

# **Article I - Development Code Enactment and Applicability**

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## **Chapter 17.01 - Purpose and Effect of Development Code**

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### **17.01.010 - Title**

This Title is and may be cited as the City of Jackson Zoning and Development Code, Title 17 of the City of Jackson Municipal Code, hereafter referred to as "this Development Code."

### **17.01.020 - Purposes of Development Code**

This Development Code carries out the policies of the City of Jackson General Plan by classifying and regulating the uses of land and structures within the City of Jackson. This Development 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. Additional purposes of this Development Code are to:

- A. Implement the General Plan by encouraging the uses of land designated by the General Plan;
- B. Provide standards for the orderly growth and development of the City that will maintain its established historic, small town, and open space characteristics;
- C. Enhance and maintain the relationship between the citizens of the City of Jackson, our environment, and the City's many attributes essential for a continued high quality of life.
- D. Encourage growth in a manner that does not detract from the City's attributes or negatively impact the environment.

- E. Require high quality planning and design for development, that enhances the visual character of the City, avoids conflicts between land uses, and preserves the scenic qualities of the City by maintaining adequate open space;
- F. Create a comprehensive and stable pattern of land uses consistent with the limitations of the Resource Constraints and Priority Allocation Ordinance; and
- G. Provide regulations for the subdivision of land in compliance with the Subdivision Map Act, Title 7, Section 4, Division 2 of the California Government Code.

**17.01.030 - Authority, Relationship to General Plan**

- A. This Development Code is enacted based on the authority vested in the City of Jackson by the State of California, including but not limited to the State Constitution; Sections 65800 and subsequent sections of the California Government Code; the California Environmental Quality Act; Subdivision Map Act; and the Health and Safety Code.
- B. This Development Code is the primary tool used by the City of Jackson to carry out the goals, objectives, and policies of the Jackson General Plan. The Jackson City Council intends that this Development Code be consistent with the Jackson General Plan, and that any land use, subdivision, or development approved in compliance with this Development Code will also be consistent with the Jackson General Plan.

**17.01.040 - Applicability of the Development Code**

This Development Code applies to all land uses, structures, subdivisions, lot line adjustments, and development within the City of Jackson, as follows:

- A. New land uses or structures, changes to land uses or structures. It shall be unlawful, and a violation of this Development 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 17.02.020 (Requirements for Development and New Land Uses), and Chapter 17.130 (Nonconforming Uses, Structures, and Parcels).
- B. Issuance of construction permits. No building, grading, or other construction permit, temporary or final certificate of occupancy, or final building inspection may be issued or granted by the Building Department unless:
  1. The proposed land use and/or structure satisfies the requirements of Subsection A. above;
  2. The City Engineer determines that the parcel was legally created in compliance with the Subdivision Map Act and Article V (Subdivisions), as applicable at the time the parcel was created, or Chapter 17.86 (Lot Line Adjustments); and

3. All conditions and requirements of any applicable land use permit have been met or guaranteed by security approved by the City of Jackson.
- C. Subdivision of land. Any subdivision of land proposed within the City of Jackson after the effective date of this Development Code shall be consistent with the general development requirements of Article II (Zoning Districts and Allowable Land Uses), the subdivision requirements of Article V (Subdivisions), and all other applicable requirements of this Development Code. Lot line adjustments shall comply with Chapter 17.86 (Lot Line Adjustments).
  - D. Occupancy of a site, structure, or vehicle for dwelling purposes. No land, structure, or vehicle shall be used for living or dwelling purposes for more than two weeks in any calendar year unless the land, structure, or vehicle is approved for occupancy for dwelling purposes in compliance with this Development Code.
  - E. Continuation of an existing land use. An existing land use is lawful and not in violation of the Jackson Municipal Code only when operated and maintained in compliance with all applicable provisions of this Development Code or, where applicable, Chapter 17.130 (Nonconforming Uses, Structures, and Parcels). 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 this Development Code or any applicable amendment.
  - F. Effect of Development Code changes on projects in progress. The enactment of this Development Code or amendments to its requirements may impose different standards on new land uses than those that applied to previous development (For example, this Development Code or a future amendment could require more off-street parking spaces for a particular land use than former Jackson Zoning Ordinance provisions). The following provisions determine how the requirements of this Development Code apply to land use permit and subdivision applications for projects in progress at the time requirements are changed.
    1. Projects with pending applications. All applications that have been determined by the City Planner to be complete in compliance with Section 17.70.060 (Initial Application Review/Environmental Assessment) before the effective date of this Development Code or any amendment, will be processed according to the requirements in effect when the application was accepted as complete, provided that the applicant complies with all requests for information, and proceeds with any necessary arrangements for the preparation and completion of environmental documents, within 90 days of a written request from the City. Applications for land use permit or Tentative Map extensions of time (see Sections 17.84.050 and 17.96.150, respectively) shall be consistent with the requirements of this Development Code that are in effect when the time extension application is accepted as complete.

