

MARIPOSA COUNTY ORDINANCE NO. 728

Not to be Codified

AN ORDINANCE ADOPTING A PLANNED DEVELOPMENT ZONE NO. 88-1
FOR WHISPERING OAKS ESTATES II

WHEREAS, pursuant to Mariposa County Code Sections, 17.10.010,
et seq., public hearings have been held before the Mariposa
County Planning Commission and the Mariposa County Board of
Supervisors, with due notice given as required by law;

NOW THEREFORE, the Board of Supervisors of Mariposa County,
a political subdivision of the State of California does hereby
ordain as follows:

SECTION I

There is hereby created within Mariposa County a Planned
Development Zone pursuant to Chapter 17.10.010 of the Mariposa
County Code to be known as Planned Development Zone No. 88-1
with boundaries as shown in Exhibit 1 attached hereto, which
zone shall be added to the official zoning maps of Mariposa
County.

SECTION II

Planned Development Zone No. 88-1 shall be governed by
the standards set forth in Exhibit 2 attached hereto.

SECTION III

The Board of Supervisors of Mariposa County hereby finds
that the Planned Development Zone 88-1 is consistent with
the Mariposa County General Plan and hereby adopts the Findings
of Fact of the Mariposa County Planning Commission set forth
in Resolution No. 88-19, as required by Section 17.10.131
of the Mariposa County Code.

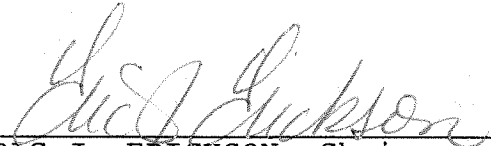
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SECTION IV

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

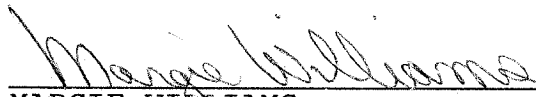
PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 11th day of October, 1988 by the following vote:

AYES: BAGGETT, DALTON, ERICKSON, RADANOVICH and
TABER
NOES: NONE
ABSENT: NONE
ABSTAINED: NONE




ERIC J. ERICKSON, Chairman
Mariposa County Board of Supervisors

ATTEST:



