

10-3-6: CONDITIONAL USE PERMIT AND VARIANCE PROCEDURE:

The granting of conditional use permits and variances shall be in accordance with the following procedure: (Ord. 1474, 1-8-1991)

(A) Application for a conditional use permit or variance shall be filed with the development services department on a form furnished by said department, accompanied by a site plan and fee set by resolution of the city council, no part of which may be refunded. When the applicant is not the owner of the property, the written authorization of the owner shall accompany the application. The application shall not be accepted for filing by said department unless it conforms to the filing requirements established by the commission. The requirement that the applicant for a conditional use permit or variance be the owner of the property or written authorization be obtained from the owner shall not apply to public utilities or other agencies with powers of eminent domain.

(B) The development services department shall set the hearing date and shall give notice of application and hearing by mailing notices to all property owners within three hundred feet (300') of the exterior boundaries of the subject property, using the ownerships, names and addresses from the last adopted tax roll. The notice shall state the name of the applicant, the location of the property, the use or exception applied for, and the time and place of the hearing. The failure of any property owner to receive the notice shall not invalidate the proceedings. If the hearing is continued by the commission, and the time and place announced publicly at the time of adjournment of the hearing, no further notice is required. (Ord. 1474, 1-8-1991; amd. Ord. 1654, 6-25-2013)

(C) Within forty (40) days after the application is deemed complete, the planning commission shall hold a public hearing on the application at a regular or special meeting of the commission. Failure of the commission to make a decision on an application within thirty (30) days after the hearing shall constitute a denial of the application, and the secretary of the commission shall certify such denial.

(D) The commission may require such terms and conditions to the granting of a conditional use permit or variance as the commission may deem necessary. Noncompliance with these terms or conditions shall be a cause of revocation of such permit or variance. Revisions to the terms or conditions of a granted permit or variance shall require a new permit or variance.

(E) All conditional use permits and variances granted by the commission shall expire and become null and void eighteen (18) months after the date of granting such permit, unless the authorized use is carried on, or a building permit has been obtained for the structure requiring the use permit or variance, prior to the date of expiration.

(F) The conditional use permit and variance shall run with the land, i.e., shall apply to the parcel specified in the conditional use permit or variance, regardless of any change of ownership, but may not be transferred to another parcel.

(G) The conditional use permit and variance shall become effective and be issued eleven (11) days after the commission granted the permit unless an appeal has been filed, in which case the conditional use permit and variance shall not be issued until the granting of the permit is affirmed on appeal.

(H) No application shall be reconsidered and no new application shall be considered by the commission for a conditional use permit or variance previously acted upon by the commission within one year after the date of such action, unless the commission establishes that there has been a substantial change in the circumstances under consideration since the original proceedings. (Ord. 1474, 1-8-1991)

(I) A conditional use permit or variance being processed concurrently with an application requiring city council action shall be scheduled for public hearing before the planning commission for its recommendation and the city council for final action. (Ord. 1654, 6-25-2013)

(J) Findings of Approval. The Planning Commission may approve and/or modify a conditional use permit in whole or in part, with or without conditions, provided that all of the following findings of fact are made:

1. The proposed use is one conditionally permitted within the subject zone and complies with the intent of all applicable provisions of this Zoning Ordinance;
2. The proposed use would not impair the integrity and character of the zone in which it is to be located;
3. The subject site is physically suitable for the type of land use being proposed;
4. The proposed use is compatible with the land uses presently on the subject property;
5. The proposed use would be compatible with existing and future land uses within the zone and the general area in which the proposed use is to be located;
6. There would be adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety;
7. There would be adequate provisions for public access to serve the subject proposal;
8. The proposed use is consistent with the objectives, policies, general land uses, and programs of the City of Placerville General Plan;
9. The proposed use would not be detrimental to the public interest, health, safety, convenience, or welfare; and
10. The proposed design and elevations preserve and maximize the image, character, and visual quality of the neighborhood.

11. The Planning Commission shall find that the proposed use does not have a disproportionately high and adverse human health or environmental effect on minority and low-income populations.

10-3-5: VARIANCES:

(A) The commission may grant a variance to authorize a specific exception to any regulation of this title in accordance with the procedure specified in section 10-3-6 of this chapter.

(B) The commission may grant variances from the terms of the zoning regulations contained in this title only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this title deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

(C) Findings of Approval. In granting a variance, the Planning Commission must make all of the following findings:

1. That the strict or literal interpretation and application of this Zoning Ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of this Zoning Ordinance, or would deprive applicants of privileges granted to others in similar circumstances; and
2. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or the intended development of the property that do not apply generally to other property in the same zone; and
3. That the granting of such variance will not constitute the granting of a special privilege inconsistent with the limitations on other properties in the vicinity classified in the same zone; and
4. That the granting of such variance will not be materially detrimental to the public health, safety, or general welfare nor injurious to property or improvements in the zone or neighborhood in which the property is located; and
5. That the granting of such variance will not create any inconsistency with any objective contained in the General Plan.

Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

A variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulations governing the parcel of property or for purposes of granting density greater than that permitted in the zone. The provisions of this section shall not apply to conditional use permits. (Ord. 1474, 1-8-1991)

10.3.13 GENERAL PLAN AMENDMENTS.

This Section is established pursuant to Section 65358 of the California Government Code, to allow for the amendment of the City of Placerville General Plan.

