Article 1

Development Code Authority and Applicability

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Chapter 17.100 — Purpose and Effect of Development Code

Sections:

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17.100.010 — Title

Title 17 of the San Jacinto Municipal Code constitutes the City of San Jacinto Development Code, hereafter referred to as "this Development Code."

17.100.020 — Adoption

This Development Code is adopted to protect and promote the public health, safety, comfort, convenience, prosperity, and general welfare and to provide the economic and social advantages resulting from an orderly planned use of land resources.

17.100.030 — Purpose and Intent of Development Code

This Development Code carries out the policies of the San Jacinto General Plan by classifying and regulating the uses of land and structures within the City, consistent with the General Plan. More specifically, the purposes of this Development Code are to:

A. **Maintain community character.** Provide standards and guidelines for the continuing orderly growth and development of the City that will assist in protecting the character and community identity of San Jacinto;

B. **Conserve resources.** Conserve and protect the City's natural beauty and setting, including its hills and trees, historic and environmental resources, scenic vistas, and waterways;

C. **Regulate pattern of land uses.** Create a comprehensive and stable pattern of land uses upon which to plan energy, sewage, transportation, water supply, and other public facilities and utilities;

D. **Avoid congestion.** Minimize motor vehicle congestion by promoting suitable pedestrian-oriented development, safe and effective traffic circulation, and adequate off-street parking facilities; and

E. **Ensure compatibility between land uses.** Ensure compatibility between different types of development and land use.

17.100.040 — Authority, Relationship to General Plan

A. **Authority.** The regulations within this Development Code are enacted based on the authority vested in the City of San Jacinto by the State of California, including but not limited to: the California Constitution; the Planning and Zoning Law (Government Code Section 65000 et seq.); the Subdivision Map Act (Government Code Section 66410 et seq.); and the California Environmental Quality Act (Public Resources Code Section 21000 et seq.).

B. **Consistency with General Plan.** This Development Code is a primary tool used by the City to carry out the goals, objectives, and policies of the San Jacinto General Plan, which is the City's overall policy document. The San Jacinto City Council intends that all provisions of this Development Code be consistent with the General Plan and that any development, land use, or subdivision, approved in compliance with these regulations also be consistent with the General Plan.

17.100.050 — Responsibility for Administration

A. **Responsible bodies and individuals.** This Development Code shall be administered by: the San Jacinto City Council, hereafter referred to as the "Council;" the Planning Commission, hereafter referred to as the "Commission;" the Planning Director, hereafter referred to as the "Director;" and the Planning Department, hereafter referred to as the "Department." See Table 6-1 (Review Authority) in Chapter 17.600 (Permit Application Filing and Processing).

B. **Exercise of discretion.** In the event that a provision of this Development Code allows the review authority (designated City official or body) for a permit or other decision to exercise discretion in the application of a specific standard or requirement to a project, but does not identify specific criteria for a decision, the discretion shall be based on the following criteria:

1. The proposed project complies with all applicable provisions of this Development Code;

2. The exercise of discretion will act to improve the compatibility of the proposed project with its site, surrounding properties, and the community, to a greater extent than if discretion were not exercised;

3. The manner in which discretion is exercised will result in a more practical application of the provisions of this Development Code given specific characteristics of the site and its surroundings than if discretion were not exercised; and

4. The decision is consistent with the General Plan, any applicable specific plan, or any other applicable regulation or standard.

17.100.060 — Applicability of Development Code

This Development Code applies to all land uses, subdivisions, and development within the City of San Jacinto, as provided by this Section.

A. **Compliance required.** No structure shall be altered, erected, or reconstructed in any manner, nor shall any structure or land be used for any purpose, other than as allowed by this Development Code, except that City shall be exempt from the provisions of this Development Code when the Director makes any of the following findings:

1. Reasonable attempts have been made to comply with the regulations contained in this Development Code;

2. The strict and literal interpretation and enforcement of this Development Code would inhibit the Planning Agency's ability to maintain public health, safety, and general welfare; or

3. The granting of the exemption will not be detrimental to the public health, safety, and general welfare or materially injurious to properties or improvements in the vicinity.

B. **Subdivisions.** A subdivision of land proposed within the City after the effective date of the ordinance adopting this Development Code shall comply with the minimum parcel size requirements of Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards), other applicable requirements of this Development Code, and Municipal Code Title 16 (Subdivisions).

C. **Continuation of an existing land use.** An existing land use is lawful and not in violation of this Development Code only when operated and maintained in compliance with applicable provisions of this Development Code and any condition(s) imposed on a discretionary application, including Chapter 17.705 (Nonconforming Parcels, Structures, and Uses,). However, the requirements of this Development Code are not retroactive in their effect on a land use that was lawfully established before the effective date of the ordinance adopting this Development Code or any applicable amendment, except as otherwise provided by Chapter 17.705 (Nonconforming Parcels, Structures, and Uses).

