

ARTICLE 1

Zoning Code Applicability

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Purpose and Applicability of Zoning Code

106.10.010

CHAPTER 106.10 - PURPOSE AND APPLICABILITY OF ZONING CODE

Sections:

- 106.10.010 - Purpose of Zoning Code
- 106.10.020 - Authority
- 106.10.030 - Responsibility for Administration
- 106.10.040 - Applicability of the Zoning Code
- 106.10.050 - Enforcement

106.10.010 - Purpose of Zoning Code

The City of Citrus Heights Zoning Code carries out the policies of the Citrus Heights General Plan by classifying and regulating the uses of land and structures within the City, consistent with the General Plan. This Zoning Code is adopted to protect and to promote the public health, safety, comfort, convenience, prosperity, and general welfare of residents, and businesses in the City. More specifically, the purposes of this Zoning Code are to:

- A. Provide standards and guidelines for the continuing orderly growth and development of the City that will assist in preserving the unique character of Citrus Heights, creating a distinctive community identity as described in the General Plan; and enhancing the character, identity, and livability of the City's neighborhoods;
- B. Promote pedestrian-friendly development, safe and effective traffic circulation, and adequate off-street parking facilities; and
- C. Ensure compatibility between different types of development and land uses.

106.10.020 - Authority

This Zoning Code is enacted based on the authority vested in the City of Citrus Heights by the State of California, including but not limited to: the State Constitution; the Planning and Zoning Law (Government Code Sections 65000 et seq.); and the California Environmental Quality Act (Public Resources Code Sections 21000 et seq.).

106.10.030 - Responsibility for Administration

This Zoning Code shall be administered by: the Citrus Heights City Council, hereafter referred to as the "Council"; the Planning Commission, referred to as the "Commission"; the Community Development Director, referred to as the "Director," who shall also have the responsibility and authority to perform the duties assigned by this Zoning Code to the Zoning Administrator; and the Community Development Department, hereafter referred to as the "Department."

106.10.040 - Applicability of the Zoning Code

This Zoning Code applies to all land uses, subdivisions, and development within the City of Citrus Heights, as follows.

- A. **New land uses or structures, changes to land uses or structures.** It shall be unlawful, and a violation of this Zoning Code, for any person to establish, construct, reconstruct, alter, or replace any use of land or structure, except in compliance with the requirements of Section 106.22.020 (General Requirements for Development and New Land Uses), and Chapter 106.70 (Nonconforming Uses, Structures, and Parcels).
- B. **City permits and licenses.** No Building Permit, Grading Permit, or Business License shall be issued by the City unless the proposed construction or activity complies with all applicable provisions of this Zoning Code.

- C. Subdivisions.** Each subdivision of land approved within the City shall comply with the minimum lot size requirements of Article 2 (Zoning Districts and Allowable Land Uses), the City's subdivision ordinances, and all applicable requirements of this Zoning Code.
- D. Continuation of an existing land use.** An existing land use is lawful and not in violation of this Zoning Code only when operated and maintained in compliance with all applicable provisions of this Zoning Code, including Chapter 106.70 (Nonconforming Uses, Structures, and Parcels). However, the requirements of this Zoning Code are not retroactive in their effect on a land use that was lawfully established before the effective date of this Zoning Code or any applicable amendment, except as otherwise provided by Chapter 106.70.
- E. Effect of Zoning Code changes on projects in progress.**
1. A land use permit application that has been accepted by the Department as complete prior to the effective date of this Zoning Code or any amendment shall be processed in compliance with the requirements in effect when the application was accepted as complete.
 2. A project that has been approved by the City but is not yet under construction on the effective date of this Zoning Code or any amendment need not be changed to satisfy any new or different requirements of this Zoning Code, provided that the approved use of the site shall be established, including the completion of all structures and other features of the project as shown on the approved permit, before the expiration of the permit, or applicable time extension.
 3. A project that is under construction on the effective date of this Zoning Code or any amendment need not be changed to satisfy any new or different requirements of this Zoning Code, provided that the approved use of the site shall be established, including the completion of all structures and other features of the project as shown on the approved permit, before the expiration of the permit, or applicable time extension.
- F. Government projects.** The provisions of this Zoning Code shall apply to each City, Redevelopment Agency, County, special district, and State or Federal government or agency project to the maximum extent allowed by law, and as follows.
1. Specific types of public or governmental uses that are listed in Article 2 (Zoning Districts and Allowable Land Uses) shall be allowed only where indicated by Article 2, shall comply with the planning permit requirements and development standards of this Zoning Code applicable to the specific land use.
 2. Where a specific public or governmental use is not listed in Article 2 (Zoning Districts and Allowable Land Uses), the use shall be permitted only in zones permitting private uses of a substantially similar nature, as determined by the Director.
- G. Minimum requirements.** The provisions of this Zoning Code shall be minimum requirements for the promotion of the public health, safety, and general welfare. When this Zoning Code provides for discretion on the part of a City official or body, that discretion may be exercised to impose more stringent requirements than set forth in this Zoning Code, as may be determined by the applicable review authority to be necessary to promote orderly land use and development; environmental resource protection; and the other purposes of this Zoning Code.
- H. Conflicting requirements.**
1. **Zoning Code and Municipal Code provisions.** If conflicts occur between requirements of this Zoning Code, or between this Zoning Code and the City of Citrus Heights Municipal Code, or other regulations of the City, the most restrictive requirements shall apply.
 2. **Development agreements or specific plans.** If conflicts occur between the requirements of this Zoning Code and standards adopted as part of any development agreement or applicable specific plan, the requirements of the development agreement or specific plan shall apply.