- (A). *Providing Proof of Vested Interest.* Applications to amend the General Plan text or maps may be initiated by any person who is able to demonstrate a legal vested interest in the proposed application. The authorized agent of any person with a legal vested interest may also initiate an application. The Development Services Director may request proof of ownership or authorization to apply, prior to the acceptance of any application.
- (B). *General Plan Amendments for Properties Under Multiple Ownership.* In the case of a proposed amendment to the General Plan land use policy map, if the property for which the amendment is proposed is in more than one ownership, all owners or their authorized agents shall be required to sign the application.
- (C). *City Council Initiated General Plan Amendment.* The Development Services Director and/or City Council may initiate an application to amend the General Plan.
- (D). *Planning Commission Hearing.* A public hearing before the Planning Commission shall be noticed and conducted. At the public hearing, the Planning Commission shall review the application and proposal and receive evidence as to how or why the proposed General Plan amendment is consistent with the objectives of this Title 10, the balance of the General Plan, and development policies of the City.
- (E). *Planning Commission Action.* The Planning Commission shall act to recommend to the City Council approval, approval with modifications, or denial of the proposed application. A majority vote of the entire Planning Commission is required to recommend approval or approval with modifications. The Planning Commission's action shall include its recommendation and shall be transmitted to the City Clerk for scheduling the matter for public hearing before the City Council.
- (F). *City Council Public Hearing.* Upon receipt of a Planning Commission resolution, the Development Services Director shall set the matter for hearing before the City Council
a. At the hearing, the City Council shall review the Commission's recommendation and may receive evidence as to how or why the proposed General Plan amendment is consistent with the objectives of this Zoning Ordinance, the balance of the General Plan, and development policies of the City.
- (G). *City Council Action.* The City Council shall act to approve or deny the application. A majority vote of the entire Council is required to amend the General Plan. The City Council's action to amend the General Plan shall be by formal resolution.
- (H). *Referral of General Amendment to the Planning Commission.* If the City Council proposes any substantial modification to the application not previously considered by the Planning Commission, the City Council shall refer the matter back to the

Commission for consideration. No public hearing shall be required. Failure of the Planning Commission to act within 40 days of receiving the City Council's request shall provide the City Council with authority to act without the Planning Commission's recommendation.

(I). *Required Findings.* Prior to approving a General Plan Amendment, the City Council shall make the following findings:

1. That the proposed amendment is in the public interest, and that there will be a community benefit resulting from the amendment;
2. That the proposed amendment is consistent with the other goals, policies, and objectives of the General Plan;
3. That the proposed amendment will not conflict with provisions of the zoning ordinance or subdivision regulations; and
4. In the event that the proposed amendment is a change to the land use policy map, that the amendment will not adversely affect surrounding properties.

10.3.14 ZONE CHANGES.

In recognition of that fact that physical, economic, and other conditions in the City may change over time, provisions are hereby made to allow for amendments to the zoning map and Zoning Ordinance text in accordance with the procedures outlined in this Section. All such changes of zone or zoning ordinance text amendments shall be adopted in the manner in which other City ordinances are adopted.

- (A). *Providing Proof of Vested Interest.* Any person who is able to demonstrate a legal vested interest in the proposed application may initiate applications for a change of zone or zoning ordinance text amendment. The authorized agent of any person with a legal vested interest may also initiate an application. The Development Services Director may request proof of ownership or authorization to apply prior to the acceptance of any application.
- (B). *Zone Changes for Properties Under Multiple Ownership.* In the case of a change of zone application, if the property for which the change of zone is proposed is in more than one ownership, all owners or their authorized agents shall be required to sign the application.
- (C). *City Council Initiated Zone Change.* The City Council may initiate an application to change the boundaries of any zone district or to amend the text of the zoning ordinance.
- (D). *Planning Commission Public Hearing.* A public hearing before the Planning Commission shall be noticed and conducted.
- (E). *Recommendation of Zone Change by Planning Commission.* The Planning Commission shall recommend to the City Council approval, approval with modifications, or denial of the proposed application. The Commission's recommendation shall be transmitted to the Development Services Director for scheduling the matter for consideration by the City Council.
- (F). *Denial of Zone Change by Planning Commission.* Upon receipt of a Planning Commission recommendation for denial of a change of zone, the Development Services Director shall place the Commission's recommendation on the City Council agenda as a receive-and-file item. The Commission's decision shall be considered final and no further action by the Council will be required unless an appeal is filed, or the Council chooses to set the matter for hearing.
- (G). *City Council Public Hearing.* Upon receipt of a Planning Commission resolution recommendation for approval of a change of zone or zoning ordinance amendment, or denial of a zoning ordinance text amendment, the Development Services Director shall set the matter for hearing before the City Council. At the hearing, the City Council shall review the Commission's recommendation and receive evidence as to how or why the proposed change of zone or zoning ordinance text amendment is consistent with the objectives of this Zoning Ordinance, the City of Placerville General

Plan, and development policies of the City. The City Council shall act to approve or deny the application by resolution.

