

Chapter 17.04 – PURPOSE AND EFFECT OF ZONING CODE

Sections:

- 17.04.010 Title and Authority
- 17.04.020 Purpose of the Zoning Code
- 17.04.030 Relationship to the General Plan
- 17.04.040 Applicability of the Zoning Code

17.04.010 Title and Authority

Title 17 of the Capitola Municipal Code shall be known and cited as the “Capitola Zoning Code” and referred to in this title as “the Zoning Code.” The Zoning Code is adopted pursuant to the authority in Section 65850 of the California Government Code.

17.04.020 Purpose of the Zoning Code

- A. **General.** The purpose of the Zoning Code is to implement the General Plan and to protect the public health, safety, and welfare.
- B. **Specific.** The Zoning Code is intended to:
 1. Preserve and enhance Capitola’s small-town feel and coastal village charm.
 2. Ensure that all development exhibits high-quality design that supports a unique sense of place.
 3. Protect and enhance the quality of life in residential neighborhoods.
 4. Encourage active and inviting commercial and mixed-use areas.
 5. Support a vibrant, diverse, and dynamic local economy.
 6. Allow for a broad range of housing choices that meets the needs of all segments of the community.
 7. Protect and enhance natural resources that contribute to Capitola’s unique identity and scenic beauty.
 8. Maintain and enhance coastal access and visitor-serving facilities and services.
 9. Protect and preserve the Capitola’s historic resources.
 10. Support a balanced transportation system that accommodates the needs of automobiles, pedestrians, ~~and~~ bicycles, and other forms of transportation.

17.04.030 Relationship to the General Plan

The Zoning Code implements the General Plan by regulating the use of land and structures in Capitola. If the Zoning Code conflicts with the General Plan, the General Plan governs.

17.04.040 Applicability of the Zoning Code

- A. Applicability to Property.** The Zoning Code applies to all land, uses, and structures within the Capitola city limits.
- B. Compliance with Regulations.** All uses, structures, and development activity in Capitola shall comply with the Zoning Code.
- C. Conflicting Regulations.** Where conflict occurs with other ~~C~~city regulations or with ~~s~~State or federal laws, higher law shall control over lower law unless local variation is permitted. Where conflicting laws are of equal stature, the more restrictive shall control unless otherwise specified in the Zoning Code or in ~~s~~State or federal law.

Chapter 17.08 – INTERPRETATION

Sections:

- 17.08.010 Purpose
- 17.08.020 Authority
- 17.08.030 Rules of Interpretation
- 17.08.040 Procedures for Interpretation/Determinations
- 17.08.050 Zoning Code Enforcement

17.08.010 Purpose

This chapter establishes rules and procedures for interpreting the Zoning Code to ensure that it is applied and enforced in a consistent manner.

17.08.020 Authority

The City Council delegates to the Community Development Director and the Director's designees the authority in accordance with 17.08.040 to interpret the meaning and applicability of all provisions in the Zoning Code.

17.08.030 Rules of Interpretation

A. General Rules. Rules of interpretation in Municipal Code Chapter 1.04 (General Provisions) apply to the Zoning Code. The following general rules also apply to the interpretation and application of the Zoning Code.

1. In the event of any conflict between the provisions of this Zoning Code, the most restrictive requirement shall control.
2. Where there is a conflict between text and any figure, illustration, graphic, heading, map, table, or caption, the text governs.
3. The words “shall,” “will,” “is to,” and “are to” are mandatory. “Should” means a regulation that is not mandatory, but must be either fulfilled or the applicant must demonstrate an alternative that fulfills the intent of the regulation or that a non-economic hardship makes compliance infeasible. “May” is permissive.
4. The following conjunctions are interpreted as follows
 - a. “And” means that all items or provisions so connected apply.
 - b. “Or” means that all items or provisions so connected apply singularly or in any combination.
 - c. “Either . . . or” means that one of the items or provisions so connected apply singularly, but not in combination.
5. All officials, bodies, agencies, ordinances, policies, and regulations referred to in the Zoning Code are those of Capitola unless otherwise noted.

