

CHAPTER 2
APPLICABILITY

SECTION:

- 10-2-1: Territory
- 10-2-2: Public Agencies
- 10-2-3: Conflicts
- 10-2-4: Zone Boundaries
- 10-2-5: Nonconforming Uses, Structures and Lots

10-2-1: **TERRITORY:** This Ordinance shall apply to all incorporated land within the boundaries of the City. This Ordinance shall apply to all land annexed to the City after the effective date of this Ordinance. (Ord. 1474, 8 Jan 1991)

10-2-2: **PUBLIC AGENCIES:** Except as otherwise specified hereinafter, this Ordinance shall apply to all agencies of the United States, and any state, county, city and public district insofar as such Ordinance does not conflict with any valid law of the United States or the State of California. All the required fees are waived for these agencies. (Ord. 1474, 8 Jan 1991)

10-2-3: **CONFLICTS:** This Ordinance shall not be construed to reduce, annul or otherwise interfere with private easements, covenants or agreements; provided, however, that the provisions of this Ordinance shall govern whenever this Ordinance is more restrictive. (Ord. 1474, 8 Jan 1991)

10-2-4: **ZONE BOUNDARIES:**

(A) All of the incorporated territory of the City is divided into areas known as "zones" designated in Section 10-5-1 within which separate uniform regulations are imposed. The boundaries of these zones are shown and described on a map entitled "Zoning, City of Placerville" and made a part of this Ordinance by reference. A copy of this map, showing all the current amendments thereof, shall be kept and may be consulted in the office of the Development Services Department.

(B) Zone boundaries shown on this map shall be further determined as follows:

1. The boundary of a zone abutting the City limits shall be such limits.
2. Where a zone boundary is shown as approximately following a property line, a section line, or the line of a legal subdivision of a section, or where such boundary is located not farther than fifteen feet (15') from such lines, the zone boundary shall coincide with such lines.
3. Unless otherwise shown, the boundary of a zone abutting a street, waterway, railroad, or similar right of way, shall be the center line of such right of way, and the side boundaries shall extend to the center line normally to such right of way.
4. In all other cases, the location of a zone boundary shall be determined by the use of the scale appearing on the map and of the surveys, records, and other documents necessary to clarify the description of land and boundaries shown on the map.

5. Zone boundaries shall extend vertically upward and downward from the ground.
6. Where a zone boundary divides a parcel under one ownership in existence prior to the effective date of this zone boundary and when not less than one-half (1/2) the area of such parcel lies in the less restricted zone, the regulations for the less restricted zone shall apply to the remainder of such parcel up to a distance of not more than thirty feet (30').
7. In case uncertainty exists on the location of a zone boundary, the Commission, on request or on its own initiative, shall determine the exact location of such a boundary. (Ord. 1474, 8 Jan 1991)

10-2-5: **NONCONFORMING USES, STRUCTURES AND LOTS:**

- (A) The intent and purpose of this Section is to declare uses, structures, and lots legally existing on the effective date of this Chapter as nonconforming uses, structures, and lots and to encourage those that are incompatible to be brought into conformity within a reasonable period of time.
- (B) Nonconforming uses, structures and lots shall be defined as follows:
 1. Compatible Uses: Structures and lots are those which are generally not detrimental to the zone in which they are located:
 - (a) Residential uses and structures located in residential zones which do not comply with the current requirements for the residential zone in which they are located, but did comply at the time of their construction.
 - (b) Residential uses and structures located in other than residential zones.
 - (c) Commercial and general commercial uses and structures located in other zones which have been determined by the Planning Commission to be compatible.
 - (d) Nonconforming structures or premises which have historic significance that have been so designated by the City Council.
 - (e) Nonconforming parcels or lots which were created prior to the adoption of this Chapter in a legal manner.
 2. Incompatible Nonconforming Uses: Structures and lots that are not defined as compatible in subsection (B)1 of this Section.
- (C) Nonconforming uses, structures and premises are subject to the following termination provisions and such nonconforming uses, structures and premises so terminated shall not be re-established:
 1. Incompatible nonconforming uses in structures or on premises which have been discontinued for any reason for a period of six (6) months.

2. Changing any nonconforming use or increasing the area of such nonconforming use except as provided in this Section.
 3. The removal or destruction of a nonconforming use or structure.
 4. The damage or destruction of a structure or use to the extent exceeding fifty percent (50%) of its current replacement costs.
- (D) Modification may be made to compatible nonconforming uses, structures and premises if they comply with current provisions of this Chapter or meet the following requirements:
1. Residential uses and structures in residential zones may be remodeled or rehabilitated, provided the use or structure is not enlarged.
 2. Residential structures in residential zones may be added to or enlarged if the structure is nonconforming only because of noncompliance with the required height, yard and parking requirements; provided such new additions or enlargements comply with all requirements for new structures and off-street parking is provided in accordance with the requirements for new residential structures.
 3. Multi-Family residential uses, structures or premises designated in subsection (B)1(b) of this Section may be added to or enlarged provided a Conditional Use Permit is obtained as required by Sections 10-3-3 through 10-3-7 and a Site Plan Review, if required, by Section 10-4-9.
 4. Single-Family residential uses, structures, or premises designated in subsection (B)1 of this Section may be reconstructed, added to or enlarged provided that the other provisions of this Title are met.
 5. Commercial and general commercial uses, structures or premises designated in subsection (B)1(c) of this Section may be modified or additions added (up to 10% of the current use area or not more than 400 square feet) providing a Conditional Use Permit is obtained as required by Sections 10-3-3 through 10-3-7.
 6. Parcels and lots as designated in subsection (B)1(e) may be developed or existing uses or structures expanded providing all other requirements of the City Code are met.
- (E) A residential use nonconforming because of density may be reestablished with a Conditional Use Permit as provided in Sections 10-3-3 through 10-3-7 and Site Plan Review if required by Section 10-4-10; provided, that the total floor area is not expanded and all other provisions of this Title are met. (Ord. 1487, 14 Jan 1992)