

1 of enactment of this ordinance and such other uses as may be
2 permitted under use permits as hereinafter more particularly
3 specified.

4 SECTION V. The following land uses are permitted in the
5 Business-Residential Zones established under Section III above,
6 to wit: Existing business uses, existing residential uses, all
7 lawful land uses existing as of the date of adoption of this
8 ordinance, and such other uses as may be permitted by special
9 use permit as hereinafter more particularly specified.

10 SECTION VI. In the Agricultural-Residential Zone, im-
11 provements to existing farm or ranch buildings and construction
12 of new farm or ranch buildings and construction of single family
13 residences may be made without special use permit; provided,
14 however, that the construction of any new single family residence
15 must be made upon a parcel of land with an area of at least ten
16 (10) acres or, upon a parcel of land having less than ten (10)
17 acres which was conveyed or subdivided prior to the effective
18 date of this ordinance.

19 SECTION VII. In the Business-Residential Zones hereby
20 established, alterations and additions to existing business
21 structures and construction of new business establishments in
22 areas which are predominantly devoted to business use may be made
23 without special use permit. Additions to existing residences
24 and construction of new single family residences in areas which
25 are not predominantly devoted to business use may be made without
26 special use permit. All other improvements of land in said
27 Business-Residential areas may be made only under special use
28 permit. The absence of a building devoted exclusively to business
29 use in close proximity to any parcel of real property upon which
30 a new business building is to be constructed, shall create a
31 presumption that the area is not devoted primarily to business
32 use, and a special use permit shall be required in order to

1 construct any such building for business use.

2 SECTION VIII. Except as hereinabove provided, it is un-
3 lawful in any Agricultural-Residential Zone or Business-Residential
4 Zone created by this ordinance, to make any different use of any
5 parcel of real property, or part thereof, different from the use
6 of such parcel, or part thereof, existing prior to enactment of
7 this ordinance without first obtaining a special use permit.

8 Any property owner desiring to use or improve his property in
9 such a manner that a use permit is required, by virtue of this
10 ordinance, may make written application to the Mariposa County
11 Planning Commission for a special use permit. Such application
12 shall be considered by the Planning Commission at its next regular
13 or special meeting after the filing of such application. The
14 Planning Commission shall make its decision granting or denying
15 such application, either with or without conditions, at the
16 meeting next following the filing of such application, except
17 that the Planning Commission may postpone action on any such
18 application, not more than once, to its next regular or special
19 meeting date. A denial of a special use permit by the Planning
20 Commission shall be final unless, within 10 days after denial
21 of such application, the applicant requests a hearing before the
22 Board of Supervisors. The Board of Supervisors shall grant a
23 hearing to any such applicant at its next regular or special
24 meeting, following receipt of written request for hearing, except
25 that such hearing may be postponed from time to time, not to
26 exceed one month beyond the date of receipt of any such request
27 for hearing. The decision of the Board of Supervisors, after
28 any such hearing, shall be final. Notice of the action of the
29 Planning Commission in granting a special use permit, either
30 with or without conditions, shall be given to the Board of Super-
31 visors promptly after such action is taken. Such action by the
32 Planning Commission shall be advisory only. The Board of Super-

1 visors may hold a hearing upon notice to the applicant and to
2 the Planning Commission and either grant or deny such special
3 use permit and may also impose conditions in addition to those
4 imposed by the Planning Commission. The action of the Board
5 of Supervisors in granting or denying a special use permit,
6 previously approved by the Planning Commission, shall be final.

7 SECTION IX. In granting, either conditionally or un-
8 conditionally, or in denying any request for a special use permit,
9 the Planning Commission and the Board of Supervisors shall take
10 into consideration the provisions of Sections I and II of County
11 Ordinance #180, and the provision of the Government Code Sections
12 mentioned therein, together with the provisions of the County
13 General Plan and any specific plan which applies to the area
14 for which a special use permit is requested. The Planning
15 Commission and the Board of Supervisors shall not approve or grant
16 any special use permit which will result in spot zoning, which
17 will result in the creation of a nuisance, or which will be
18 inimical to the public safety, health and welfare, or contrary
19 to good planning practices as expressed in the State law and
20 existing Mariposa County Ordinance.

21 SECTION X. Each violation of the provisions of this
22 ordinance constitutes a misdemeanor and shall be punishable by
23 a fine of not more than \$500.00 or by imprisonment in the County
24 jail for a period of not more than six months, or by both such
25 fine and imprisonment. Each day that a violation of this ordinance
26 continues shall be considered a separate offense.

27 SECTION XI. The Board of Supervisors of the County of
28 Mariposa hereby finds:


29 That the Planning Commission and the Board of Supervisors
30 have, in good faith, conducted and are continuing to conduct,
31 studies for the purpose of adoption of a Countywide General or
32 Master Plan and for the purpose of adopting countywide zoning

1 regulations and specific plans consistent with the Master or
2 General Plan; That the Planning Commission and the Board of
3 Supervisors are in good faith conducting studies for the adoption
4 of a countywide Recreation Plan and Water Plan; that one specific
5 water project for the County of Mariposa is being planned by
6 the Mariposa County Water Agency and other County water projects
7 will be studied in the near future; That the Merced Irrigation
8 District is completing construction of a major water project
9 within the boundaries of Mariposa County; That the County of
10 Mariposa has experienced a population increase in excess of 17%
11 during the period 1960-1966; That there has been a substantial
12 increase in the number of subdivisions of land within Mariposa
13 County during recent years; That by reason of the foregoing it
14 is necessary that this ordinance take effect immediately upon
15 its passage as an urgency measure in the interest of public safety,
16 health, and welfare, and


17 IT IS HEREBY ORDERED that this ordinance shall take effect
18 as an urgency measure immediately upon its passage in accordance
19 with the provisions of Government Code Section 65858 and other
20 applicable laws and constitutional provisions.

21 PASSED AND ADOPTED by the Board of Supervisors of the
22 County of Mariposa this 27th day of September, 1966, by the
23 following vote:

24 AYES: McGregor, Hurlbert, Mecham, Schatz
25 NOES: Gordo
26 NOT VOTING: None
27 ABSENT: None


Chairman of the Board of Supervisors
of the County of Mariposa, State
of California.

28 ATTEST:

29 
30 County Clerk and Ex Officio Clerk
of the Board of Supervisors