2. Approved projects. Any approved development for which construction has not begun as of the effective date of this Development Code or amendment, may still be constructed as approved, as long as all of the following standards are met:
  - a. Required Building Permits have been obtained before the expiration of any applicable land use permit (Section 17.84.050, Time Limits, Phasing, and Extensions) or, where applicable, before the expiration of any approved time extension granted under Section 17.84.050;
  - b. Construction is determined by the City Planner to be diligently pursued before the expiration of any applicable land use permit (Section 17.84.050, Time Limits, Phasing, and Extensions) or, where applicable, before the expiration of any approved time extension granted under Section 17.84.050. For the purposes of this section, diligent pursuit shall require, at a minimum, completion of all on-site grading in compliance with an approved grading plan or, if no grading is required, the installation of the foundation for all structures on the parcels;
  - c. The use of the property including the construction of all buildings and structures and other features of the project as shown on the approved permit shall be completed before the expiration of any applicable land use permit (Section 17.84.050, Time Limits, Phasing, and Extensions) or, where applicable, before the expiration of any approved time extension granted under Section 17.84.050;
  - d. The use of the property including the construction of all buildings and structures and other features of the project as shown on the approved permit shall comply with the requirements of the Development Code in effect at the time of the approved land use permit; and
  - e. The City Planner or his/her designee may approve minor changes to the project based on compliance with the requirements and standards of this Development Code if the changes:
    - (1) Do not involve a feature of the project that was specifically addressed or was a basis for findings in a negative declaration or environmental impact report (EIR) for the project;
    - (2) Do not involve a feature of the project that was specifically addressed or was a basis for conditions of approval for the project or that was a specific consideration by the review authority in the approval of the permit; and

- (3) Do not involve a substantial change to the site plan or the building design.

For example, the City Planner may approve minor changes to the number, design, and/or specifications of parking spaces if such changes are consistent with the parking requirements of this Development Code, parking was not specifically identified in the staff report as an issue for discussion, and parking was not specifically considered by the review authority as an issue for discussion or deliberation. The City Planner shall prepare an administrative report for the Planning Commission explaining any project minor changes.

3. Approved projects not requiring construction. Any approved land use not requiring construction that has not been established as of the effective date or amendment, may still be established in compliance with its approved permit, as long as all of the following standards are met:
  - a. The use of the property as shown on the approved permit shall be established before the expiration of any applicable land use permit (Section 17.84.050, Time Limits, Phasing, and Extensions) or, where applicable, before the expiration of any approved time extension granted under Section 17.84.050;
  - b. The use of the property as shown on the approved permit shall comply with the requirements of the Development Code in effect at the time of the approved land use permit; and
  - c. The City Planner may approve minor changes to the project based on compliance with the requirements and standards if the changes:
    - (1) Do not involve a feature of the project that was specifically addressed or was a basis for findings in a negative declaration or environmental impact report (EIR) for the project;
    - (2) Do not involve a feature of the project that was specifically addressed or was a basis for conditions of approval for the project or that was a specific consideration by the review authority in the approval of the permit; and
    - (3) Do not involve a substantial change to the site plan or the building design.
4. Approved subdivisions not yet recorded. Any approved subdivision for which a Parcel or Final Map has not been recorded as of the effective date or amendment, may still have a Parcel or Final Map recorded in compliance with the approved Tentative Map, as long as recordation occurs before the

expiration of the Tentative Map (Section 17.96.130, Tentative Map Time Limits) or, where applicable, before the expiration of any approved time extension granted under Section 17.96.150 (Extensions of Time for Tentative Maps).

