B. Special Development Standards for the HDRO.

Development in the HDRO District shall conform to architectural theme and development guidelines established by the Board of Supervisors pursuant to Subsection 17.67.010 G of this chapter. In reviewing and approving the application for design review, the Planning Director shall find that the application complies with the architectural theme and development guidelines established by the Board of Supervisors with respect to the following:

1. Height, bulk, and area of buildings;
2. Yards and setbacks;
3. Colors and materials of the exterior of any buildings or signs;
4. Type and pitch of roofs;
5. Size and spacing of windows, doors, and other openings;
6. Size, type and location of signs;
7. Landscaping and site grading;
8. Location and design of parking areas;
9. Exterior lighting;
10. Location and design of mechanical equipment and other appurtenances such as trash enclosures and propane tanks;
11. Design and location of any outside storage areas;
12. Any other aspects of building construction or site development that may relate to maintaining an overall theme within the area in which the proposed development is located.

In the instance that a Special Development Standard established by this section conflicts with a Development Standard of the Principal Zone, the Special Development Standard established by this section shall apply.

C. HDRO Plan Review-Required.

Except as provided in this section, no Commercial, Industrial or Residential use shall be established, no development shall occur, no exterior advertising display installed and no building and grading permit shall be issued for any Commercial, Industrial or Residential development in the HDRO District until an application for Design Review Plan has been submitted to and approved by the Planning Director in accordance with the procedures established in this section.

D. HDRO Plan-Application Contents.

An application for design review shall include the following:

1. A completed Commercial, Industrial and Multi-Family Dwelling Building Permit Application Form. Complete construction drawings are not necessary for the design review process.
2. A plot plan drawn to the scale specified by the Planning Director which contains the information specified in

section 17.08.150 of this title.

3. Elevations of all sides of the proposed building or structures showing:
 - a. Dimensions of the buildings or structures;
 - b. Proposed architectural treatment, building materials and exterior colors;
 - c. Roof design and materials
 - d. Size and spacing of windows, doors, and other openings;
 - e. Signs;
 - f. Exterior lighting;
 - g. Exterior mechanical equipment and above ground utilities;

An exemption from the requirement for providing elevations of all sides of the proposed building or structure may be allowed where it can be shown to the satisfaction of the Planning Director that certain sides of the building/structure are not visible from public property or public rights of way. In this instance the elevations of the sides not visible are not required.

4. Preliminary grading plan indicating grading necessary for the proposed structures, access roads and parking areas. The plan shall indicate the location, height and grade of all cut and fill banks necessary for the proposed project.

5. Narrative description of the proposed development and how it was designed in accordance with the architectural theme and design guidelines established by the Board of Supervisors.

E. HDRO Plan-Application Processing Procedures

A pre-application meeting with the Planning Department to discuss a proposed project and the applicable design review standards is strongly encouraged. Upon receipt and acceptance of a Design Review Plan application as complete, the Planning Department shall, within 5 days, refer such application to the Design Review Committee appointed by the Board of Supervisors having jurisdiction over the area in which the development is proposed. The design review committee shall formulate a recommendation to approve, conditionally approve or deny the design review plan within fourteen (14) days of the receipt of a completed application from the Planning Department. In the instance that no design review committee has been appointed or the appointed design review committee fails to formulate a recommendation by majority vote, the Planning

Director shall consider the design review plan. The Planning Director shall consider the design review plan application along with the recommendation and act to approve, conditionally approve or deny the application. Action on the design review plan shall occur within 5 days of receipt of the recommendation from the design review committee. The Planning Director's action shall be based upon the findings listed in subsection 17.67.010 B of this section. The Planning Director shall provide specific findings if the design review plan is denied.

F. HDRO Plan Application-Review Exemption.

The Planning Director may approve an exemption from review by the design review committee where it can be determined that the proposed development is a minor alteration or expansion of an existing development that will not affect the achievement of the Architectural and Design Review goals established by the Board of Supervisors for the affected area. For the purpose of this subsection a minor alteration or expansion is defined as less than 10% of the existing building size that will not significantly modify the exterior appearance of the structures and/or site. The applicant shall be required to submit the information required by subsection 17.67.010 D of this section in order to justify the exemption.

G. Establishment Of Architectural Theme and Development Guidelines For HDRO Districts.

The Board of Supervisors shall establish an Architectural Theme and Development Guidelines for each HDRO District established pursuant to this section. The standards shall provide guidelines for development in accordance with the Special Development Standards established by subsection 17.67.010 B of this section. The standards may adopted separately or as part of a Specific Plan for an area and shall be adopted by resolution or ordinance.

17.67.020 DEMOLITION WITHIN A HISTORICAL DESIGN REVIEW OVERLAY DISTRICT

A. Demolition Permit-Review Required Except as provided in this section no building or structure identified by the County as historically significant within a designated Historical Design Review Overlay shall be demolished without first obtaining approval from the Planning Director.

B. Demolition Permit-Review Findings

No permit shall be issued to demolish or cause to be demolished any building, structure or portion thereof that has been identified by the County as historically significant within any Historic Design Review Overlay District unless:

1. The Planning Director determines that the building or structure has no historical value or significance and does not contribute to the historical character of the District; or

2. The Planning Director determines that the owner would have no economic use of the property unless the structure is removed. It is the applicants responsibility to submit to the County financial data to substantiate such claim, including the cost, assessed value, taxes, appraisals, listings and income from the property; or

3. The Planning Director determines that the structure or building is in such a deteriorated condition that it is determined to be unrepairable and that demolition will not have a significant effect on the achievement of the purpose of this title; or

4. The Planning Director determines, upon consultation with the Chief Building Inspector, County Engineer, County Fire Warden or other appropriate individuals that an imminent safety hazard exists, and that demolition is the only feasible means to secure the public safety. The Director's determination in this matter shall be guided by the standards and criteria set forth in the current editions of the Uniform Building Code, Uniform Fire Code and State Historic Building Code.