- (H). *Referral of Matter Back to the Planning Commission.* If the Council proposes any substantial modification to the application not previously considered by the Planning Commission, the Council shall refer the matter back to the Commission for consideration. No public hearing shall be required. Failure of the Commission to act within 40 days of receiving the Council's request shall provide the Council with authority to act without the Commission's recommendation.
- (I). *Approval of Zone Change by City Council.* The City Council shall be required to make the following findings of fact before approving a change of zone or zoning ordinance text amendment:
 1. That the proposed change of zone or zoning ordinance text amendment is consistent with the goals, policies, and objectives of the General Plan; and
 2. That the proposed change of zone or zoning ordinance text amendment will not adversely affect surrounding properties; and
 3. That the proposed change of zone or zoning ordinance text amendment promotes public health, safety, and general welfare and serves the goals and purposes of this Zoning Ordinance.

10-3-11: MINOR DEVIATIONS:

(A) When Acceptable: When it is in the public interest, the development services director, or the duly appointed representative, may consider and render decisions on the following minor deviations involving slight modifications to the provisions of this title: (Ord. 1474, 1-8-1991; amd. Ord. 1654, 6-25-2013)

1. The reduction of the lot area or the minimum size of the dwelling unit requirements by not more than ten percent (10%) of that required in the zone for not more than one lot or dwelling unit in a development.

2. The modification of the end stalls of automobile parking space turning radius not less than twenty two feet (22') and reduction in size dimension up to twenty percent (20%) of a loading berth.

3. The modification of the height of a fence, wall and hedge regulations up to twenty percent (20%).

4. The modification of the height requirement of uncovered patios, terraces, swimming pools, stairways, or other landings, encroaching into required yard setbacks.

5. The modification of maximum building coverage not greater than five percent (5%) over the permitted coverage.

6. The modification of minimum dwelling unit area not greater than five percent (5%) of the required area.

7. The modification of rear and side yard setbacks not to exceed ten percent (10%).

8. Front yard modifications may also be granted when the irregular shape of a lot prohibits the required front and rear yards. In such cases, the front and rear yards shall be an average setback.

9. The modification of parcel width and/or parcel frontage by not more than ten percent (10%) of that required in the zone for not more than one lot within a parcel map. (Ord. 1474, 1-8-1991)

(B) Conditions: In granting a minor deviation, all the conditions set forth in subsection 10-3-5(B) of this chapter shall be made by the development services director, or the designee, and conditions may be imposed. A decision shall be made in writing within twenty (20) days after the filing of the application. One copy shall be mailed to the applicant.

(C) Development Services Director Consideration Discretionary: The development services director, or the duly appointed representative, may consider and determine any matter within the scope of this section or refer such matter to the commission for its determination.

(D) Application And Fee: Application for a permit shall be filed with the development services department on a form furnished by said department, accompanied by a site plan and a fee established by the city council by resolution, no part of which may be refunded. When the applicant is not the owner of the property, the written authorization of the owner shall accompany the application. The application shall not be accepted for filing by said department unless it conforms to the filing requirements established by the commission.

(E) Notification Of Adjacent Property Owners: The development services director or an authorized representative shall contact adjacent property owners and shall advise of the applicant's request. A five (5) day period shall be provided for response from adjacent property owners.

(F) Minor Deviations Findings. An application shall not be granted unless all of the following findings can be made:

1. A modification is needed to allow property to be used in a more beneficial manner; and
2. A modification would not be detrimental to public health, safety, or general welfare or to surrounding property owners or the community; and
3. The granting the modification would not grant special privileges to the applicant not enjoyed by surrounding property owners; and
4. There are physical circumstances due to the shape or condition of the property which would result in hardship under existing regulations; and
5. The purpose of modification is not based exclusively on the financial advantage of the owner; and
6. The alleged difficulties were not created by the owner; and
7. The modification would not increase traffic or endanger public safety; and,
8. The modification would not have detrimental effects on adjoining properties.

(FG) Appeals From Determinations: If the applicant or adjacent property owner is dissatisfied with the decision, the decision may be appealed to the commission within ten (10) days after the decision is rendered. Such appeal shall be in writing and shall be filed with the secretary of the commission. Upon the receipt of such appeal, the secretary of the commission will establish the date, time and place to hear such appeal. The commission, upon receipt of the development services director's action, may require said minor deviation to be presented at a public hearing before the commission. No permits shall be issued until the planning commission concurs with the staff's action. The decision of the planning commission is appealable to the city council within ten (10) days of the commission's decision. (Ord. 1474, 1-8-1991; amd. Ord. 1654, 6-25-2013)

10-4-9: SITE PLAN REVIEW:

(A) Site Plan Review: The ~~city~~City council~~Council~~ finds and determines that to encourage the orderly and harmonious development of property within the city, maintain public health, safety, and welfare, maintain property and improvement values throughout the city, encourage the physical development of the city, and preserve the historic and scenic character of state designated scenic highway corridors, the following provisions be established to provide clear guidelines for site plan review.