- B. Calendar Days.** Numbers of days specified in the Zoning Code are continuous calendar days unless otherwise noted. Where the last of a number of days falls on a holiday or weekend, time limits are extended to the following working day.
- C. Land Use Regulation Tables.** Land use regulation tables in Part 2 (Zoning Districts and Overlay Zones) establish permitted land uses within each zoning district. Notations within these tables have the following meanings:
1. **Permitted Uses.** A “P” means that a use is permitted by right in the zoning district and is not subject to discretionary review and approval.
 2. **Administrative Permit.** An “A” means the use is permitted with the approval of an Administrative Permit.
 3. **Minor Use Permit.** An “M” means that a use requires approval of a Minor Use Permit.
 4. **Conditionally Permitted Uses.** A “C” means that a use requires approval of a Conditional Use Permit.
 5. **Uses Not Allowed.** A “-” means that a use is not allowed in the zoning district.



Note: Procedures and criteria for addressing unlisted land uses in Subsection D below are new.

- D. Unlisted Land Uses.** If a proposed land use is not listed in the Zoning Code, the use is not permitted except as follows:
1. An unlisted use is not permitted if the use is listed as a permitted use in one or more other zoning districts. In such a case, the absence of the use in the zoning district within the land use table means that the use is prohibited in the zoning district.
 2. The Community Development Director may determine that an unlisted proposed use is equivalent to a permitted or conditionally permitted use if all of the following findings can be made:
 - a. The use is similar to other uses allowed in the zoning district.
 - b. The density or intensity of the use is similar to other uses in the zoning district.
 - c. The use is compatible with permitted or conditionally permitted uses in the zoning district.
 - d. The use will meet the purpose of the zoning district.
 - e. The use is consistent with the goals and policies of the General Plan.
 - f. The use will not be detrimental to the public health, safety, or welfare.
 3. When the Community Development Director determines that a proposed use is equivalent to a listed use, the proposed use shall be treated in the same manner as the listed use with respect to development standards, permits required, and all applicable requirements of the Zoning Code.

E. Zoning Map Boundaries. Where uncertainty exists as to the boundaries of zoning districts as shown on the Zoning Map, the following rules apply:

1. Boundaries shown as approximately following the centerlines of streets, highways, or alleys are construed to follow the centerlines.
2. Boundaries shown as approximately following platted lot lines are construed as following the lot lines.
3. Boundaries shown as approximately following city limits are construed as following city limits.
4. Boundaries shown following railroad lines are construed to be midway between the main tracks.
5. In unsubdivided property or where a zoning district boundary divides a parcel, the location of the boundary are determined by the use of the scale appearing on the Zoning Map.
6. In case further uncertainty exists, the Community Development Director shall determine the exact location of the boundaries. The Director's decision may be appealed to the Planning Commission to determine the exact location of the boundaries.

F. Parcels Containing Two or More Zoning Districts.

1. For parcels containing two or more zoning districts ("split zoning"), the location of the zoning district boundary shall be determined by the Community Development Director. The Director's decision may be appealed to the Planning Commission to determine the exact location of the boundaries.
2. For parcels containing two or more zoning districts, the regulations for each zoning district shall apply within the zoning district boundaries as identified on the Zoning Map.

17.08.040 Procedures for Interpretation/Determinations



Note: Procedures for responding to Zoning Code interpretation requests in Section 17.08.040 are new.

A. Request for Interpretation. The Community Development Director shall respond in writing to written requests for interpretation of the Zoning Code if the requested interpretation would substantially clarify an ambiguity which interferes with the effective administration of the Zoning Code. The following procedures apply for a request for interpretation:

1. The request shall be in writing, shall identify the provision to be interpreted, and shall be accompanied by the fee identified in the latest Fee Schedule.

