

ARTICLE 1

Purpose and Applicability of Zoning Code

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CHAPTER 17.10 - ENACTMENT AND APPLICABILITY OF ZONING CODE

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17.10.010 - Purpose of the Zoning Code

The purpose of the Pasadena Zoning Code is to protect and promote the public health, safety and general welfare, and to implement the policies of the General Plan by classifying and regulating the uses of land and structures within the City of Pasadena in a manner consistent with the General Plan. To achieve this purpose, it is the intent of this Zoning Code to:

- A. Provide standards for the orderly development of the City and continue a stable pattern of land uses;
- B. Conserve and protect the historical integrity and character of the City's neighborhoods;
- C. Maintain and protect the value of property;
- D. Ensure the provision of adequate open space for light, air and fire safety;
- E. Promote the economic stability of existing land uses that conform to the General Plan and protect them from intrusions by inharmonious or harmful land uses;
- F. Permit the development of office, commercial, industrial, and transportation-related land uses in accordance with the general plan in order to strengthen the City's economic base;
- G. Ensure compatibility between land uses; and
- H. Encourage a pedestrian-friendly community by promoting a mix of land uses and pedestrian-oriented development in commercial areas.

17.10.020 - Authority

This Zoning Code is enacted based on the authority vested in the City of Pasadena by the State of California, including but not limited to: the State Constitution; the Planning and Zoning Law (Government Code Sections 65000 et seq.); the Subdivision Map Act (Government Code Sections 66410 et seq.); and the California Health and Safety Code.

17.10.030 - Applicability of Zoning Code

This Zoning Code applies to all land uses, structures, subdivisions, and development within the City of Pasadena, as provided by this Section.

- A. New land uses or structures, changes to land uses or structures.** Compliance with the requirements of Chapter 17.21 (Development and Land Use Approval Requirements) or, where applicable, Chapter 17.71 (Nonconforming Uses, Structures, and Parcels), is necessary for any person or public agency to lawfully establish, construct, reconstruct, alter, or replace any use of land or structure.
- B. Issuance of Building or Grading Permits.** The City may issue building, grading, or other construction permits only when:
1. The proposed land use and/or structure satisfy the requirements of Subsection A., above, and all other applicable statutes, ordinances, and regulations; and
 2. The Zoning Administrator determines that the site was subdivided in compliance with Municipal Code Title 16 (Land Subdivision).
- C. Subdivisions.** Any subdivision of land proposed within the City after the effective date of this Zoning Code shall be consistent with the minimum lot size requirements of Article 2 (Zoning Districts and Allowable Land Uses), all other applicable requirements of this Zoning Code, and the City's subdivision regulations.
- D. Effect of Zoning Code on existing uses and structures.** An existing land use or structure is lawful only when it was legally established, and is operated and maintained, in compliance with all applicable provisions of this Zoning Code, including Chapter 17.71 (Nonconforming Uses, Structures, and Parcels).
- Existing land uses or structures that were in violation of City zoning regulations applicable before the effective date of this Zoning Code are in violation of this Zoning Code, and shall continue to be in violation until they conform to the current requirements.
- E. Effect of Zoning Code changes on projects in progress.**
1. **Project with legislative or quasi-judicial approval.** A project with an effective legislative or quasi-judicial approval will be processed under the rules in effect on the effective date of the discretionary approval. These projects include a Conditional Use Permit, Design Review, Expressive Use Permit, Filming Permit, Temporary Use Permit, Variance, zone change, etc.
 2. **Project that is not legislative or quasi-judicial.** A project that has submitted a complete Building Permit application and paid all required fees will be processed under the rules in effect on the date that the application was submitted. If the Building Permit has expired, the project shall be subject to the requirements of this Zoning Code. This provision shall not apply to those projects that require a legislative or quasi-judicial approval.

3. **Project that is exempt from Central District moratorium.** A project that was determined to be exempt from the application of the Central District moratorium under Ordinance # 6972, will be processed under the rules in effect on the date that the applicant had submitted an application for Preapplication Conference (previously known as Predevelopment Plan Review) and paid all required fees.
 4. **Notification Requirements.** A quasi-judicial or legislative application that has been deemed complete as of the effective date of this ordinance shall be processed under the notification regulations in effect at the time the application was deemed complete.
 5. **Demolition permits not vested.** A demolition permit, in anticipation of applying for a replacement project, does not vest a project under the existing rules.
 6. **Grading- or foundation-only permits not vested.** A grading-only permit or foundation-only permit does not vest the subsequent project under the existing rules.
- F. **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 identified in this Code as may be necessary to promote orderly land use development and the purposes of this Zoning Code.
- G. **Other requirements may apply.** Nothing in this Zoning Code eliminates the need for obtaining any permit, approval, or entitlement required by the regulations of any County, regional, State, or Federal agency.
- H. **Conflicting requirements.** Any conflict between different requirements of this Zoning Code, or between this Zoning Code and other regulations, shall be resolved in compliance with Section 17.12.020.D (Conflicting Requirements).