(B) Purpose: The purpose of this section is to recognize the interdependence of land values and aesthetics and to provide a method by which the following goals can be achieved:

1. Promotion of sound land use development.
2. Assist in the development of architectural standards and guidelines for residential, commercial and retail business structures.
3. Preservation of the historic and scenic character of state designated scenic highway corridors.
4. To implement the goals and policies of the community design element of the general plan. (Ord. 1474, 1-8-1991)

(C) Site Plan Review Required: The ~~planning~~Planning commission~~Commission~~ shall review each application for a ~~building permit~~an entitlement in the following land use categories:

1. All new construction of commercial structures; or multi-family structures, including duplexes, located within the R-2, R-3 and R-4 zones. (Ord. 1665, 9-23-2014)
2. Any exterior additions or combination of additions thereof which would add one thousand (1,000) square feet or more to existing commercial or multi-family buildings within the lifetime of the building. (Ord. 1474, 1-8-1991)
3. Any additions or conversions to commercial, multi-family, or single-family structures which would cause a change in occupancy as defined by the California building code. (Ord. 1642, 6-14-2011)
4. Relocation of buildings and structures, except single-family dwellings.
5. Parking structures and lots.
6. Any destruction or alteration of buildings in a historical district or historical building as identified in subsection (H)1 of this section.
7. All new construction of structures in the PF zone.
8. All new construction of single-family attached dwellings.

9. Any structure which increases the coverage of Hangtown Creek as defined in section 8-3-28 of this code. (Ord. 1474, 1-8-1991)

10. New formula businesses and major exterior modifications to existing formula businesses within the central business district (CBD) zone. Major modifications are those defined in subsection (P) of this section. (Ord. 1597, 2-24-2004)

11. Single room occupancy facilities. (Ord. 1664, 9-23-2014)

12. All new construction of professional office conditional uses within the R-5 zone.

13. Multi-family residential housing structures or owner occupied single-family residential housing structures under subsection 10-5-12(E)3 of this title within the R-5 zone. (Ord. 1679, 2-9-2016)

Exceptions: The following shall not be subject to site plan review:

1. Relocation of or construction of new single-family dwellings. (Ord. 1474, 1-8-1991)

2. Any change in occupancy from a more intensive occupancy to a less intensive occupancy as defined in the California building code and where no additional parking is required. (Ord. 1642, 6-14-2011)

3. The change in occupancy in any building or use that has received site plan approval within ten (10) years of the approval date of the original site plan; provided, that no additional parking is required. (Ord. 1474, 1-8-1991)

4. Multi-family structures or owner occupied single-family residential housing structures under subsection 10-5-12(E)2 of this title within the R-5 zone. (Ord. 1679, 2-9-2016)

(D) Development Design: The ~~planning~~Planning commission~~Commission~~ may use, but will not be limited to, those types of development exemplified by photographs, drawings and notes as shown in the "design manual" and "historic design guide" adopted by resolution of the city council. (Ord. 1474, 1-8-1991)

(E) Procedure: The following procedure shall govern the submission and review of site and building plans:

1. The following items must be submitted to the development services department ~~at least thirty (30) days prior to a regularly scheduled meeting of the commission:~~

(a) An application for design review on forms prescribed by the ~~development~~Development services~~Services department~~Department.

(b) Copies of each of the following, as specified on application forms, or as prescribed by the development services department:

(1) Plot plan drawn to a scale of not less than one inch equals twenty feet (1"=20') showing dimensions and size of each lot to be built upon or otherwise used; the size, shape,

and location of existing and proposed buildings; the location and layout of parking areas, parking spaces and driveways, drainage systems, finished contour of site.

(2) A landscaping plan including location of proposed plantings and screenings; proposed location of fences, signs and advertising structures.

(3) Exterior elevations of all sides of proposed new buildings and additions to existing buildings; exterior elevations or proposed remodeling or "facelifting". Elevations shall be drawn to a scale of not less than one-eighth inch equals one foot (1/8"=1'). In the case of additions to existing buildings, photographs of existing buildings are required.

(4) Exterior color samples.

(5) Such other information, drawings, plans, or renderings that may be required by the development services department to assist the commission in arriving at a decision. The use of color renderings and photographs is encouraged.

(6) Development ~~services~~ ~~Services director~~ ~~Director~~ or designated representative may at their discretion, waive certain submittal requirements when such information, as required in this subsection (E)1, would not, in his /her opinion, assist in describing the proposed change. These waivers shall be reviewed by the ~~planning~~ ~~Planning~~ ~~commission~~ Commission.

2. Notification of applicant and adjacent property owners within three hundred feet (300') as shown on the last adopted tax roll. The ~~development~~ Development services ~~Services director~~ ~~Director~~ shall specify the following within the notice:

(a) Type of development.

(b) Locational map.

(c) Time in which comments are to be received in order to be considered by the planning commission.

3. Within sixty (60) days after the completion of the necessary environmental documents as per the city of Placerville's "Guidelines And Procedures For The Implementation Of The California Environmental Quality Act Of 1970", as amended; the development services department shall refer the submittals, with its comments, to the commission. The commission shall act on the application within thirty (30) days after such referral, unless applicant requests, and the commission grants, an extension of time. If the commission has not acted on the application within sixty (60) days, the application shall be deemed approved. Such mandatory approval shall not constitute violation of city ordinance.

4. The ~~development~~ Development services ~~Services department~~ ~~Department~~ shall advise the applicant in writing of the time, date and place of the commission's consideration of the application and of the final disposition thereof.

