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MARIPOSA COUNTY ORDINANCE NO. 800

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

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

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

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

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

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

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

SECTION I

Section 17.108.190 is hereby added to the County Zoning Ordinance, the complete text of which is attached hereto as Exhibit A.

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SECTION II

Sections 17.76.020, 17.80.020, 17.84.020(A.2), and 17.88.040 of the County Zoning Ordinance are hereby amended, the revisions and additions of which amendment are attached hereto as Exhibit B.

SECTION III

Section 17.108.040 of the County Zoning Ordinance is hereby amended, the revisions and additions of which amendment are attached hereto as Exhibit C.

SECTION IV

Chapter 17.132 of the County Zoning Ordinance is hereby amended, the revisions and additions of which amendment are attached hereto as Exhibit D.

SECTION V

Chapter 17.148 of the County Zoning Ordinance is hereby amended, the revisions and additions of which amendment are attached hereto as Exhibit E.

SECTION VI

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 2nd day of April , 1991 by the following vote:

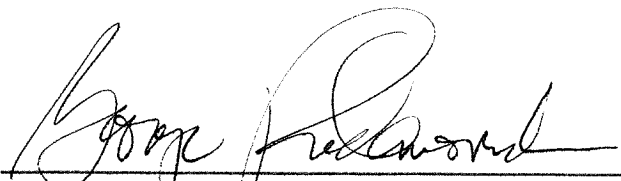
AYES: BAGGETT, PUNTE, ERICKSON, RADANOVICH

NOES: TABER

ABSTAINED: NONE

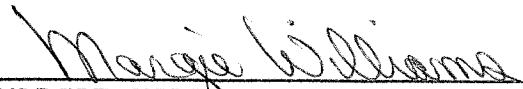
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EXCUSED: NONE



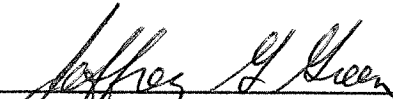
GEORGE P. RADANOVICH, Chairman
Mariposa County Board of Supervisors

ATTEST:



MARGIE WILLIAMS
Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



JEFFREY G. GREEN
County Counsel

EXHIBIT A

SUPPLEMENTARY STANDARDS

17.108.190 Signs.

The intent of these regulations is to reduce the proliferation of signs to maintain the scenic quality of the County's transportation corridors and to generally preserve the rural appearance of the County.

The purpose of this section is to establish specific standards for the location, installation, construction or modification of signs. These standards shall apply in all instances except as modified by specific sign standards contained in this title or other standards adopted pursuant thereto.

A. A temporary or permanent on-site sign or signs with maximum aggregate area of 16 sq. ft. and containing no outline tubing, flashing lights or moving parts shall be a permitted use on all parcels. Such signs shall have a maximum height of 20 feet. Off-site signs are prohibited unless specifically permitted by the principal zone.

B. All signs which do not conform with the standards of this title shall be considered nonconforming and shall be permitted to remain on a parcel for a period of 15 years from May 1, 1991 or until such sign becomes an illegal sign or is subject to any of the following conditions:

1. The sign is remodeled beyond a change in facial copy or relocated.
2. The property owner requests permission to expand,

remodel or enlarge the building or land use on the parcel containing the sign and the sign is affected by the construction.

C. Unless otherwise prohibited by this chapter, signs may be illuminated provided such illumination does not shine light upon a public street or on to an adjacent parcel or in any way create a public safety hazard. No sign shall be illuminated after 11:00 p.m. or close of business, whichever occurs last, or prior to 6:00 a.m.

D. The following exterior signs shall be prohibited:

moving or rotating signs; signs with flashing, moving, or animated illumination except signs which display time and temperature information; advertising signs that include the words "Stop, Look, Listen" or any other word, phrase, symbol, lights, motion, sound, fumes, mist, or other effluent that may interfere with, mislead, or confuse the driving public; portable signs except for temporary real estate signs which advertise the particular property; signs on inflatable advertising devices when the device is attached or secured to the ground or building and signs extending above the peak of the roof.

E. Illegal signs, as defined by this title, shall be considered a zoning violation and a public nuisance and subject to the abatement procedures established in Section 17.144 of this title.

EXHIBIT B

CN-1 ZONE

SECTION 17.76.020

D. Signs

1. The following signs shall be permitted in the CN-1 Zone:

a. Temporary signs not exceeding 16 sq. ft. The term of such signs shall be the term of the special event and shall not exceed (6) six months, or the term of time the property is offered for sale or lease.

b. Signs complying with the standards of this title and advertising the business or services located on the parcel upon which the sign is located.