3. **Private agreements.** This Zoning Code applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than a private agreement or restriction (for example, CC&Rs), without affecting the applicability of the agreement or restriction. The City shall not enforce a private covenant or agreement unless it is a party to the covenant or agreement, or a portion thereof.
- I. **Other requirements may apply.** Nothing in this Zoning Code eliminates the need for obtaining any other permits required by the City, or any permit, approval or entitlement required by any other applicable special district or agency, and/or the regulations of any State, or Federal agency. No use that is illegal under local, State, or Federal law shall be allowed in any zone within the City.

106.10.050 - Enforcement

The provisions of this Zoning Code shall be enforced in compliance with the provisions of the City Neighborhood Enhancement Code (NEC), Municipal Code Chapter 50.

Purpose and Applicability of Zoning Code

106.10.050

CHAPTER 106.12 - INTERPRETATION OF ZONING CODE PROVISIONS

Sections:

- 106.12.010 - Purpose
- 106.12.020 - Authority
- 106.12.030 - Rules of Interpretation

106.12.010 - Purpose

This Chapter provides rules for resolving questions about the meaning or applicability of any part of this Zoning Code. The provisions of this Chapter are intended to ensure the consistent interpretation and application of the requirements of this Zoning Code and the General Plan.

106.12.020 - Authority

The Director has the authority to interpret any provision of this Zoning Code. Whenever the Director determines that the meaning or applicability of any Zoning Code requirement is subject to interpretation, the Director may issue an official interpretation. The Director may also refer any issue of interpretation to the Commission for their determination in a public meeting.

106.12.030 - Rules of Interpretation

- A. **Language.** When used in this Zoning Code, the words "shall," "must," "will," "is to," and "are to" are always mandatory. "Should" is not mandatory but is strongly recommended; and "may" is permissive. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise. The words "includes" and "including" shall mean "including but not limited to . . ."
- B. **Effect of Interpretation.** An interpretation by the Director at the request of an applicant is given based on the accuracy and completeness of information provided by the applicant, and is not binding on the City unless provided in writing in compliance with Section 106.12.040 (Procedure for Formal Interpretations).
- C. **Time limits.** Whenever a number of days is specified in this Zoning Code, or in any permit, condition of approval, or notice provided in compliance with this Zoning Code, the number of days shall be construed as calendar days. A time limit shall extend to 5 p.m. on the following working day where the last of the specified number of days falls on a weekend or holiday.
- D. **Calculations - Rounding.** Where a provision of this Zoning Code requires numerical calculations to determine applicable requirements, any fractional results of the calculations shall be rounded as follows, except where a specific rounding rule is provided by the Section requiring calculations.
 - 1. **Residential density, minimum lot area and number of lots.** The fractional/decimal results of calculations of the number of dwelling units allowed on a parcel based on maximum density requirements, and the number of parcels allowed through subdivision based on a minimum lot area requirement, shall be rounded down to the next lowest whole number.
 - 2. **All other calculations.** For all calculations required by this Zoning Code other than those described in Subsection D.1, the fractional/decimal results of calculations shall be rounded to the next highest whole number when the fraction/decimal is 0.5 or more, and to the next lowest whole number when the fraction is less than 0.5.

- E. Internal cross-references.** When a provision of this Zoning Code refers to a requirement elsewhere, the subject of the cross reference is assumed to be another Chapter, Section, or Subsection of this Zoning Code, or another provision within the same Section, unless the title of another document is provided. For example:
1. "See Section 106.12.040" means "See Section 20-12.040 of this Zoning Code."
 2. ". . . in compliance with Subsection D.2," means ". . . in compliance with Subsection D.2 of this Section"; and
 3. "See Chapter 106.20," means "See Chapter 106 of this Zoning Code."
- F. Zoning Map boundaries.** See Section 106.20.020 (Zoning Map and Zoning Districts).
- G. Allowable uses of land.** See Section 106.22.030 (Allowable Land Uses and Permit Requirements).
- H. State law requirements.** Where this Zoning Code references applicable provisions of State law (for example, the California Government Code, Subdivision Map Act, or Public Resources Code), the reference shall be construed to be to the applicable State law provisions as they may be amended from time to time.

106.12.040 - Procedure for Formal Interpretations

An applicant may request a formal interpretation of a provision of this Zoning Code by filing the request in writing and providing detailed information about the site and/or project that is subject to the interpretation, and by paying the required filing fee. When the Director issues a formal interpretation of one or more provisions of this Zoning Code, the interpretation:

- A. Shall be in writing;
- B. Shall be binding on the City to the extent that the information furnished by the applicant is accurate and complete; and
- C. May be appealed to the Commission and Council in compliance with Chapter 106.72 (Appeals).