5. Findings: The review authority may approve a site plan review, with or without conditions of approval, only after making the following findings as applicable:

- (a) The proposed project is consistent with this Title;
- (b) The proposed use and project are consistent with the goals and policies of the General Plan;
- (c) The project will not be detrimental to public health, safety, and general welfare; and
- (d) The proposed project is in compliance with the provisions of the California Environmental Quality Act

56. The decision of the commission is final unless appealed as provided for in section 10-3-7 of this title. (Ord. 1679, 2-9-2016)

(F) Filing Fee: When the application for a site plan review is filed, a uniform fee set by resolution of the city council shall be paid to the city for the purpose of defraying the costs incidental to the proceedings. ~~Said fee is nonrefundable.~~

(G) Criteria: The ~~planning-Planning commission-Commission~~ may approve, approve with conditions, or disapprove the application for an ~~entitlement building permit~~ or other required approval in any matter subject to its scope of authority after considering whether the following criteria are met. These criteria are not intended to supersede any requirements in the city's construction regulations, restricting imagination, innovation, or variety, but rather to assist in focusing on design principles which can result in creative solutions to assist in promoting the purpose of this title. (Ord. 1474, 1-8-1991)

1. Relationship Of Buildings To Site:

(a) The site shall be planned to achieve harmony and continuity between neighborhoods and commercial areas to maintain the historic foothill small town character, as opposed to suburban patterns of development. (Ord. 1597, 2-24-2004)

(b) The site shall be planned to accomplish a desirable transition with the streetscape and to provide for adequate planting, pedestrian movement, and parking areas.

(c) Site planning in which setback and yards which exceed current regulations is encouraged to provide an inviting streetscape.

(d) Parking areas shall be treated with decorative elements, variety of paving materials, building wall extension, plantings, berms or other innovative means so as to break up large expanses of paved area.

(e) The height and scale of each building shall be compatible with its site and buildings in the surrounding area.

(f) Privacy of existing adjacent properties shall be maintained.

2. Relationship Of Building And Site To Surrounding Area:

(a) Adjacent buildings of different architectural styles shall be made compatible by such means as screens, sight breaks, colors and materials.

(b) Attractive landscape transition to surrounding properties shall be provided.

(c) Harmony in texture, lines, and masses is required. Monotony shall be avoided.

(d) Buildings shall have compatible scale to those in the surrounding area. (Ord. 1474, 1-8-1991)

(e) "Standardized" corporate architecture which involves the use of materials, textures, facades, colors, rooflines, siding and other materials and features is contrary to the city's historic small town character. In lieu of standardized corporate architecture, formula businesses shall use the following: natural and manufactured wood siding; large timbers; varied rooflines, openings and facade treatments; brick, brick veneer and rock treatments; gridded windows; and, earth tone colors in lieu of bright, glossy or reflective colors. (Ord. 1597, 2-24-2004)

3. Landscape And Site Treatment And Tree Preservation Required: Landscape elements included in these criteria consist of all forms of trees, planting and vegetation, ground forms, rock groupings, water patterns, and all visible construction except buildings and utilitarian structures:

(a) Natural Patterns Preserved: Where natural or existing topographic patterns contribute to beauty and utility of a development, they shall be preserved and developed. Modification to topography will be permitted where it contributes to good appearance.

(b) Inviting Ambiance: Grades of walks, parking spaces, terraces, and other paved areas shall provide an inviting and stable appearance for walking and, if seating is provided, for sitting.

(c) Landscape Treatment: Landscape treatment shall be provided to enhance architectural features, strengthen vistas and important axis, and provide shade.

(d) Unity Of Design: Unity of design shall be achieved by repetition of certain plant varieties and other materials, and by correlation with adjacent developments.

(e) Plant Material: Plant material shall be selected for interest in its structure, texture, and color and for its ultimate growth.

(f) Plant Protection: In locations where plants will be susceptible to injury by pedestrian or motor traffic, they shall be protected by appropriate curbs, tree guards, or other devices.

(g) Parking Areas: Parking areas and trafficways shall be enhanced with landscaped spaces containing trees or tree groupings which shall be adequately irrigated and maintained. Shrubs shall be used only where they will not obscure vision. At a minimum, twenty percent (20%) of all parking areas shall be landscaped with shrubs and ground covers. Shade trees shall be planted and maintained in planters or landscaped areas so that at tree maturity (15 years), at least fifty percent (50%) of the total paving area not including the entrance drives, parking areas under carports, or multi-story parking structures, shall be shaded at solar noon on June 21.

(h) Landscape Planter Strips: Landscape planter strips shall be provided for each ten (10) linear parking stalls.

(i) Irrigation: An automatic sprinkling system shall be installed to irrigate all landscaped areas.

(j) Screening: Service yards, and other places which tend to be unsightly, shall be screened by use of walls, fencing, planting, or combinations of these.

(k) Fences, Walls And Pavings: In areas where general planting does not prosper, other materials, such as fences, walls, and pavings of wood, brick, stone, gravel and cobbles, shall be used. Carefully selected plants shall be combined with such materials where possible.

(l) Exterior Lighting: Exterior lighting, when used, shall enhance the building design and the adjoining landscape. Lighting standards and fixtures shall be of a design and size compatible with the building and adjacent areas. Lighting shall be restrained in design, color and brilliance.