C. Demolition Permit-Application Processing Procedures

Consideration of a demolition permit shall follow the procedures outlined in Section 17.67.010 E of this title.

D. Demolition Permit-Action

After review of all pertinent information the Planning Director shall exercise one of the options listed below:

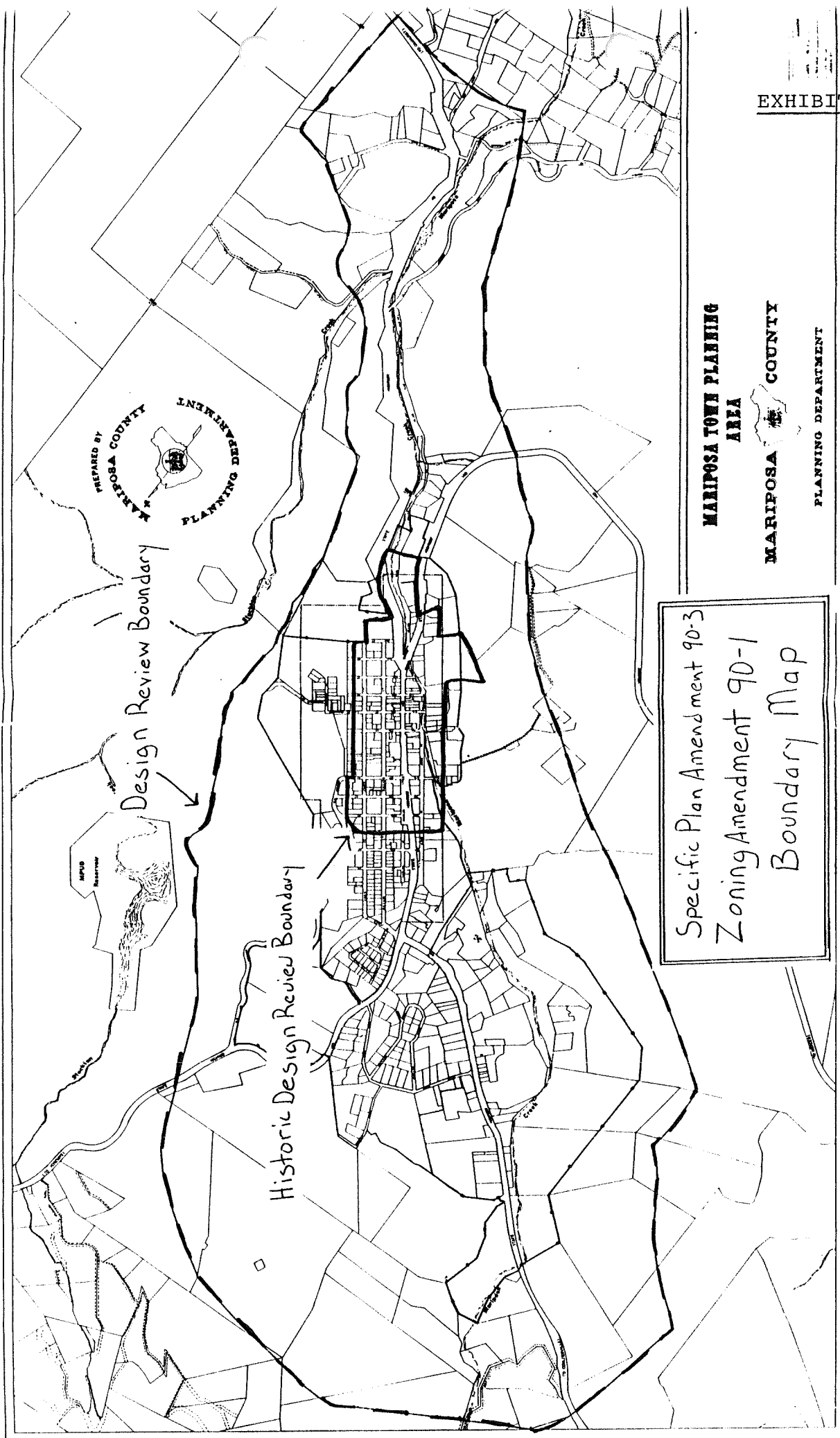
1. Approve the demolition permit if the application conforms with one of the findings listed in subsection 17.67.020 B.

2. Direct a stay of demolition for a maximum period of four weeks in order to allow time for the applicant and the Planning Director to seek alternative solutions to demolition. If no alternatives are found, after the period established for the stay of demolition, the Director may

approve the application.

3. Deny the application if the findings listed in subsection 17.67.020 B cannot be made.

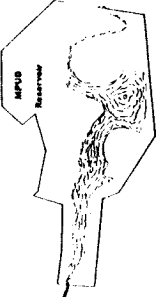
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PREPARED BY
MARIPOSA COUNTY
PLANNING DEPARTMENT

Design Review Boundary

Historic Design Review Boundary



Specific Plan Amendment 90-3
Zoning Amendment 90-1
Boundary Map

MARIPOSA TOWN PLANNING
AREA

MARIPOSA COUNTY

PLANNING DEPARTMENT