5. Projects under construction. A structure that is under construction on the effective date or any amendment, need not be changed to satisfy any new or different requirements of this Development 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 any applicable land use permit, or time extension granted in compliance with Section 17.84.050 (Time Limits, Phasing, and Extensions).
  
- G. Other requirements may still apply. Nothing in this Development Code eliminates the need for obtaining any other permits required by the City, or any permit of this Development Code, approval or entitlement required by other provisions of the Municipal Code or the regulations of any City department, or any County, regional, State, or Federal agency.
  
- H. Conflicting permits and licenses to be void. All permits or licenses shall be issued by the City in compliance with the provisions of this Development Code. Any permit or license issued in conflict with shall be void.

#### **17.01.050 - Responsibility for Administration**

This Development Code shall be administered by the Jackson City Council, Planning Commission, City Manager, City Planner, Engineer, and Building Department, in compliance with Chapter 17.120 (Administrative Responsibility) of this Development Code.

#### **17.01.060 - Partial Invalidation of Development Code**

If any portion is for any reason held to be invalid, unconstitutional or unenforceable by a court of competent jurisdiction, these decisions shall not affect the validity of the remaining portions of this Development Code. The Jackson City Council hereby declares that this Development Code and each article, chapter, section, subsection, paragraph, subparagraph, sentence, clause, phrase and portion thereof would have been adopted irrespective of the fact that one or more portions of this Development Code may be declared invalid, unconstitutional or unenforceable.

### **Chapter 17.02 - Development and Land Use Approval Requirements**

Sections:

17.02.010 - Purpose of Chapter

17.02.020 - Requirements for Development and New Land Uses

- 17.02.030 - Exemptions from Land Use Permit Requirements
- 17.02.040 - Temporary Uses
- 17.02.050 - Additional Permits or Approvals May Be Required

### **17.02.010 - Purpose of Chapter**

This Chapter describes the general requirements for the approval of proposed development and new land uses by the City. Land use permit requirements for specific land uses are established by Articles II (Zoning Districts and Allowable Land Uses) and III (Site Planning and General Development Standards).

### **17.02.020 - Requirements for Development and New Land Uses**

No use of land or structures shall be established, constructed, reconstructed, altered, allowed or replaced unless the use of land or structures complies with the following requirements:

- A. Allowable use. The land use shall be identified by Article II (Zoning Districts and Allowable Land Uses) as being allowable in the zoning district applied to the site.
- B. Permit requirements. Any land use permit required shall be obtained before the proposed use is constructed, otherwise established or put into operation, unless the proposed use is listed in Section 17.02.030 (Exemptions from Land Use Permit Requirements). The land use permit requirements are established by Article II (Zoning Districts and Allowable Land Uses).
- C. Development standards. The use and/or structures shall comply with all other applicable requirements of this Development Code, including the development standards of Article II (Zoning Districts and Allowable Land Uses), and the provisions of Article III (Site Planning and General Development Standards).
- D. Legal parcel. The use and/or structures shall only be established on a parcel of land which has been legally created in compliance with the Subdivision Map Act, Article V (Subdivisions), and Chapter 18.86 (Lot Line Adjustments), as applicable at the time the parcel was created.
- E. Previous approvals and agreements. The use and/or structures shall comply with applicable provisions and requirements of any of the following permits, entitlements or agreements:
  - 1. Conditions of Approval. Any conditions of approval imposed by any land use permit previously granted by the City and still in effect;
  - 2. Development Agreements. Any Development Agreement approved by the City in compliance with Chapter 17.150 (Development Agreements) and still in effect;

3. Planned Developments. Any conditions of approval or other provisions imposed by a Planned Development previously approved by the City and still in effect; and
4. Subdivisions. Any conditions of approval, restrictions, or other provisions imposed by a subdivision map previously approved by the City and recorded in the Amador County Recorders Office.

### **17.02.030 - Exemptions from Land Use Permit Requirements**

The land use permit requirements do not apply to the activities, uses of land and/or structures identified by this Section, which are allowed in all zoning districts subject to compliance with this Section.

A. General requirements for exemption. The activities, uses of land and/or structures identified by following Subsection B. are exempt from the land use permit requirements only when:

1. The activity or use is established and operated in compliance with all applicable development standards of Articles II (Zoning Districts and Allowable Land Uses) and III (Site Planning and General Development Standards);
2. Any permit or approval required by regulations other than in this Development Code is obtained in compliance with Section 17.02.050 (Additional Permits or Approvals May Be Required); and
3. The activity or use will not result in any exterior improvements, modifications, or alterations to structures located in the Historic Corridor.