(m) Water Efficient/Drought Resistant Landscaping Required: Projects subject to this chapter with landscaped area equal to or greater than five hundred (500) square feet; rehabilitated landscape projects with an aggregate landscape area equal to or greater than two thousand five hundred (2,500) square feet, and cemeteries are also, where specified, subject to the water efficient landscape requirements under sections 10-6-1 through 10-6-15 of this title, and shall be required to design and install water efficient and drought resistant landscaping. Such landscaping design shall be prepared by a licensed architect or contractor, certified irrigation designer, licensed landscape contractor, or other person authorized under the California Business And Professions Code and the Food And Agricultural Code to design a landscape. To the extent feasible, landscaped design shall take into consideration the following:

(1) Provisions for grading and drainage to promote healthy plant growth and to prevent excessive erosion and runoff, and the use of mulches in shrub areas, garden beds and landscaped areas where appropriate.

(2) Provisions for the use of automatic irrigation systems and seasonal irrigation schedules incorporating water conservation design and utilizing methods appropriate for specific terrains, soil types, wind conditions, temperatures and other environmental factors in order to ensure a high degree of water efficiency.

(3) Provisions for water conservation through the appropriate use or groupings of plants that are well adapted to particular sites and to particular climatic, geological or topographical conditions.

(4) Provisions for the use of reclaimed water supplied through dual distribution systems, if feasible and cost effective, and subject to the city and county health standards.

(5) Provisions for landscape maintenance practices which foster long term landscape water conservation. Landscape maintenance practices may include, but are not limited to,

performing routine irrigation system repairs and adjustments, conducting water audits and prescribing the amount of water applied per landscape area.

(n) Landscaping Maintenance: All vegetation and landscaping shall be maintained free of physical damage or injury from lack of water, excess chemical fertilizer or other toxic chemical, blight, or disease, and such vegetation or those that show signs of such damage or injury at any time shall be replaced by the same, similar or substitute vegetation of a size, form and character, which will be comparable at full growth. Landscapes shall be maintained to ensure water use efficiency. A landscaping maintenance agreement between the applicant and the city shall be required to ensure the ongoing maintenance of landscaping. Irrigation systems shall be properly maintained to prevent water waste from leaving landscape due to low head drainage, overspray, or other similar conditions where water flows onto adjacent property, nonirrigated areas, walks, roadways, parking lots, or structures. Repair of all irrigation equipment shall be done with the originally installed components or equivalents.

(o) Weeds: Landscaping shall be kept free from weeds and undesirable grasses.

(p) Tree Preservation Guidelines: Projects approved under this chapter shall, whenever possible, comply with the "Tree Preservation Guidelines" adopted by resolution by the city council.

(q) Fence Construction: Fences shall be constructed of quality low maintenance materials. Fence design shall be compatible with landscaping and site design.

(r) Bikes: Bicycle racks and bikeways, when appropriate, shall be provided. (Ord. 1676, 11-24-2015)

4. Building Design:

(a) Evaluation of appearance of a project shall be based on the quality of its design and relationship to surroundings. Inappropriate, incompatible, bizarre, exotic designs and standardized corporate architecture, other than registered trademarks, shall be avoided. (Ord. 1597, 2-24-2004)

(b) Buildings shall have form and scale with permanent neighboring development and topography.

(c) Materials shall be of durable quality, and shall be selected for harmony of the building with surrounding buildings.

In any design in which the structural frame is exposed to view, the structural materials shall meet the other criteria for materials.

(d) New building components, such as windows, doors, eaves and parapets, shall have continuity to one another. (Ord. 1474, 1-8-1991)

(e) Colors shall be harmonious to site and surrounding area. The use of standardized bright, bold, glossy nonearth tone colors is discouraged, as they generally do not project the historic foothill character of the community. (Ord. 1597, 2-24-2004)

(f) Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view with materials harmonious with the building, or they shall be located so as not to be visible from any public ways.

(g) Exterior lighting shall be part of the architectural concept. Fixtures, standards and all exposed accessories shall be harmonious with building design.

(h) Refuse and waste removal areas, service yards, storage yards and exterior work areas shall be screened from view from public ways, using materials as stated in criteria for equipment screening.

(i) Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest. In multiple building projects, variable siting or individual buildings may be used to prevent monotonous appearance.

(j) The architectural style which should be appropriate for the project in question, and the form and roof type of commercial buildings shall not, without ~~planning~~ Planning Commission approval, reflect a standardized basic architectural style which is similar to other such projects constructed through related contractual or other agreements statewide or nationally. It is not the intent of this section to establish any particular architectural style.

5. Signs:

(a) Wall signs shall be accomplished in continuity with the architectural concept. Size, color, lettering, location and arrangement shall be harmonious with the building design, and shall be compatible with approved signs on adjoining buildings. Signs shall have good proportions.

(b) Ground signs shall be designed to be compatible with the architecture of the building. The same criteria applicable to wall signs shall apply to ground signs.

(c) Materials used in signs shall have good architectural character and be harmonious with building design and surrounding landscape. Wherever possible signs shall be incorporated within the building components such as facias, and/or eaves.

(d) Every sign shall have good scale in its design and in its visual relationship to buildings and surroundings.

(e) Colors shall be harmonious and used with restraint. Lighting shall be harmonious with the design. If external spot or floodlighting is used, it shall be arranged so that the light source is shielded from view.

6. Density In Units Per Acre: The following factors are to be considered in determining the maximum allowable density in units per acre:

(a) Required grading, soil removal, and cut and fill operations.

(b) Tree removal or removal of shrubs and other natural ground cover as it may affect erosion and drainage.

(c) The criteria set forth in subsections (G)1 and (G)2 of this section.

(d) The slope of the property.

(e) Geological conditions.