2. Sign Standards:

a. The aggregate sign area for any business shall be 1 sq. ft. of sign area per 1 lineal foot of the business frontage with a maximum sign area of 32 sq. ft. A business within a building having frontage on more than 1 public right-of-way may use the maximum aggregate sign area on one frontage and 1/2 the maximum aggregate sign area on the other frontage.

b. Signs shall be incorporated into the building design and shall not extend above the peak of the roof of the building upon which the sign is located. A monument sign shall be allowed as an alternative to or in addition to the building sign. A monument sign shall not exceed 32 sq. ft. in area and 6 feet in

height and shall be subject to the aggregate sign area standard.

c. In addition to the maximum aggregate sign area, commercial centers having a common name and containing 3 or more business entities may contain a monument sign not exceeding 32 sq. ft. and 6 ft. in height. The monument sign shall only identify the complex and shall not be used to advertise the individual businesses.

E. Lighting

1. All exterior lighting shall be designed and located so as to confine lighting directly on the premises and shall not shine light upon other properties in the vicinity. A light source shall not shine upon or illuminate directly on any surface other than the area required to be lighted. Lighting shall not be of the type or in a location which constitutes a hazard to vehicular traffic, either on private property or on abutting private or public roads.

2. A lighting plan showing the design and location of all exterior lights shall accompany all development permit applications and shall include all information deemed necessary by the Planning Director. The lighting plan shall be approved by the Planning Director prior to issuance of the development permit. All exterior lighting shall comply with the approved lighting plan, and non-compliance with the approved lighting plan or this section shall be

considered a violation.

CN-2 ZONE

SECTION 17.80.020

D. Signs - The standards for signs in the CN-2 Zone shall be as specified in Section 17.76.020 of this title.

E. Lighting - The standards for lighting in the CN-2 Zone shall be as specified for the CN-1 Zone listed in Section 17.76.020.D of this Title.

C.I.M. STANDARDS

SECTION 17.84.020 A. 2 - Shall be modified as follows (the addition is underlined).

2. The proposed distribution, location, extent and intensity of major components of public and private transportation, sewerage, water, drainage, solid waste disposal, energy, signage, and other essential facilities proposed to be located within the area covered by the PLAN and needed to support the land uses described in the PLAN.

CG-1 STANDARDS

SECTION 17.88.040

E. Signage - Sign standards shall be as specified in Section 17.76.020 of this title with the following exemptions:

1. The maximum aggregate sign area for any business shall be 120 sq. ft.

2. The maximum size for a monument sign identifying a commercial center shall be 64 sq. ft.

EXHIBIT C

MINIMUM PARCEL SIZE EXCEPTION FOR UTILITY PARCELS

Section 17.108.040

D. The minimum parcel or lot size set forth in a zone district shall not apply to parcels conveyed to a special district, public utility, or private utilities such as a mutual water company for utility purposes provided an enforceable restriction approved by the County is recorded on the parcel which restricts the use of the property to utility distribution facilities, sewage systems, well sites, and utility storage buildings less than 144 square feet. Such restrictions must remain effective in perpetuity. Notwithstanding the provisions of this section, the minimum parcel or lot size of the designated zone district shall apply to all non-utility parcels created by such conveyances.

EXHIBIT D

CHAPTER 17.132

PUBLIC HEARINGS

Sections:

17.132.010 Public hearing required.

17.132.020 Public notification

17.132.030 Notification contents.

17.132.040 Public hearing--Rules of conduct.

17.132.010 Public hearing required.

Public hearings before the Mariposa County board of supervisors and planning commission shall be conducted in a manner and in accordance with the procedures set forth in this Chapter, unless otherwise provided in this title. (Ord 704 Sec.1, 1988).

17.132.020 Public notification.

All public hearings shall be noticed in accordance with this chapter and Section 65090 et seq. of the Government Code. The standards established by this chapter are minimum standards and shall be expanded if required by State law.

A. The current assessment roll of Mariposa County shall be used to identify owners of property within one thousand (1,000) feet of the project site boundaries. Notice shall be mailed to those individuals as listed on the current assessment roll. Note: Noticing requirements for the CG-1, CG-2, CR, M-1, and M-2 zones shall be twenty-five hundred (2,500) feet of the project site boundaries. Mailed notice for variances shall be provided in

accordance with Section 17.120.030 of this title.

