

Division D1

Zoning Ordinance Applicability

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Chapter I - Purpose and Applicability of Zoning Ordinance

Sections:

- D1-1 - Purpose of the Zoning Ordinance
- D1-2 - Authority for the Zoning Ordinance
- D1-3 - Applicability of the Zoning Ordinance
- D1-4 - Responsibility for Administration
- D1-5 - Rules of Interpretation

D1-1 - Purposes of the Zoning Ordinance

The City of San Ramon Zoning Ordinance carries out the policies of the San Ramon General Plan by classifying and regulating the uses of land and structures within the City, consistent with the General Plan. This Zoning Ordinance is adopted to protect and promote the public health, safety, comfort, convenience, prosperity, and general welfare of residents, and businesses in the City. More specifically, this Zoning Ordinance is intended to:

- A. Guide the physical development of the City to:
 - 1. Preserve and enhance the character and quality of residential neighborhoods;
 - 2. Foster convenient, harmonious, and workable relationships among land uses;
 - 3. Achieve the arrangement and diversity of land uses envisioned by the General Plan;
- B. Promote the economic stability of existing land uses that are consistent with the General Plan and protect them from intrusion by inharmonious or harmful land uses;
- C. Ensure that development includes open space for light, air, and fire safety;
- D. Promote the development of non-residential land uses consistent with the General Plan to strengthen the City's economic base;
- E. Encourage pedestrian-oriented development to the extent feasible, to assist in reducing unnecessary vehicle trips;
- F. Conserve and enhance the City's architectural and cultural resources;
- G. Conserve and enhance key visual features of San Ramon's setting, including creeks, undeveloped hillsides and ridgelines;
- H. Require development to provide adequate off-street parking and loading facilities, and promote a safe, effective traffic circulation system; and
- I. Establish standards for proposed development to maintain acceptable capacities of existing streets, utilities, or public services.

D1-2 - Authority for the Zoning Ordinance

This Zoning Ordinance is enacted based on the authority vested in the City of San Ramon by the Charter of the City of San Ramon and by the State of California, including the California Constitution, the Planning and Zoning Law (Government Code Section 65000 et seq.), and the California Environmental Quality Act (Public Resources Code Section 21000 et seq.).

D1-3 - Applicability of the Zoning Ordinance

This Zoning Ordinance applies to all land uses, subdivisions, and development within the City of San Ramon as follows.

- A. Application to property.** The requirements of this Zoning Ordinance apply to all land within the City of San Ramon, including land owned by the City. The requirements of this Zoning Ordinance shall apply to property owned by and/or under the jurisdiction of any other local, state, or federal agency to the maximum extent allowed by law. The Zoning Map shall govern the application of regulations to specific lots.
- B. New land uses or structures, changes to land uses or structures.** It shall be unlawful, and a violation of this Zoning Ordinance for any person to establish, construct, reconstruct, alter, or replace any use of land or structure, except in compliance with the requirements of Section D2-2 (General Requirements for Development and New Land Uses), and Chapter D7-I (Nonconforming Uses, Structures, and Parcels). Issuance of a Building Permit or Grading Permit by the City shall require that the plans for proposed construction comply with all applicable requirements of this Zoning Ordinance.
- C. Subdivisions.** Each proposed subdivision shall be consistent with the minimum lot size requirements of Division D2 (Allowable Land Uses and Zoning Standards), the City's Subdivision Ordinance, and all applicable requirements of this Zoning Ordinance.
- D. Continuation of an existing land use.** An existing land use is lawful and not in violation of the this Zoning Ordinance only when operated and maintained in compliance with all applicable requirements of this Zoning Ordinance, including Chapter D7-I (Nonconforming Uses, Structures, and Parcels). However, these requirements do not retroactively apply to a land use that was lawfully established before the effective date of this Zoning Ordinance or an applicable amendment, except as otherwise provided by Chapter D7-I.
- E. Effect of Zoning Ordinance changes on a project in progress.**
 - 1. Application in process.** A planning permit application (see Division D6 - Planning Permit Procedures) that has been accepted by the Department as complete prior to the effective date of a Zoning Ordinance amendment is subject to the Zoning Ordinance requirements in effect as of the date that the application is deemed complete. Any project revisions or amendment to a permit application, that has been previously deemed complete, shall be subject to the Zoning Ordinance requirements in effect as of the date that the proposed project revisions are deemed complete. Each planning permit application shall be processed in compliance with the requirements of the California Permit Streamlining Act (PSA).
 - 2. Project under construction.** A project that is under construction on the effective date of this Zoning Ordinance, or any amendment, need not be changed to satisfy a new or different requirement of this Zoning Ordinance, 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 the permit, or applicable time extension.

