

MARIPOSA COUNTY RESOLUTION NO. 89-438

A RESOLUTION INITIATING TEXTS AMENDMENTS TO THE FISH CAMP TOWN PLANNING AREA SPECIFIC PLAN.

WHEREAS, the Board of Supervisors directed staff to prepare revisions to the Fish Camp Specific Plan, and

WHEREAS, proposed amendments to the Fish Camp Specific Plan have been prepared for consideration, and

WHEREAS, the proposed amendments will improve the Fish Camp Specific Plan by removing existing internal conflicts and providing an improved basis for project consideration.

NOW THEREFORE BE IT RESOLVED, that the Board of Supervisors hereby directs the Planning Department to initiate the text amendments to the Fish Camp Specific Plan as identified in Attachment A of this resolution.

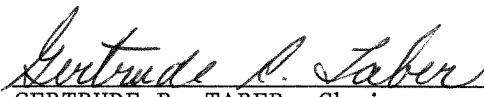
PASSED AND ADOPTED this 22nd day of August, 1989 by the following vote:

AYES: BAGGETT, PUNTE, ERICKSON, RADANOVICH, TABER

NOES: NONE

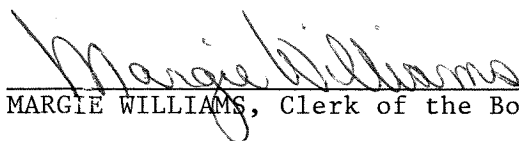
ABSENT: NONE

ABSTAINED: NONE




GERTRUDE R. TABER, 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

ATTACHMENT A

1. Section VI 6 a. (4) should be modified to read as follows:

(4) Sidewalks, walkways, driveways, parking decks and similar structures shall be allowed within the frontyard setback area subject to approval by the Planning Director and the appropriate agency with jurisdiction over the fronting road. Such structures shall be allowed if they are at a similar or lower grade as the abutting road and the following findings are made: (A) the proposed structure will not obstruct sight distance for vehicles travelling along the road and/or vehicles backing into the road; (B) the proposed structure will not conflict with identified road widening projects; (C) that approval from all affected utilities has been obtained for any structure encroaching onto a public utility easement.

In no case shall a structure encroach into a road right of way.

Add a section VI 6 a (5) relating to the construction of carports and garages.

5. Garages, carports sheltered parking, and covered walkways may be constructed in front yard areas providing:
- a. The subject site is above four thousand (4,000) feet in elevation;
 - b. Carports shall have no enclosing walls higher than three (3) feet above ground level.
 - c. Garages may be considered providing sight distance standards are satisfied, and the location is approved by the Road Division of public Works. A variance to these standards shall not be approved;
 - d. The structure is located no closer than five (5) feet from the property line or the edge of the street easement or right of way offered for dedication;
 - e. The structure is for the exclusive use of the property owner or resident for the purpose of vehicular parking, and/or pedestrian access.

2. A section J should be added back into Section VI for the purpose of prohibiting uses not specifically allowed by the Plan. The text of this change is contained as Attachment B.

3. Section VI 6 (f) should read as follows:
f. Sign Standards

(1) Only signs for a non-commercial nature shall be permitted in a residential land use, except that a commercial sign, advertising a commercial use which does not have frontage to Hwy 41, may be allowed subject to the approval of a conditional use permit or as part of a Bed and Breakfast or Transient Rental approval.

(2) No sign shall exceed two square feet in area except as approved through a Bed and Breakfast or Transient Rental approval.

4. Attachment C.

ATTACHMENT B

AMENDMENT TO FISH CAMP SPECIFIC PLAN

SECTION VI B6 (g)

SPECIAL RESIDENTIAL USE STANDARDS

HOME OCCUPATIONS: "Home Occupation" activities, which are clearly incidental and secondary to the primarily residential use of a dwelling, may be permitted in residential areas, subject to the following conditions:

1. The "Home Occupation" activity is confined completely within the dwelling and occupies not more than twenty-five percent (25%) of the gross area of one floor thereof;

2. The activity is operated only by the individual or family occupying the dwelling;

3. Results in no evidence of its existence in the external appearance of the dwelling or premises, or in the creation of noise, odors, smoke, or other nuisances to a degree greater than usual for the neighborhood in which such use is located.

4. Does not generate pedestrian or vehicular traffic beyond that normally experience for the immediate neighborhood in which the activity is located.

5. Satisfies the requirements of the Mariposa County Building Division of Public Works Department and the State Fire Marshal.

6. Requires no additions or extensions to the dwelling, unless approved under conditional use permit application process and procedure.

7. No advertising signs visible to the street are permitted.

Prior to the establishment of a "Home Occupation" activity, a notice of intent to establish such an activity shall be filed with the Mariposa County Planning Department on an application form and a fee paid as established in accordance with County Resolution No. _____. Thereafter, the Planning Department shall post a notice of the proposed activity on the subject property in a conspicuous manner for a period of not less than fifteen (15) days and copy of such notice shall be mailed to all property owners within 300 feet of the exterior property lines of the parcel containing the proposed activity.

The filing of a petition signed by fifty percent (50%) of the property owners within 300 feet of the exterior property lines of the parcel containing the proposed activity protesting such application within twenty (20) days after such notice has been mailed shall require the proposed home occupation activity be subject to a conditional use permit application.

In the absence of such a petition (as described above), the Planning Department shall issue a notice of approval to the applicant providing that all requirements as set forth herein have been satisfied.

ATTACHMENT C

J. Compliance with Specific Plan. Except as may otherwise be specifically provided, all land uses shall be in compliance with this Plan as follows:

1. No site, building or structure shall be erected, altered, enlarged, used, or be designated to be used for any purpose other than those uses and purposes included in this plan. All uses not otherwise listed as permitted or conditional shall be expressly prohibited.

2. No deed or conveyance of any portion of a parcel or lot shall be made which reduces the dimensions of the parcel or lot, minimum setbacks, off-street parking, or other minimum requirements applicable to the site and use below the minimum requirements of this plan.

3. Uses listed as permitted within any zone may be established provided all other applicable State and County code requirements are adhered to.

4. Where a proposed land use is not specifically listed as permitted, the Planning Director will review the proposed use when requested to do so in writing and, based upon the characteristics of the use, determine if the use proposed is equivalent to those permitted.

5. Upon a written determination by the Planning Director that a proposed unlisted use is equivalent in its nature and intensity to a permitted use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what permits are required and what standards affect its establishment.

6. The Fish Camp Advisory Council shall review and make recommendations to the Planning Director regarding requested land use determination. The Council shall be formally notified following deliberation on the subject, and may appeal the determination to the Planning Commission if so desired.