B. For purposes of mailed notice within any town planning areas as described in Chapter 17.12 property owners within five (500) feet of a property line or boundary, as prescribed above, shall be notified.

C. In addition to any mailed notice, a notice shall be published in a newspaper of general circulation within the county at least once.

D. All notifications shall be mailed or published at least fourteen (14) days prior to the scheduled hearing date.

E. Failure of a property owner of record to receive a mailed notice shall not invalidate any hearing conducted in accordance with this title. (Ord. 704 Sec. 1, 1988).

REST OF CHAPTER THE SAME

EXHIBIT E

ADD DEFINITIONS TO, OR REVISE EXISTING DEFINITIONS IN, THE FOLLOWING CHAPTER:

CHAPTER 17.148
DEFINITIONS

SECTIONS:

17.148.010 Definitions of Terms and Phrases

17.148.010 Definition of Terms and Phrases. The following terms and phrases shall be used in this Title and are listed alphabetically:

Average Slope: Calculation of average slope from the information provided shall be the responsibility of the Planning Department staff. Average slope shall be calculated as follows:

Simple Slopes - (parcel has uniform slope and exposure)

Average Slope = rise/run X 100

where rise = elevation change from the lowest point to the highest point on the parcel, and
run = distance between the highest and lowest elevations.

Complex Slopes - (parcel has varying slopes and/or more than one exposure)

Average Slope = $\frac{(I) \times (L)}{A} \times (0.00229)$

where I = vertical distance of contour interval in feet
L = total length of all contour lines in scaled feet, and
A = total number of acres in the parcel.

Note: Calculations for parcels below 2.5 acres shall be exclusive of road easements.

Building Frontage: The length in feet of the face of a building or business within a building, parallel to the fronting street, or parking area. The side of the building used for calculating building frontage shall contain an entrance into the business.

Commercial Timber Harvesting: Tree harvesting operation where the primary purpose is the production of raw materials for forest products industry or for silvicultural purposes. The removal of diseased or fire-damaged timber standards are exempt from the provisions of commercial harvesting requirements.

Community Information Board: A sign or structure used for providing information of general public interest on services, religious, social, recreational or other programs which are open to the public.

Electric and Communication Distribution Facilities: In general, telephone and power lines and cables at potentials of less than 12,000 to 33,000 volts, depending upon the historical design characteristics of the system involved. Those parts of the electric system to and including the step-down transformers with primary voltages at transmission levels are not considered "distribution facilities" in this definition. Lines and cables extended from the secondaries of those transformers (the step-down transformers referenced above), and additional transformers having primary and secondary voltages both below transmission levels are considered "distribution facilities." All telephone utility lines between central offices and service connection facilities are considered "distribution facilities."

Junk Yard within Scenic Highway Overlay Zone: (Junk yard, dismantling, or wrecking yard are synonymous.) The storage of junk outside of a building on a parcel or lot, and where the storage site or sites are larger than four hundred (400) square feet in total ground coverage. The storage of equipment, machinery, or other materials used and stored in conjunction with, or necessary to, a legal use shall not be considered a junk yard. The above provisions notwithstanding, the storage of junk on any site for the purpose of resale on a regular basis shall be considered a junk yard.

** Mining: The removal of minerals, earth or construction materials from the earth, by methods including pits, tunnels, quarries, shafts, etc., and all necessary appurtenances thereto, for the purpose of resource extraction where the operation involves either the removal of more than one thousand (1,000) cubic yards of mineral, ores, and overburden, or involves the disturbance of more than one acre of surface area.

Nonconforming Lot or Nonconforming Parcel: A lot or parcel which was legally established in accordance with the then existing policies, provision, regulations, or zoning code, but which does not conform to the present requirements of the applicable zoning district or districts.

Nonconforming Structure: A structure which was legally established in accordance with the then existing policies, provisions, regulations, or zoning code, but which does not conform to the present requirements of the applicable zoning district or districts.

Open Space: An area that is designed or maintained for environmental, scenic, or recreational purposes. Open space may include, but is not limited to unimproved land, grazing land, landscaped areas, walkways or trails, improved outdoor recreational areas, areas of subsurface septic systems, and water courses. Any area that is developed or improved with parking areas, streets, driveways, or other surfaces designed or intended for vehicular travel, or areas developed with carports or any covered structure shall not be considered open space.