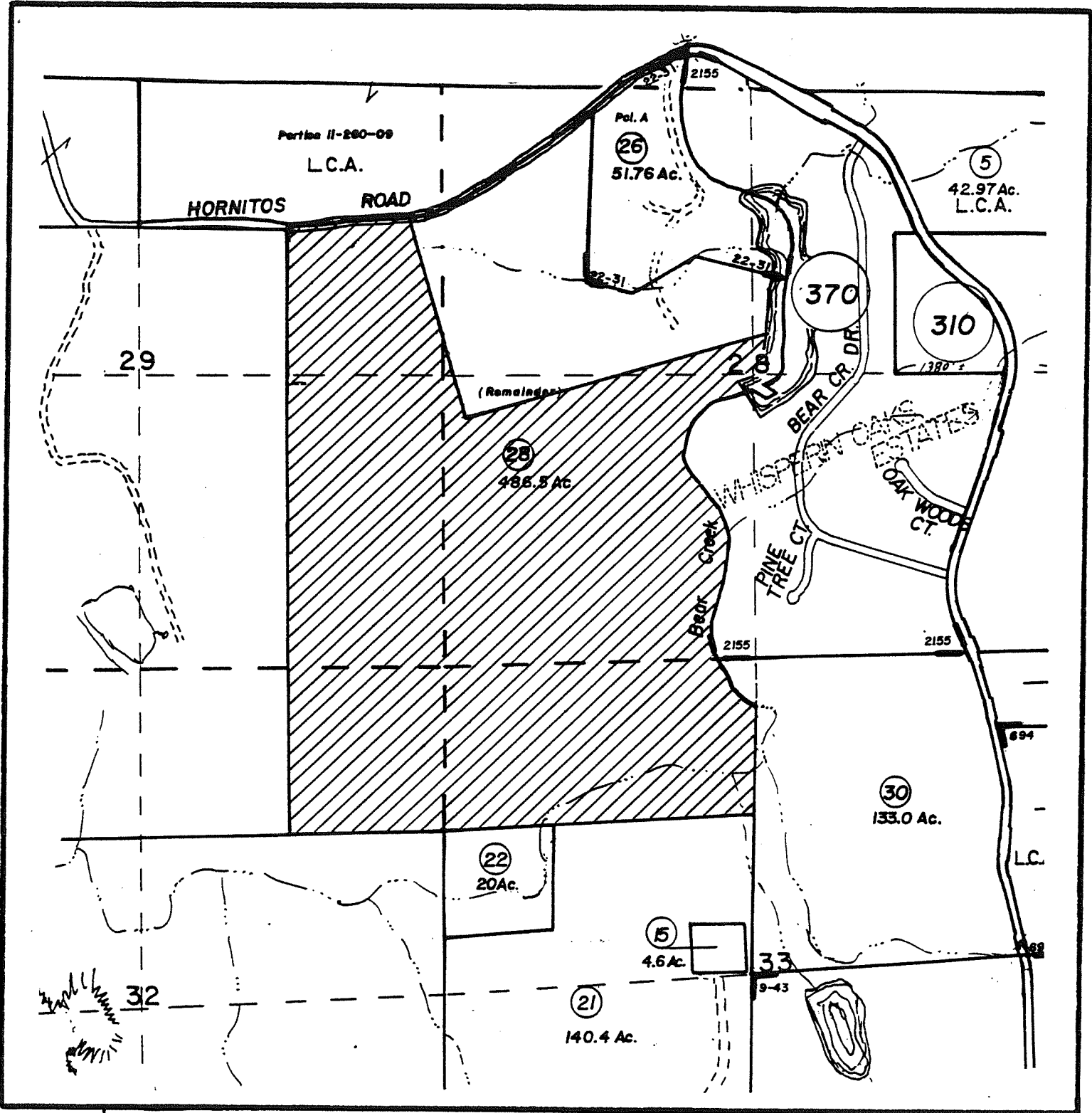
MARGIE WILLIAMS,
Clerk of the Board

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



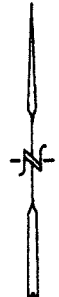
JEFFREY G. GREEN,
County Counsel

EXHIBIT "1"



PDZ 88-1
WHISPERING OAKS II

(being a part of Sections
28, 29, 32 & 33 T.5S.,
R.17E., M.D.B.8M.)



SCALE: 1" = 1200'

WHISPERING OAKS ESTATES II

DEVELOPMENT PLAN

I. Project Scope and Administration:

The following development plan details are provided as a supplement to the project plan. In addition to the development plan, a subdivision proposal is being made for the project site, and the approved subdivision map shall be considered the project plan. The primary purpose for developing the Planned Development Zone for this parcel is to conform with Section 3.605 of the Mariposa County General Plan.

The Whispering Oaks Estates II is a planned development which includes a zoning proposal. In accordance with Section 17.10.050, subsection "B", of Mariposa County Code, all non-residential uses of the site will require a use permit to be issued by the Mariposa County Planning Commission. Use permits will not require a public hearing provided that the use complies with the provisions and standards of this development plan. With the exception of use standards, a deviation from the standards provided in this plan may be permitted by the Planning Commission following a public hearing on the matter.

The following sections set forth the standards by which all structures will be built and all uses will be conducted on the site.

II. Definitions

With the exception of the following, specific words, terms and phrases contained in this plan shall have the meaning given to them by Mariposa County Code, with specific reference to Title 17 of Mariposa County Code.

- a. Building Line. An imaginary line parallel to the street right-of-way line specifying the closest point from this street right-of-way line that a building or structure may be located except for normal overhangs, stairs, and sunscreens.

- b. Common Area. Means the Common Roads and any other property, facilities and improvements, owned by the Association for the common use and enjoyment of the Owners within the property.
- c. Dwelling. Means the residential dwelling unit on the lot.
- d. Family. Means one or more persons related to each other by blood, marriage or legal adoption, or a reasonable number of persons not so related who constitute a bonafide single housekeeping unit, together with his or their domestic servants.
- e. Lot. Means any numbered or lettered plot of land shown upon any recorded subdivision map covering any portion of the property with the exception of Common Area.
- f. Net Lot Area. The areas of the lot, exclusive of easements (except utility easements) and street right-of-way lines.
- g. Right-of-way Line. When reference is made to right-of-way line, it shall mean the edge of the dedicated easement of all interior roadways within the Whispering Oaks Estates II and the right-of-way line of Hornitos Road.
- h. Sign. Any structure, device or contrivance, electric or non-electric, and all parts thereof which are erected or used for advertising purposes upon or within which any poster, bill, bulletin, printing, lettering, painting, device or other advertising of any kind whatsoever is used, placed, posted, tacked, nailed, pasted, or otherwise fastened or affixed.
- i. Secondary Residence. Means the second single family dwelling constructed on a lot.