D. Minimum requirements. The provisions of this Development Code shall be considered the minimum requirements for the promotion of the public health, safety, and general welfare. When this Development Code provides for discretion on the part of a review authority, the discretion may be exercised to impose more stringent requirements than required by this Development Code, as 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 Development Code.

E. Conflicting requirements. Conflicts between different requirements of this Development Code, or between this Development Code and other regulations, shall be resolved in compliance with Section 17.105.020 (Rules of Interpretation).

F. Other requirements may apply. Nothing in this Development Code eliminates the need for obtaining other permits required by the City, or a permit, approval, or entitlement required by another applicable special district or agency, or other approvals required by the regulations of a State or Federal agency. The City shall not issue any permit, business license, or other approval if the structure or land use would violate the provisions of this Development Code. Permits issued in error shall be void.

G. Graffiti abatement. For provisions governing graffiti abatement and the approval of discretionary permits (e.g., Site Plan and Design Review, Conditional Use Permits, Variances, etc.), see Municipal Code Section 9.12.060 Graffiti abatement-A condition to issuance of city permits and approval).

17.100.070 — Partial Invalidation of Development Code

If a portion of this Development Code is for any reason held to be invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, the decision shall not affect the validity, effectiveness, or enforceability of the remaining portions of this Development Code.

17.100.080 — Use of Headings

The headings of the Chapters, Sections, Subsections, Subparagraphs, and clauses of this Development Code, together with the accompanying illustrations, examples, and explanatory notes, are inserted as a matter of convenience and in no way define, limit, or enlarge the scope or meaning of this Development Code or its provisions.

17.100.090 — Effect of Development Code Amendments on Projects in Progress

The enactment of this Development Code, or an amendment to this Development Code, may have the effect of imposing different standards on a new land use than those that applied to existing development. (For example, this Development Code or a future amendment could require more off-street parking spaces for a particular land use than former regulations.) The following provisions determine how the requirements of this Development Code will apply to a

development project that is in progress at the time this Development Code or an amendment goes into effect.

A. **Application complete.** A planning permit application (Article 6 [Permit Procedures]), which has been accepted by the Department as complete before the effective date of this Development Code or any amendment, shall be processed in compliance with the requirements in effect when the application was accepted as complete.

B. **Project under construction.** A project for which a Building Permit has been issued under the provisions of earlier ordinances of the City which are in conflict with this Development Code, and on which substantial construction has been performed by integration of materials on the site before the effective date of this Development Code, nevertheless may be continued and completed in compliance with the plans and specifications upon which the permit was issued.

C. **Subdivision maps.** Subdivision maps shall be processed in compliance with the Subdivision Map Act (Government Code Section 66410 et seq.) and Municipal Code Title 16 (Subdivisions).

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Chapter 17.105 — Interpretation of Regulations

Sections:

17.105.010 — Purpose of Chapter
17.105.020 — Rules of Interpretation
17.105.030 — Procedures for Interpretations
17.105.040 — Official Version of Development Code

17.105.010 — Purpose of Chapter

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

17.105.020 — Rules of Interpretation

A. Authority. The Director has the authority to interpret any provision of this Development Code. Whenever the Director determines that the meaning or applicability of a Development 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 its determination. A decision of the Director may be appealed in compliance with Chapter 17.715 (Appeals).

B. Language. When used in this Development 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…"

C. Calculations.

1. Residential density. When the number of dwelling units allowed on a site is calculated based on density limits established by a zone, any fraction of a unit shall be rounded down to the next lowest whole number. For example, within a residential zone that allows 14 dwelling units per net acre of site area, a site of 8,500 square feet would be allowed two dwelling units (du).

Example: 8,500 sq. ft. / 43,560 sq. ft. = 0.195 acres;
0.195 acres x 14 du/acre = 2.730 du, rounded down to 2 du

2. **Minimum lot area and number of parcels.** The fractional/decimal results of calculations of the number of housing units allowed within a zone shall be rounded down to the next lowest whole number.

3. **All other calculations.** For all other calculations required by this Development Code, 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, unless otherwise specified.

D. **Time limits.** Whenever a number of days is specified in this Development Code, or in a permit, condition of approval, or notice provided in compliance with this Development Code, the number of days shall be construed as calendar days. A time limit shall extend to 5:00 p.m. on the following working day where the last of the specified number of days falls on a weekend, State holiday, or other day the City is not open for business.

E. **State law requirements.** Where this Development Code refers to provisions of State law (for example, the California Government Code, Map Act, Public Resources Code, etc.), the references shall be interpreted to be to the applicable State law provisions as they may be amended from time to time.

F. **Conflicting requirements.**

1. **Development Code and Municipal Code provisions.** If conflicts occur between requirements of this Development Code, or between this Development Code and the San Jacinto Municipal Code, or other regulations of the City, the most restrictive shall apply.

2. **Development agreements or specific plans.** If conflicts occur between the requirements of this Development Code and standards adopted as part of an applicable development agreement or applicable specific plan, the requirements of the development agreement or specific plan shall apply.