(f) Any other conditions or criteria that may relate to the density potential of the property.

7. Access And Circulation: Access and traffic circulation to the site should be in such a manner as to allow for safe and reasonable pedestrian and vehicular access to and from the site and, further, so as to cause the least interference with existing uses of adjacent properties.

8. Community Design: All site plans shall be compatible with the goals and policies established in the community design element of the general plan.

(H) Destruction Or Alteration Of Buildings In A Historical District Or To Historical Buildings:

1. No building in any historical district nor any building officially designated by the council as "historical" shall be torn down, demolished, destroyed, altered, improved, or otherwise changed in exterior appearance except as hereinafter provided. Minor repair and maintenance to buildings of same material and color are exempt from this chapter.

2. If any historical building be damaged by any act of God, including, but not limited to, earthquake or fire, the owner thereof may repair such building if he/she secures approval from the ~~planning~~ Planning commission ~~Commission~~.

3. Any owner making any alterations on the exterior of a historical building shall first secure approval from the ~~planning~~ Planning commission ~~Commission~~.

4. Alteration of such buildings shall comply with requirements as stated in the city's construction regulations, title 4 of this code.

5. Buildings within a historical district shall not be demolished unless approved by the commission.

6. Any building or structure which is structurally unsafe as a result of fire, earthquake or other acts of God shall be removed at the direction of the ~~building~~ Building official ~~Official~~.

(I) New Buildings In Historical District: All buildings situated within the boundaries of a historical district which are hereafter constructed shall conform to the provisions of section 10-4-10, "Historical Buildings In The City", of this chapter.

(J) Hangtown Creek: Construction within the historical district shall not encroach into or cover Hangtown Creek unless approved by the ~~planning~~ Planning commission ~~Commission~~.

(K) Building Permit; Issuance:

1. Building Permit To Be Issued Within Eighteen Months: The approval of the site plan shall expire and become null and void eighteen (18) months after the date of approval unless a building permit has been obtained for any building thereon before the date of expiration. Should the building permit expire for any building thereon, then the site plan review approval shall also simultaneously expire. In no case shall site plan review approval be valid for a period exceeding five (5) years from the original approval date. The planning commission may grant a one year extension for the project if the applicant makes such a request and pays a new fee prior to the expiration date. The planning commission shall consider any changes to this code or to the project when granting the extension. (Ord. 1474, 1-8-1991)

2. Determination Of The Development Services Director Or The Authorized Representative: Before a building permit may be issued for any building or structure in a development requiring a site plan review, the ~~development~~ Development services Services director ~~Director~~ or the authorized representative shall make a determination that the proposed building or structure is in conformity with the approved site plan review. If conformity does not exist, the building permit shall not be issued. Stop order notice may be issued in accordance with section 1-4A-13 of this code if violations are discovered. (Ord. 1474, 1-8-1991; amd. Ord. 1654, 6-25-2013)

(L) Disapproval; Notice: If the planning commission disapproves an application for a site plan review, it shall state its findings and judgment in specific detail so that the applicant is informed precisely as to the basis for the commission's disapproval. (Ord. 1597, 2-24-2004)

The secretary shall furnish the applicant with the findings of the commission promptly and in no case later than five (5) days after the commission disapproves the application.

(M) Appeals: The applicant or an interested party, including a member of the ~~planning~~ Planning commission ~~Commission~~ or the council who is dissatisfied with the findings of the commission, may appeal to the council by filing a notice of appeal. A filing fee as set by resolution of the city council shall be required from all parties except members of the commission or a city council member. Such appeals shall be filed in accordance with section 10-3-7 of this title.

(N) Violation; Penalty: A person who violates this chapter is guilty of an infraction and shall be punished as provided in title 1, chapter 4 of this code.

(O) Chapter Application: This chapter shall apply to all construction for which a building permit application has not been applied prior to the effective date of this chapter.

(P) Site Plan Changes; Major And Minor: Application to change an approved site plan must be made in writing and filed with the secretary of the ~~planning~~ Planning commission ~~Commission~~ accompanied by a site plan (if applicable) and description of the modifications proposed. (Ord. 1597, 2-24-2004)

Proposed changes to an approved site plan shall be classified as either minor or major by the development services director or his duly appointed representative. Minor changes shall not in any way change the appearance, character or intent of the approved site plan nor modify the exterior building elevations of an existing formula business in the central business district (CBD) zone. Major changes will generally be any change that would alter the appearance, character or intent of the approved site plan. Examples of major changes include, but are not limited to, changes in: building facade and roofline; wall and roof materials; window and door openings; sign modifications; building illumination and exterior lighting; new mechanical equipment visible from a public way; exterior colors which deviate from existing colors which propose colors other than earth tone colors, such as "bone white", "canary yellow", or "fire engine red". Any proposed change, which does not clearly fit into one of the classifications, minor or major, shall be considered as a major change. (Ord. 1597, 2-24-2004; amd. Ord. 1654, 6-25-2013)

Upon the classification of a proposed change as either minor or major, the procedures described herein shall be followed: (Ord. 1474, 1-8-1991)

Minor changes: May be approved by the ~~development~~ Development services ~~Services~~ director ~~Director~~ or his /her duly appointed representative. Approval of a minor change shall be made in writing and must include the finding that the minor change will not in any way change the appearance, character or intent of the approved site plan. (Ord. 1474, 1-8-1991; amd. Ord. 1654, 6-25-2013)