III. Improvement and Building Standards:

The following standards will apply to the development and

improvement of the Whispering Oaks Estates II. The standards will become part of the zone which will be applied to the project area. The standards will be utilized by the Mariposa County Planning Commission for approval of a subdivision and development permits on the project site. A development project, which is proposed on the project site and does not comply with these standards, may require a use permit and a public hearing, as determined by the Planning Commission.

1. Building Height shall not exceed three stores, or 35 feet from ground level, as defined by Section 3.608 of the Mariposa County General Plan, to the peak of the roof, whichever is less, for any structure within the Whispering Oaks Estates II.
2. Distance Between Separate Structures shall be no less than twelve (12) feet.
3. Minimum Setback
 - A. Minimum setback from street right-of-way boundaries is fifty (50) feet.
 - B. There shall be a minimum setback from interior lot lines of twenty-five (25) feet.
 - C. There shall be a minimum setback of 100 feet from Bear Creek.
 - D. There shall be a 200 ft. setback from the west and southern property line of the overall project site, except for the northerly 1600 ft. of the westerly line which shall have a 100 ft. setback.
4. Setback Improvements within an interior lot line setback area, may include fencing, landscaping and similar uses. An interior lot line setback area shall not be allowed to be improved with a building or similar above-ground improvement. No improvements, with the exception of landscaping, directional signs (of not over four feet in height), fences and site access improvements will be permitted within the street right-of-way setback area.
5. All buildings shall be constructed on permanent foundations.

IV. Signs and Advertising Displays:

Signs and advertising displays shall be regulated in accordance with Mariposa County Standards, except as follows:

Signs. Except for a sign of reasonable dimensions (32 sq. ft. or less) advertising a lot for sale, lease or exchange, such sign to be located on such lot, no sign or other advertising device of any character shall be erected, maintained or displayed upon any portion of the property.

V. Parking Standards

On site parking shall be provided in accordance with Mariposa County Standards.

VI. Use Standards

Each and every use within the Whispering Oaks Estates II shall be subject to the following provisions with respect to the uses of buildings, structures, or lot area.

A. Residential Lots (All lots within the subdivision except those identified in Section VI B)

1. Permitted Uses

a. Single Family Residential use in accordance with the density standards established herein.

b. Home-based small business subject to compliance with all of the following standards:

(1) the business is operated solely within a dwelling.

(2) the business is limited to arts and crafts, the rendition of professional services or other similar activities.

(3) the business is operated by the owner of the lot whose principal residence is on the subject lot, or by a member of such owner's family whose principal residence is the lot.

(4) the operation of the business on the lot is permitted by, and is at all times in compliance with, all applicable laws, and

(5) the operation of the business does not result in:

(i) the violation of any of the other provisions of this zone.

(ii) any unreasonable increase in the flow of traffic within the property or within the nearby vicinity of the property, or

- c. The keeping and raising of livestock including domestic dogs, cats, birds, reptiles and fish as household pets, and other barnyard animals (except pigs) provided that they are not kept, bred, or raised in such quantities as to become a public or private nuisance either by way of smell or noise.
- d. Parks, playgrounds or open space areas.
- e. Other uses of a similar nature to those enumerated above as determined by the Planning Commission.
- f. Accessory uses appurtenant to the permitted uses as follows:
 - 1. Parking areas, solid waste collection areas, propane tanks, water storage tanks, utility lines, etc.
 - 2. Accessory buildings and uses such as a garage, residential storage building, swimming pools, etc.

2. Prohibited Uses

All uses, other than those enumerated above, are prohibited on the residential lots within Whispering Oaks Estates II. Bed and breakfast inns shall also be prohibited.

- B. Open Space Lots - Lots 41, and the "park" as shown on the project subdivision map.