- F. Minimum requirements.** The requirements of this Zoning Ordinance are minimum requirements for the promotion of the public health, safety, and general welfare. When this Zoning Ordinance provides for discretion on the part of a City official or body, discretion may be exercised to impose more stringent requirements than those in this Zoning Ordinance as may be determined by the review authority to be necessary to promote appropriate land use and development, environmental resource protection, and the other purposes of this Zoning Ordinance.
- G. Conflicting or Combining requirements.**
- 1. Zoning Ordinance and Municipal Code or Building Code provisions.** If a conflict occurs between requirements of this Zoning Ordinance, or between this Zoning Ordinance and requirements of other sections of the San Ramon Municipal Code, the Building Code, or other regulations of the City, the most restrictive shall apply. If a property condition exists that meets two or more categorical definitions found in D8 (Glossary) of this Zoning Ordinance, then such property condition must comply with each and every applicable definition to comply with this Zoning Ordinance.
 - 2. Development agreements or specific plans.** If a conflict occurs between the requirements of this Zoning Ordinance and standards adopted as part of any development agreement or applicable specific plan, the requirements of the development agreement or specific plan shall apply.
 - 3. Private agreements.** This Zoning Ordinance 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, CC&Rs), without affecting the applicability of any agreement or restriction. The City shall not enforce a private covenant or agreement unless it is a party to the covenant or agreement, or a portion of it.
- H. Relationship to prior Zoning Ordinance.** The requirements of this Zoning Ordinance supersede all prior zoning ordinances, as amended, of the City of San Ramon. No requirement of this Zoning Ordinance shall validate or legalize a land use or structure that was established, constructed, or maintained in violation of the prior zoning ordinance, as amended, unless it is specifically authorized by this Zoning Ordinance and is in compliance with all other applicable City ordinances and regulations.
- I. Application during local emergency.** The City Council may authorize deviations from any requirement of this Zoning Ordinance during a local emergency. These deviations shall be authorized by City Council resolution, without notice or public hearing.
- J. Other requirements may apply.** Nothing in this Zoning Ordinance eliminates the need for obtaining any other permits required by the City, or any permit, approval or entitlement required by any other applicable special district or agency, and/or the regulations of any State or Federal agency.
- K. Partial invalidation.** If any division, article, chapter, section, subsection, paragraph, subparagraph, sentence, clause, phrase or portion of this Zoning Ordinance is for any reason held to be invalid, unconstitutional or unenforceable, that determination shall not affect the validity of the remaining portions of this Zoning Ordinance. The Council hereby declares that this Zoning Ordinance, and every part thereof, would have been adopted irrespective of the fact that one or more portions of this Zoning Ordinance may be declared invalid, unconstitutional or unenforceable.

D1-4 - Responsibility for Administration

The Zoning Ordinance shall be administered by: the San Ramon City Council, referred to in this Zoning Ordinance as the "Council;" the Planning Commission, referred to as the "Commission;" the Community Development Director, referred to as the "Director;" the Zoning Administrator; and the San Ramon Community Development Department, hereafter referred to as the "Department." The Zoning Administrator shall be designated by the City Manager.

D1-5 - Rules of Interpretation

- A. Authority.** The Director has the authority to interpret any provision of this Zoning Ordinance. Whenever the Director determines that the meaning or applicability of a Zoning Ordinance requirement is subject to interpretation, the Director may issue an official interpretation. The Director shall keep a record of any official interpretations made in compliance with this Section and provide the Planning Commission notification of said interpretations. The Director may also refer any issue of interpretation directly to the Commission for its determination. Any official interpretation by the Director or Planning Commission shall be available for public review upon request and may be appealed pursuant to Division D7, Chapter 2.
- B. Language.** When used in this Zoning Ordinance, 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. Time limits.** Whenever a number of days is specified in this Zoning Ordinance, or in any permit, condition of approval, or notice provided in compliance with this Zoning Ordinance, the number of days shall be construed as consecutive calendar days. A time limit shall extend to 5 p.m. on the following working day where the last of the specified number of days falls on a weekend or holiday.
- D. Zoning Map boundaries.** See Section D1-7 (Zoning Map and Zones).
- E. Allowable uses of land.** See Section D2-3 (Allowable Land Uses and Permit Requirements).
- F. State law requirements.** Where this Zoning Ordinance references a State law requirement (for example, the California Government Code, Subdivision Map Act, or Public Resources Code), the reference shall be construed to be to the applicable State law as it may be amended from time-to-time.
- G. Conflicting requirements.** See Section D1-3.G (Conflicting requirements).