B. Exempt activities and uses. The following activities, uses of land and/or structures are exempt from the land use permit requirements when in compliance with Subsection A. above.

1. Electrical facilities. The location or construction of facilities for production or generation of electrical energy, electrical substations in an electrical transmission system which receives electricity at less than 100,000 volts, and electrical distribution lines of less than 100,000 volts, in compliance with Government Code Section 53091 and Public Resources Code Section 12808.5.
2. Governmental activities. Activities of the State or an agency of the State, or the Federal Government on land owned or leased by a governmental agency.

3. Interior remodeling. Interior alterations that do not increase the number of rooms or the gross floor area within the structure, change the permitted use of the structure, or otherwise intensify the use.
4. Non-residential repairs and maintenance. Ordinary repairs and maintenance for uses and structures other than residential uses and structures, if:
  - a. The work does not result in any change in the approved land use of the site or structure, or the addition to, enlargement or expansion of the structure;
  - b. Any exterior repairs employ the same or similar materials and design as the original;
  - c. Any exterior repairs comply with any previous design approval; and
  - d. All repairs and maintenance comply with applicable provisions of Chapter 17.130 (Nonconforming Uses, Structures, and Parcels).
5. Residential activities, uses and structures.
  - a. Decks, paths and driveways. Residential decks, platforms, on-site paths, and driveways that are not required to have a Building Permit or Grading Permit by Title 15 (Building and Construction) of the Municipal Code, and are not over 18 inches above natural grade and not over any basement or story below.
  - b. Fences and walls. Residential fences and walls are exempt from land use permit requirements as provided by Section 17.30.070 (Fences, Walls, and Hedges).
  - c. Multi-family residential repairs and maintenance. Ordinary repairs and maintenance for residential uses and structures other than single-family uses and structures, if:
    - (1) The work does not result in any change in the approved land use of the site or structure, or the addition to, enlargement or expansion of the structure;
    - (2) Any exterior repairs employ the same or similar materials and design as the original;
    - (3) Any exterior repairs comply with any previous design approval; and

- (4) All repairs and maintenance comply with applicable provisions of Chapter 17.130 (Nonconforming Uses, Structures, and Parcels).
- d. Single-family residential repairs and maintenance. Ordinary repairs and maintenance for single family residential uses and structures, if:
  - (1) The work does not result in any change in the approved land use of the site or structure;
  - (2) The work does not result in an addition, enlargement or expansion of the structure; and
  - (3) All repairs and maintenance comply with applicable provisions of Chapter 17.130 (Nonconforming Uses, Structures, and Parcels).
- e. Small residential accessory structures. Portable storage sheds and other small structures in residential zoning districts that are:
  - (1) Exempt from building and grading permit requirements in compliance with Title 15 (Building and Construction) of the Municipal Code;
  - (2) Less than 120 square feet in roof area; and
  - (3) In compliance with the setback requirements of Article II (Zoning Districts and Allowable Land Uses), and with any applicable setback requirements in Section 17.30.120 (Setback Requirements and Exceptions).
- f. Spas, hot tubs, and fish ponds. Portable spas, hot tubs, fish ponds, etc., shall comply with the side and rear setback requirements established by Article II (Zoning Districts and Allowable Land Uses) for the applicable zoning district where applicable unless they do not:
  - (1) Exceed 120 square feet in total area, including related equipment;
  - (2) Contain more than 2,000 gallons of water; and
  - (3) Exceed three feet in depth.
- g. Greenhouses, playhouses and tree houses. Greenhouses, playhouses and tree houses that do not exceed 120 square feet in total area shall comply with the front, side, and rear setback requirements established

by Article II (Zoning Districts and Allowable Land Uses) for the applicable zoning district where applicable.