3. **Private agreements.** This Development Code and its requirements shall not interfere with, repeal, abrogate, or annul any covenant, easement, or other agreement that existed at the time, or was entered into after, this Development Code became effective. This Development 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, Conditions, Covenants, and Restrictions), without affecting the applicability of any agreement or restriction. The City shall not enforce any private covenant or agreement unless it is a party or an express third-party beneficiary to the covenant or agreement.

G. Allowable uses of land. See Section 17.205.030 (Allowable Land Uses and Permit Requirements).

H. Unlisted uses of land. If a proposed use of land is not specifically listed in Table 2-2, 2-6, 2-8, or 2-10, the use shall not be allowed in the applicable zone, except as provided below for similar uses:

1. **Director's determination.** The Director may determine that a proposed use not listed may be allowed as a permitted or conditional use, in compliance with Section 17.105.030 (Procedures for Interpretations), below. In making this determination, the Director shall first find that:

   a. The characteristics of, and activities associated with, the proposed use are equivalent to those of one or more of the uses listed in the zone as allowable, and will not involve a greater level of activity, population density, traffic generation, parking, dust, noise, or intensity than the uses listed in the zone;

   b. The proposed use will meet the purpose and intent of the zone that is applied to the site;

   c. The proposed use will be consistent with the goals, objectives, and policies of the General Plan or any applicable specific plan; and

   d. The proposed use is not listed as allowable in another zone.

2. **Applicable standards and permit requirements.** When the Director determines that a proposed but unlisted use is equivalent to a listed use, the proposed use will be treated in the same manner as the listed use in determining where the use is allowed, what permits are required, and what other standards and requirements of this Development Code apply.

I. Zoning Map boundaries. If there is uncertainty about the location of a zone boundary shown on the official Zoning Map adopted in compliance with Section 17.200.030 (Zoning Map Adopted), the Director shall determine the location of the boundary as follows:

1. Where a district boundary approximately follows a lot line or an alley or street line, the lot line, alley centerline, or street centerline shall be construed as the district boundary, as applicable;

2. If a district boundary divides a parcel and the boundary line location is not specified by distances indicated on the Zoning Map, the location of the boundary will be determined by using the scale appearing on the Zoning Map; and

3. Where a public street or alley is officially vacated or abandoned, the property that was formerly in the street or alley will be included within the zone of the adjoining property on either side of the vacated or abandoned street or alley.

17.105.030 — Procedures for Interpretations

Whenever the Director determines that the meaning or applicability of any of the requirements of this Development Code is subject to interpretation generally, or as applied to a specific case, the Director may issue an official interpretation or refer the question to the Commission for determination.

A. **Request for interpretation.** A request for an interpretation or determination shall be made in writing to the Director and shall include all information described in the instructions for interpretation requests, available from the Department and payment of the applicable fee in compliance with the City's Fee Schedule.

B. **Findings, basis for interpretation.** The issuance of an interpretation by the Director shall include findings stating the basis for the interpretation. The basis for an interpretation may include technological changes or new industry standards. The issuance of an interpretation shall also include a finding documenting the consistency of the interpretation with the General Plan and any applicable specific plan.

C. **Record of interpretations.** Official interpretations shall be written, and shall quote the provisions of this Development Code being interpreted, and the applicability in the particular or general circumstances that caused the need for interpretations, and the determination.

D. **Amendment.** When a provision of this Development Code is determined by the Director to need refinement or revision, the provision shall be corrected by amending this Development Code as soon as is practical. Until an amendment can occur, the Director shall maintain a complete record of all official interpretations as an appendix to this Development Code, which are indexed by the number of the Article, Chapter, or Section that is the subject of the interpretation.

E. **Referral of interpretation.** The Director has the option of forwarding an interpretation or determination of the meaning or applicability of a provision of this Development Code directly to the Commission for consideration.

F. **Appeals.** Any interpretation of this Development Code by the Director may be appealed in compliance with Chapter 17.715 (Appeals).

17.105.040 — Official Version of Development Code

A. **Responsibility for maintaining official version.** The City Clerk shall maintain the official version of this Development Code. In the event the City Clerk maintains an

online version, an electronic version (e.g., Microsoft Word, PDF, etc.), and/or a printed (hard copy) version of the Development Code or contracts with an outside vendor to provide online public access to the Development Code, the printed (hard copy) version of the Development Code maintained by the City Clerk shall be the controlling legal authority. The City Clerk may provide an online version or an electronic version (e.g., Microsoft Word, PDF, etc.) of the Development Code as a public service in order to enhance public access and interaction. A disclaimer should be included indicating that the Development Code and related materials that are posted to, or linked from, the City's website are provided as a public service and may, from time to time, contain information that is not completely up-to-date.

B. Discrepancy between versions. In the case of a discrepancy between the online or electronic version and the official hard copy version of the Development Code, the order of prevailing accuracy shall be the following:

1. The adopting ordinance;

2. This Development Code; and

3. The online or electronic version.

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