2. The request shall provide any information that the Director requires to assist in its review.
 3. The Director shall respond to an interpretation request within 30 days of receiving the request.
- B. Form and Content of Interpretation.** Official interpretations prepared by the Director shall be in writing, and shall quote the Zoning Code provisions being interpreted. The interpretation shall describe the circumstance that caused the need for the interpretation.
- C. Official Record of Interpretations.** An official record of interpretations shall be kept and updated regularly by the Community Development Department. The record of interpretations shall be indexed by the number of the section that is the subject of the interpretation and made available for public inspection during normal business hours.
- D. Referral to Planning Commission.** The Director may refer any request for interpretation of the Zoning Code to the Planning Commission for review and interpretation.
- E. Appeals.** Any official interpretation prepared by the Director may be appealed to the Planning Commission. The Planning Commission's interpretation may be appealed to the City Council. Appeals shall be accompanied by the fee identified in the latest Fee Schedule.

17.08.050 Zoning Code Enforcement

Enforcement of the Zoning Code shall occur in a manner consistent with Capitola Municipal Code Title 4 (General Municipal Code Enforcement).

Chapter 17.12 – ZONING DISTRICTS AND MAP

Sections:

- 17.12.010 Purpose
- 17.12.020 Zoning Districts
- 17.12.030 Zoning Map

17.12.010 Purpose

This chapter identifies the zoning districts that apply to land within the Capitola city limits and establishes the official Capitola Zoning Map.

17.12.020 Zoning Districts

A. Base Zoning Districts. Capitola is divided into zoning districts that implement the General Plan Land Use Map as shown in Table 17.12-1.



Note: There have been some changes to existing zoning districts and overlay zones as shown in Table 17.12-1 and Table 17.12.-2. Changes include creating a new Neighborhood Mixed Use zoning districts for portions of Capitola Road, Bay Avenue, and Capitola Avenue, distinguishing between the Community Commercial and Regional Commercial zoning districts along 41st Avenue, deleting the Automatic Review overlay, and changing the Archaeological/Paleontological Resources overlay and Geological Hazards overlay into citywide standards.

TABLE 17.12-1: BASE ZONING DISTRICTS

Zoning District Symbol	Name of Zoning District	General Plan Land Use Designation
Residential Zoning Districts		
R-1	Single-Family Residential <u>Single-Family</u>	Single-Family Residential (R-SF)
RM-L	Multi-Family Residential <u>Multi-Family</u> , Low Density	Multi-Family Residential (R-MF)
RM-M	Multi-Family Residential <u>Multi-Family</u> , Medium Density	
RM-H	Multi-Family Residential <u>Multi-Family</u> , High Density	
MH	Mobile Home Park	Mobile Home Park (MH)
Mixed-Use Zoning Districts		

Zoning District Symbol	Name of Zoning District	General Plan Land Use Designation
MU-V	Village -Mixed Use, <u>Village</u>	Village Mixed-Use (MU-V)
MU-N	Neighborhood -Mixed Use, <u>Neighborhood</u>	Neighborhood Mixed-Use (MU-N)
Commercial and Industrial Zoning Districts		
C-C	Community -Commercial, <u>Community</u>	Community Commercial (C-C)
C-R	Regional -Commercial, <u>Regional</u>	Regional Commercial (C-R)
I	Industrial	Industrial (I)
Other Zoning Districts		
VS	Visitor Serving	Visitor Accommodations (VA)
CF	Community Facility	Public/Quasi-Public Facility (P/QP)
P/OS	Parks and Open Space	Parks and Open Space (P/OS)
PD	Planned Development	N/A

B. Overlay Zones. The Zoning Code and Zoning Map include the overlay zones shown in Table 17.12-2. Overlay zones impose additional regulations on properties beyond what is required by the underlying base zoning district.

TABLE 17.12-2: OVERLAY ZONES

Overlay Zone Symbol	Name of Overlay Zone
-AH	Affordable Housing
-VRU	Vacation Rental Use
-VR	Village Residential
-CZ	Coastal Zone

17.12.030 Zoning Map

A. Adoption. The City Council hereby adopts the Capitola Zoning Map (“Zoning Map”), which establishes the boundaries of all base zoning districts and overlay zones provided for in the Zoning Map.

- B. Incorporation by Reference.** The Zoning Map, including all legends, symbols, notations, references, and other information shown on the map, is incorporated by reference and made a part of the Zoning Code.
- C. Location.** The Zoning Map is kept, maintained, and updated electronically by the Community Development Department, and is available for viewing by the public at the Department ~~and on the official City of Capitola website.~~