17.10.040 - Responsibility for Administration

This Zoning Code shall be administered by the City Council, Planning Commission, Board of Zoning Appeals, Zoning Hearing Officer, Zoning Administrator, Subdivision Committee, Design Commission, Arts Commission, Historic Preservation Commission, Director of Planning and Development, and the Planning and Development Department in compliance with Chapter 17.70 (Administrative Responsibility).

CHAPTER 17.12 - INTERPRETATION OF ZONING CODE PROVISIONS

Sections:

- 17.12.010 - Purpose of Chapter
- 17.12.020 - Rules of Interpretation
- 17.12.030 - Procedures for Interpretations

17.12.010 - Purpose of Chapter

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.

17.12.020 - Rules of Interpretation

- A. Authority.** The Zoning Administrator shall have the responsibility and authority to interpret the meaning and applicability of all provisions and requirements of this Zoning Code.
- B. Language.**
 - 1. Abbreviated titles and phrases.** For the purpose of brevity, the following phrases, personnel and document titles are shortened in this Zoning Code. The City of Pasadena is referred to as the "City." The City of Pasadena Zoning Code is referred to as "this Zoning Code." The Director of Planning and Permitting is referred to as "Director," the City Council is referred to as the "Council," the Planning Commission is referred to as the "Commission." The Planning and Permitting Department is referred to as the "Department." The Zoning and Hearing Officer is referred to as the "Hearing Officer." "Buildings and structures" are referred to as "structures."
 - 2. Terminology.** When used in this Zoning Code, the words "shall," "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 "include," "includes," and "including," mean "including but not limited to . . .". The words "and" means that all connected words or provisions apply; the word "or" means that the connected words or provisions shall apply singly or in any combination. The word "either...or" indicates that the connected words or provisions shall apply singly, but not in combination.
 - 3. Number of days.** Whenever a number of days is specified in this Zoning Code, or in any permit, condition of approval, or notice issued or given as provided in this Zoning Code, the number of days shall be construed as calendar days, unless business days are specified. Time limits will extend to the following business day where the last of the specified number of days falls on a day that the City is not open for business except as otherwise provided for by the Map Act.

4. **Internal cross-references.** When a provision of the Zoning Code refers to a requirement elsewhere, the subject of the cross reference is assumed to be another Chapter or provision of the Zoning Code, or another provision within the same Section, unless the title of another document is provided. For example:
 - a. "See Section 17.12.010" means "See Section 17.12.010 of this Zoning Code";
 - b. "... in compliance with Subsection D.2," means "... in compliance with Subsection D.2 of this Section;" and
 - c. "See Chapter 9.20 of the Municipal Code," means "See Chapter 9.20 of the Pasadena Municipal Code."
 5. **State law requirements.** Where this Zoning Code references applicable provisions of State law (e.g., 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 of this Zoning Code require calculations to determine applicable requirements, any fractional/decimal results of the calculations shall be rounded as provided by this Subsection.
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, except when calculating a density bonus in compliance with 17.42 (Affordable Housing Incentives and Requirements). In the case of a density bonus, the fractional/decimal results of a calculation of the number of dwelling units allowed shall be rounded up to the next whole number.
 2. **All other calculations.** For all calculations required by this Zoning Code other than those described in Subsection C.1 above, 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. **Conflicting requirements.** Any conflicts between different requirements of this Zoning Code, or between this Zoning Code and other regulations, shall be resolved as follows.
1. **Zoning Code provisions.** Where uncertainty exists regarding the interpretation of any provision of this Zoning Code or its application to a specific site, the Zoning Administrator shall determine the intent of the provision. The determination shall take the form of a written zoning administration interpretation which shall constitute the precedent for all future interpretation of the subject section.
 2. **Development agreements or specific plans.** In the event of any conflict between the requirements of this Zoning Code and standards adopted as part of any development agreement or specific plan, the requirements of the development agreement or specific plan shall control.

3. **Municipal Code provisions.** In the event of any conflict between requirements of this Zoning Code and other regulations of the City, the Zoning Administrator shall determine which provision shall control.
 4. **Private agreements.** It is not intended that the requirements of this Zoning Code shall interfere with, repeal, abrogate, or annul any easement, covenant, or other agreement that existed when this Zoning Code became effective. 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 an applicable 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.
 5. **City adopted guidelines.** In the event of any conflict between requirements of this Zoning Code and any City adopted guidelines, the Zoning Code shall control.
 6. **General versus specific.** The specific requirement shall control over the general requirement.
- E. **Zoning Map boundaries.** See Section 17.20.020 (Zoning Map and Zoning Districts).
- F. **Allowable uses of land.** See Section 17.21.030 (Allowable Land Uses and Permit Requirements).

17.12.030 - Procedures for Interpretations

Whenever the Zoning Administrator determines that the meaning or applicability of any of the requirements of this Zoning Code are subject to interpretation generally, or as applied to a specific case, the Zoning Administrator may issue an official interpretation or refer the question to the Board of Zoning Appeals for determination.

- A. **Request for interpretation.** The request for an interpretation or determination shall be filed with the Department and shall identify each specific provision in question, and any other information necessary to assist the Department in their review.
- B. **Appeals.** Any interpretation of this Zoning Code by the Zoning Administrator or the Board of Zoning Appeals may be appealed in compliance with Chapter 17.72 (Appeals).