Major changes: May be approved only by the ~~planning~~ Planning ~~commission~~ Commission. The ~~planning~~ Planning ~~commission~~ Commission shall hold a public hearing to consider the major change in accordance with the procedure set forth in subsections (E)2 through (E)5 of this section. The applicant shall submit the following items at least fourteen (14) days prior to a regularly scheduled meeting of the commission:

1. An digital copy ~~Ten (10) copies~~ of the site plan illustrating the proposed changes.
2. A fee as determined by resolution of the city council shall be paid to defray the costs incidental to the proceedings.
3. Radius map and property owners list of owners within three hundred feet (300') of the subject site as shown on the latest adopted tax roll. (Ord. 1474, 1-8-1991)
4. Any other information which the ~~development~~ Development services ~~Services~~ director ~~Director~~ or his /her duly appointed representative has determined necessary for the ~~planning~~ Planning ~~commission's~~ Commission's review. (Ord. 1474, 1-8-1991; amd. Ord. 1654, 6-25-2013)

10-7-6: FINDINGS:

(A) The Placerville Planning Commission makes the following findings of fact based on substantial evidence in the administrative record, including the tentative map, technical studies, staff report, environmental documentation, and public comments:

1. That the proposed subdivision map is not consistent with the applicable general plan of planned development as specific in Section 65451.

2. That the design or improvement of the proposed subdivision is not consistent with the applicable general plan or planned development.

3. That the site is not physically suitable for the type of development.

4. That the site is not physically suitable for the proposed density of development.

5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.

7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

10-7-67: FEES:

Fees shall be paid as required by section 4-8-1 of this code to defray the costs incidental to the processing of the tentative and final maps. (Ord. 1263, 5-26-1981)

10-7-78: NONCONFORMANCE; WHEN PERMITTED:

Whenever in the opinion of the council the land involved in any subdivision is of such size or shape or is subject to such title limitations of record or is affected by such topographical location or conditions or is to be devoted to such use that it is impossible or impracticable in the particular case for the subdivider to conform fully to the regulations contained in this chapter, the council may make such modification thereof as in its opinion is reasonably necessary or expedient and in conformity with the spirit and purpose of the map act and of this chapter. (Ord. 760, 5-17-1954)

10-8-9: ACTION ON TENTATIVE MAP:

Upon receipt of the application, application fee, tentative map, radius map, and list of property owners within three hundred feet (300'), the Development Services Director shall approve or disapprove the tentative subdivision map review as to design, area, flood and drainage control, reasonable on site and off site improvements, under the provisions of this chapter and section 66411 of the subdivision map act and subject to findings listed in § 10-8-29, within fifty (50) days, or such time as reasonably necessary with the concurrence of the applicant, when there has been no contest on environmental grounds. The criteria used shall be city standards. If the Development Services Director finds that the tentative map does not fulfill all of the criteria as defined, the applicant will be so notified and such notice shall specifically enumerate the nonconforming conditions. The ~~development~~ Development services ~~Services~~ director ~~Director~~ shall either approve, conditionally approve, or deny the tentative map. The applicant may then either revise the map to so conform or request a hearing before the planning commission. (Ord. 1152, 4-25-1978; amd. Ord. 1654, 6-25-2013)

10-8-28: FINDINGS JUSTIFYING DISAPPROVAL:

Findings justifying disapproval shall be based on section 66474 of the Government Code ~~together with the following findings:~~

~~(A) That one or more parcels of less than five (5) acres is proposed to be created without the property being supplied with~~ The legislative body of Placerville (City Council) shall deny approval of a tentative map if it makes any of the following findings:

- ~~1. Domestic water supplied by a public entity; or~~ That the proposed map is not consistent with the applicable general plan of planned development as specific in Section 65451.
- ~~2. Sewer service supplied by a public entity.~~ That the design or improvement of the proposed subdivision is not consistent with the applicable general plan or planned development.
3. That the site is not physically suitable for the type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be

substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

~~—(B) That the design of the division or the improvements are not suitable to allow for compliance of the requirements of section 4291 of the California Public Resources Code. (Ord. 1152, 4-25-1978)~~

10-8-29: APPROVAL OF PARCEL MAP AND FINDINGS FOR LAND PROJECT:

Approval of parcel map for land project shall be pursuant to section 66474.5 of the Government Code. (Ord. 1152, 4-25-1978)

(A) The Development Services Director makes the following findings of fact based on substantial evidence in the administrative record:

1. The proposed tentative map is consistent with the City of Placerville General Plan and any applicable planned development as specified in Government Code Section 65451.
 2. Pursuant to Placerville Municipal Code § 10-8-28, the Development Services Director shall deny approval of a tentative parcel map only if it makes one or more of the findings listed in subsection (A). The Development Services Director finds that none of those denial criteria apply to this project. Specifically:
 - a. The proposed map is consistent with the applicable general plan and any planned development as specified in Government Code Section 65451.
 - b. The design or improvement of the proposed subdivision is consistent with the applicable general plan and any planned development.
 - c. The site is physically suitable for the type of development proposed.
 - d. The site is physically suitable for the proposed density of development.
 - e. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat.
 - f. The design of the subdivision or the type of improvements is not likely to cause serious public health problems.
- ~~—The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.~~