Outdoor Storage: The storage, outside of a building and associated with a home enterprise, rural home industry, commercial, industrial, or multi-family residential use, of any goods, junk, material, merchandise, or inoperative vehicles on the same property for more than 24 hours.

Parking Lot or Parking Area: An area not within a building where motor vehicles may be stored for the purposes of temporary, daily, or overnight off-street parking.

Parking Space: An unobstructed space or area other than a street or alley that is permanently reserved and maintained for the parking of one motor vehicle. Each parking space must have a means of access to a public or private roadway.

Preliminary Grading Plan: A preliminary grading plan shall consist of the following (other information submitted in conjunction with the preliminary grading plan, such as a plot plan, site plan, or development plan may also be used to fulfill these submittal requirements):

- A. General vicinity map;
- B. Parcel dimensions;
- C. Generalized existing contours and drainage channels including those areas of the subject site (and adjoining properties) that will be affected by the disturbance either directly or through drainage alterations; Contour interval shall be: five (5) feet for projects of three (3) acres or less, ten (10) feet for projects greater than three (3) acres and less than ten (10) acres, and twenty-five (25) feet for projects of ten (10) acres or greater;
- D. Location of any buildings or structures that are within fifty (50) feet of the area which may be affected by the proposed grading operation;
- E. Limiting dimensions, elevations or finished contours to be achieved by the grading and proposed drainage channels and related construction.

Roof, Peak of: The line, point, or plane created by the horizontal or sloped roofing surface of a flat roof or a shed roof; the ridge of a gable, hip, or gambrel roof; and highest point of intersection of all roof slopes of a mansard roof.

Roofline: The line or edge where the sides of a building and the roof of that same building meet or coincide.

Scenic Highway Corridor, or Corridor: The area of land which is within the Scenic Highway Overlay District, and which is generally visible to the public travelling on the scenic highway.

Scenic Quality: A characteristic which is attributable to a general area or specific location which affords a view of unusual or spectacular significance. Scenic quality is created by a combination of natural features such as vegetation, boulders and rock outcroppings, natural waterways or drainages, and existing topography. Scenic quality can be enhanced by seasonal variations and variations in time of day. Human developments can enhance or detract from scenic quality.

Screen/Screening: A device or method by which use of or development on a parcel is concealed or hidden from another parcel, development, location, or roadway.

Sign: A structure or device designed or intended to convey information to the public in written or pictorial form which is visible from the exterior of a building.

Sign, Amortization Period: A period of 15 years established as the economic life of all nonconforming signs.

Sign, Conforming: A legally established sign which conforms with the provisions of this title.

Sign Size or Sign Area: The area of the smallest rectangle that wholly contains the sign. The calculation for a double-faced sign shall be the area of one face only, when both faces of the sign are a duplicate of each other. Double-faced signs shall be constructed so that the perimeter of both faces coincide and are parallel and not more than twenty-four (24) inches apart. The Planning Director may approve non-parallel double-faced signs where necessary to provide adequate visibility on curved roadways. Such signs must have a common edge closest to the roadway. In no case shall the angle of such non-parallel double-faced signs exceed thirty (30) degrees.

Sign, Free Standing: A sign supported by one or more upright poles, columns, or braces in or on the ground and not attached to any building or structure.

Sign, Illegal: A sign that complies with one or more of the following criteria:

1. Any sign erected without compliance with applicable building code and/or zoning code standards.

2. Any sign advertising a use that has ceased to exist for a period of not less than 90 days.

3. A nonconforming sign upon which the amortization period has expired.

4. Any sign determined by the Mariposa County Building Official to be a danger to the public health and safety from the standpoint of structural integrity.

5. Any sign determined by the Mariposa County Public Works Director to be a traffic hazard not created by the relocation of streets or highways or other acts of the County.

Sign, Nonconforming: A legally established sign which does not conform with the provisions of this title.

Sign, Off-site: A sign that identifies or communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

Sign-On-site: Any sign used for the following purposes:

1. To designate, identify, or indicate the name or business of the owner or occupant of the parcel where the sign is located.

2. To advertise the business conducted, services available or rendered, or the goods produced, sold, or available for sale, upon the parcel where the sign is located.

Sign, Temporary: A display, information sign, banner or other advertising device which is displayed for a total of twenty-one (21) days or less, in a period of three (3) consecutive months.

Utilities: Services or facilities associated with development and use of an individual parcel or a number of parcels, including but not limited to, water, gas, electric power, telephone, cable t.v. conveyances, switching stations and substations.

** Revised definition

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