1. Permitted Uses

- a. Equestrian facilities including the construction and maintenance of stables, stalls, corrals, and other similar structures.
- b. Outdoor activities including horseback riding, hiking, picnicing, swimming, golf and other similar activities.
- c. Parks, playgrounds, and open space areas.
- d. Other uses of a similar nature to those enumerated above as determined by the Planning Commission.
- e. Accessory uses appurtenant to the open space uses as follows:
 - (1) Loading and unloading facilities, parking areas, solid waste collection areas, propane tanks, water tanks, utility lines, etc.
 - (2) Accessory buildings and uses customarily appurtenant to the open space uses.

2. Prohibited Uses

All uses, other than those enumerated above, are prohibited on the open space lots within Whispering Oaks Estates II.

3. Other - Lot 1 (includes lots 1 and 5) as shown on the project subdivision map may also develop in accordance with the open space lot standards.

VII. Density Standards:

Residential densities within the Whispering Oaks Estates II are subject to the density standards of Mariposa County except as follows:

- A. Structures. A maximum of one single family residence and one secondary residence may be constructed on the residential lots within Whispering Oaks II.

VIII. Other Regulations:

- A. **Vehicle Operation.** Operation of motor vehicles, including passenger motor vehicles, motorcycles, mopeds, and similar motor vehicles, on or within the zone shall be strictly limited to use for transportation of persons and property toward a destination. Motor vehicle activity within the zone generating excess noise, or involving excessive speed shall be a violation of this ordinance. Go-carts, racing cars, snowmobiles, dune buggies, "all terrain vehicles" and other such vehicles shall not be operated within the zone, including but not limited to any of the lots or the common area.
- B. **Growth and Debris.** All weeds, rubbish, debris and unsightly objects or materials of any kind shall regularly be removed from property and shall not be permitted to accumulate. Trash, garbage, rubbish and other waste shall be kept only in sanitary containers or sightly compost heaps. All service yards or service areas, clothesline areas, sanitary containers and storage piles on any portion of property within the zone shall be enclosed or fenced in such a manner that such yards, areas, containers and piles will not be visible from any neighboring property or street. Sanitary containers may be set out for a reasonable period of time before and after schedule trash pickup times.
- C. **Atmosphere.** Each lot shall be maintained in such condition as nearly as possible to achieve a country atmosphere with as much natural vegetation remaining as possible to achieve a natural barrier between adjoining lots and dwellings. No health tree shall be removed other than for construction, view or fire prevention purposes.
- D. **Subdivision.** No subdivision (including gift deed divisions) shall be allowed within whispering Oaks II except as provided by the Project Subdivision Plan incorporated herein.

IX. Development Phasing;

The subdivision will be developed in three phases, as shown on the project map, in accordance with the standards of

Mariposa County and California State law, as approved by the County of Mariposa.

X. Enforcement/Implementation:

The Whispering Oaks Estates II PD Zone shall become an uncodified section to Title 17 of Mariposa County Code. All provisions of the zone shall be enforceable by the county as is any other zoning provision of County Code. Review will occur upon application for a building permit. Any change in use or occupancy status requires building and planning review as a matter of normal review.

Any violation of the provisions of this zone shall be subject to the penalties and enforcement provisions of applicable sections of Mariposa County Code and State law. For purposes of enforcement of the provisions of this Planned development Zone, any violation by an individual, or group of individuals, shall not constitute a violation on other individual property owners within the Whispering Oaks Estates II.

XI. Infrastructure:

Within the Whispering Oaks Estates II, water, wastewater, and road systems will be constructed and maintained in accordance with the following provisions.

- A. **Water System:** Water will be provided by the property owner(s) of the Whispering Oaks Estates II in accordance with the rules and regulations of the State of California. All individual wells, community wells, water mains and lines, for the use and benefit of the Whispering Oaks Estates II, will be installed in accordance with the improvement Standards of the County.
- B. **Wastewater Disposal:** Wastewater disposal will be provided by the Whispering Oaks Estates II in accordance with the rules and regulations of the County and State of California, as with the water system.
- C. **Streets and Roads:** Access to, and interior roadways within the project parcel, will be developed in accordance with the plans and specifications of the County of Mariposa. All parking areas, access and entrance ways and common areas will be maintained by the property owner(s) at no cost to the County of Mariposa.