6. Solar collectors. The addition of solar collection systems to the roofs of existing structures, provided that the collectors are located in compliance with Section 17.30.140 (Solar Access and Solar Equipment Guidelines).
7. Utility infrastructure. The erection, construction, alteration, or maintenance by a public utility or public agency of underground or overhead utilities (i.e., water, gas, electric, telecommunication, supply or disposal systems, including wires, mains, drains, sewers, pipes, conduits, cables, fire-alarm boxes, police call boxes, traffic signals, hydrants, etc.), shall be permitted in any zoning district. This does not include structures, electrical substations which receive electricity at 100,000 volts or greater, and electrical distribution lines of 100,000 volts or greater. Satellite, cellular telephone, wireless communications, and other antennas are subject to Section 17.58.025 (Telecommunications Facilities).
8. Water facilities. The location or construction of facilities for the production, generation, storage, or transmission of water, in compliance with Government Code Section 53091.

#### **17.02.040 - Temporary Uses**

Requirements for establishing a temporary use (e.g., construction yards, seasonal sales lots, special events, temporary office trailers, etc.) are in Chapter 17.80 (Temporary Use Permits).

#### **17.02.050 - Additional Permits or Approvals May be Required**

An allowed land use that is exempt from a land use permit, or has been granted a land use permit, may still be required to obtain other issued permits before the use is constructed, or otherwise established and put into operation. Nothing in this Chapter shall eliminate the need to obtain any permits or approvals required by:

- A. Other provisions of the Municipal Code, including: Building Permits, Grading Permits, or other construction permits if they are required by Title 15; any Encroachment Permit required by Title 13; or subdivision approval if required by Article V (Subdivisions);
- B. Amador County, any special district, or any regional, State or Federal agency.

The applicant shall obtain all necessary permits before starting work or establishing new uses.

#### **Chapter 17.03 - Interpretation of Code Provisions**

Sections:

- 17.03.010 - Purpose of Chapter
- 17.03.020 - Rules of Interpretation
- 17.03.030 - Procedures for Interpretations

### **17.03.010 - 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 provisions and the General Plan.

### **17.03.020 - Rules of Interpretation**

- A. Authority. The City Planner is assigned the responsibility and authority to interpret the requirements of this Development Code.
- B. Language.
  - 1. Abbreviated titles and phrases. For the purpose of brevity, the following phrases, personnel and document titles are shortened hereafter in the Development Code. The City of Jackson is referred to hereafter as the "City." The City of Jackson Development Code is referred to hereafter as "Development Code." "Buildings and structures" are referred to hereafter as "structures."
  - 2. Terminology. When used in the 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 . . .". When used to describe the applicability of two or more requirements of this Development Code, the word "or" shall mean that compliance with any of the series is sufficient, and the words "and," and "and/or" shall mean that compliance with all of the series is required.
  - 3. Number of days. Whenever a number of days are specified in the Development Code, or in any permit, condition of approval, or notice issued or given as provided in the Development Code, the number of days shall be construed as calendar days. Time limits will extend to the following working day where the last of the specified number of days falls on a weekend or holiday.

4. State law requirements. Where the Development Code references applicable provisions of State law (for example, the California Government Code, Subdivision Map Act, Public Resources Code, etc.), the reference shall be construed to be to the applicable State law provisions as they may be amended from time to time.
- C. Calculations - Rounding. Where provisions require calculations to determine applicable requirements, any fractional/decimal results of the calculations shall be rounded as provided by this Subsection.
1. Minimum lot area, maximum density. The fractional/decimal results of calculations of the number of parcels or residential units allowed through subdivision or a land use permit based on a minimum lot area or maximum density requirement shall be rounded down to the next lowest whole number. For example, the RH zoning district would allow a parcel to be proposed for development with up to 1 apartment residential unit per 2,000 square feet of site area, which would allow up to 21 dwelling units on a one acre (43,560 square foot) parcel ( $43,560/2,000 = 21.78$ , rounded down to 21).
  2. All other calculations. For all calculations required other than those described in Subsection C.1 above or in another section stating the calculations for a specific development standard, 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.
- D. Zoning Map boundaries. If there is uncertainty about the location of any zoning district boundary shown on the official Zoning Map, the following rules are to be used in resolving the uncertainty. (See also 17.06.040, Zoning District Regulations).
1. Where district boundaries approximately follow lot, alley, or street lines, the lot lines and street and alley centerlines shall be construed as the district boundaries.
  2. If a district boundary divides a parcel and the boundary line location is not specified by distances printed on the zoning map, the location of the boundary will be determined by using the scale appearing on the zoning map.
  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 zoning district of the adjoining property on either side of the centerline of the vacated or abandoned street or alley.
- E. Allowable uses of land. If a proposed use of land is not specifically listed in Article II, the use shall not be allowed, except as follows.

