

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 Relationship to the local coastal program.
- 17.04.050 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. (Ord. 1043 § 2 (Att. 2), 2020)

17.04.020 Purpose of the zoning code.

A. General. The purpose of the zoning code is to implement the general plan and the local coastal program land use plan (LUP) 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 Capitola’s historic resources.
10. Support a balanced transportation system that accommodates the needs of automobiles, pedestrians, bicycles, and other forms of transportation.
11. Ensure the protection of coastal resources. (Ord. 1043 § 2 (Att. 2), 2020)

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. (Ord. 1043 § 2 (Att. 2), 2020)

17.04.040 Relationship to the local coastal program.

A. General. Portions of the zoning code are components of Capitola’s local coastal program (LCP) prepared in accordance with the California Coastal Act of 1976 (Coastal Act). The LCP consists of the local coastal program land use plan (LUP) and the local coastal program implementation plan (IP). The LCP applies to areas within Capitola’s coastal zone as generally depicted on the city of Capitola zoning map (also part of the IP) and within the LCP.

B. Local Coastal Program Implementation Plan.

1. The local coastal program LUP is a comprehensive long-term plan for land use and physical development within the city's coastal zone. It consists of proposed policies and recommendations for land use in the coastal zone consistent with the Coastal Act. It includes the coastal land use plan map, which is the certified general plan land use map for the area within the coastal zone.

2. The local coastal program IP establishes specific land use and development regulations to implement the local coastal program LUP. The following zoning code chapters are a part of Capitola's local coastal program IP:

a. All chapters in Parts 1 (Enactment and Applicability), 2 (Zoning Districts and Overlay Zones), and 3 (Citywide Standards).

b. Chapters 17.128 (Variances), 17.136 (Minor Modifications), 17.140 (Reasonable Accommodations), 17.144 (Zoning Code and Local Coastal Program Amendments), and 17.148 (Public Notice and Hearings) in Part 4 (Permits and Administration).

c. Chapter 17.160 (Glossary) in Part 5 (Glossary).

3. Any portion of the zoning code not specifically identified in subsection (B)(2) of this section is hereby declared to not be a component of Capitola's local coastal program IP.

4. The local coastal program IP also includes other municipal code chapters and sections, as follows:

a. Chapters 9.40 (Signs on Public Property or Rights-of-Way), 10.36 (Stopping, Standing and Parking), 12.12 (Community Tree and Forest Management), 12.44 (Limiting Boats on Capitola Beaches During Evening Hours), 15.28 (Excavation and Grading), and 16.68 (Condominium and Community Apartment Conversions).

b. Title 16 (Subdivisions).

C. Conflicting Provisions. If provisions of the local coastal program implementation plan conflict with provisions of the local coastal program land use plan, and/or if there are any questions regarding intent, the local coastal program land use plan, the California Coastal Act, and applicable state law shall govern. (Ord. 1043 § 2 (Att. 2), 2020)

17.04.050 Applicability of the zoning code.

A. Applicability to Property. The zoning code applies to all land, uses, and development (including 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 city regulations or with 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 state or federal law. In the coastal zone, in case of conflict between the local coastal program and any other city law, regulation, or policy, the local coastal program, the California Coastal Act, and applicable state law shall prevail. (Ord. 1043 § 2 (Att. 2), 2020)