1. Allowed by other section. The proposed use of land is specifically allowed by another section of this Development Code, e.g. home occupations allowed as an accessory use in all residential zoning districts by Section 17.58.120.
2. Similar uses allowed.
  - a. Similar use determination. The City Planner may determine that a proposed use not listed in Article II is allowable for the purpose of accepting a land use permit application for processing, and the review authority may approve an application for an unlisted use, if all of the following findings are made:
    - (1) The characteristics of, and activities associated with, the proposed use are similar to those of one or more of the uses listed in the zoning district as allowable, and will not involve a higher level of activity or population density than the uses listed in the district;
    - (2) The proposed use will meet the purpose/intent of the zoning district that is applied to the site; and
    - (3) The proposed use will be consistent with the goals, objectives and policies of the General Plan and any Planned Development.
  - b. Applicable standards and permit requirements. When the review authority determines that a proposed, but unlisted, use is similar to a listed use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what permits are required and what other standards and requirements apply.
  - c. Planning Commission determination. The City Planner may forward questions about similar uses directly to the Planning Commission for a determination at a public meeting. Any decision of the Planning Commission shall be in writing.
- F. Minimum requirements. When the regulations are being interpreted and applied, all provisions shall be considered to be minimum requirements, unless stated otherwise (e.g., height limits and site coverage requirements for structures, and the numbers and size of signs allowed are maximums, not minimums).
- G. Conflicting requirements:
  1. Development Code provisions. In the event of any conflict between the zoning district regulations of Article II and the provisions of Article III (Site Planning

and General Development Standards), the provisions of Article III shall control.

2. Development Code and Municipal Code provisions. If conflicts occur between requirements of this Development Code, or between the Development Code and other regulations of the City, the most restrictive shall control.
3. Development Agreements, Specific Plans, Planned Developments. If conflicts occur between the Development Code and the requirements and standards adopted as part of any Development Agreement, Specific Plan, or Planned Development, the requirements of the Development Agreement, Specific Plan, or Planned Development shall control.
4. Development Code and Subdivisions. If conflicts occur between the requirements of this Development Code and any conditions of approval, restrictions, or other provisions imposed by a subdivision map, the conditions of approval, restrictions, and provisions of the subdivision map shall control unless the City Planner finds (a) the conditions of approval, restrictions, or other provisions of the subdivision map would be detrimental to the public health, safety, or welfare of the City or injurious to property or improvements in the vicinity; or (b) the characteristics and circumstances of the property and surrounding area and/or the project have substantially changed and clearly demonstrate that the conditions of approval, restrictions, or other provisions of the subdivision map are no longer necessary. In these cases, the requirements of the Development Code shall prevail.
5. Private agreements. This article 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, without affecting the applicability of any agreement or restriction. The City shall not enforce any private covenant or agreement unless it is a party to the covenant or agreement, or unless enforcement rights have been provided to the City in the covenant or agreement, provided that the City shall be under no obligation to enforce any covenant or agreement.

#### **17.03.030 - Procedures for Interpretations**

If the City Planner determines that the meaning or applicability of any of the requirements of this Development Code are subject to interpretation generally or as applied to a specific case, the City Planner may issue an official interpretation. Interpretations may also be requested in compliance with this Section.

- A. Request for interpretation. A request shall be written, specifically state the provision(s) in question, and provide any information to assist in their review.
- B. Record of interpretations. Official interpretations shall be:

1. In writing, and shall quote the provisions being interpreted, and explain their meaning or applicability in the particular or general circumstances that caused the need for interpretation; and
2. Distributed to the City Council, Planning Commission, City Attorney, City Manager and Department staff.

Any provisions that are determined by the City Planner to need refinement or revision should be corrected by amending as soon as is practical. Until amendments can occur, the City Planner will maintain a complete record of all official interpretations, available for public review, and indexed by the number of the Section that is the subject of the interpretation.

- C. Appeals and referral. Any interpretations by the City Planner may be appealed to the Planning Commission as provided by Chapter 17.140 (Appeals). The City Planner may also refer any interpretation to the Commission for a determination.