Chapter II - Zoning Map

Sections:

- D1-6 - Purpose
- D1-7 - Zoning Map and Zones

D1-6 - Purpose

This Chapter establishes the zones applied to property within the City and adopts the City's Zoning Map.

D1-7 - Zoning Map and Zones

The Council hereby adopts the City of San Ramon Zoning Map (hereafter referred to as the "Zoning Map"), which is on file with the Department and the City Clerk. The Zoning Map is hereby incorporated into this Zoning Ordinance by reference as though it were fully included here.

- A. Zones established.** The City of San Ramon shall be divided into zones that implement the San Ramon General Plan, as follows.
- 1. Zoning designation system.** The zones established by this Section are shown as symbols on the Zoning Map that consist of letters and numbers, organized as follows.
 - a. General land use indicator.** Each zone symbol includes a letter that indicates the primary purpose of the zone in terms of land use types. For example, "RS" means that the primary land use type is single-family residential, though certain non-residential uses may also be allowed.
 - b. Residential density or dwelling type indicator.** The land use symbol for a particular zone may include a number that identifies a sub-district with a specific range of dwelling unit densities or a type of dwelling. For example, "RS-12" identifies an area within the single-family residential zone where the minimum lot size is 12,000 square feet.
 - c. Overlay zone indicator.** One or more overlay zone indicators may be appended to the primary zone indicator to identify any overlay zones that apply to a site. For example, "RS-12-L" would identify a residentially zoned site that is subject to a "Landmark" designation.
 - 2. Zones.** The zones shown in Table 1-1 are hereby established, and shall be shown on the Zoning Map.
- B. Interpretation of zone boundaries.** If there is uncertainty about the location of any zone boundary shown on the official Zoning Map, the location of the boundary shall be determined by the Zoning Administrator as follows.
1. A zone boundary shown as approximately following a property line shall be construed to follow the property line.
 2. On unsubdivided land, or where a zone boundary divides a lot, the location of the boundary shall be determined by using the scale on the Zoning Map, unless dimensions printed on the map indicate the boundary location.

3. A zone boundary shown as approximately following the right-of-way line of a freeway, street, railroad, or other identifiable boundary line shall be construed to follow the right-of-way or other boundary line.
 4. A zone boundary shown as located within the right-of-way line of a freeway, street, railroad, or other identifiable boundary line shall be construed to follow the centerline of the right-of-way or boundary line.
 5. If any uncertainty remains about the location of a zone boundary or other feature shown on the zoning map, the location shall be determined by the Zoning Administrator.
- C. Development on a lot divided by zone boundaries.** If a lot is divided by a zone boundary, the regulations of this Zoning Ordinance that apply to each zone shall be applied to the area within each district, and no use other than parking serving a principal use on the site shall be located in a district in which it is not a permitted or conditional use in Division D2 (Allowable Land Uses and Zoning Standards).

TABLE 1-1 - ZONES

| Zone Symbol | Name of Zone | General Plan Classification Implemented by Zone | See Chapter |
|--------------------|---------------------|--|--------------------|
|--------------------|---------------------|--|--------------------|

Residential Zones

| | | | |
|-----|-----------------------------------|--|-------|
| RC | Rural Conservation | Rural Conservation - 1 unit/5 acres | D2-II |
| HR | Hillside Residential | Hillside Residential - 2 units/acre | |
| RE | Residential Estate | Single Family Low Density - 0.2 to 3 units/acre | |
| RS | Single-Family Residential | Single Family Low Density - 0.2 to 3 units/acre Single Family Low-Medium Density - 3 to 6 units/acre Single Family Medium Density - 6 to 14 units/acre | |
| RM | Medium Density Residential | Multiple Family-High Density - 14 to 30 units/acre | |
| RMH | Medium-High Density Residential | Multiple Family-High Density - 14 to 30 units/acre | |
| RH | High Density Residential | Multiple Family-Very High Density - 30 to 50 units/acre | |
| RVH | Multiple Family-Very High Density | Multiple Family-Very High Density - 30 to 50 units/acre | |

Mixed Use Zones

| | | | |
|------|-----------------------|-----------|--------|
| MU | Mixed Use | Mixed Use | D2-III |
| CCMU | City Center Mixed Use | Mixed Use | |
| MU-C | Commercial Mixed Use | Mixed Use | |

Commercial and Manufacturing Zones

| | | | |
|----|---------------------------|------------------------------|-------|
| OA | Administrative Office | Office | D2-IV |
| OL | Limited Office | Office | |
| CC | Community Commercial | Retail Shopping Mixed Use | |
| CT | Thoroughfare Commercial | Thoroughfare Commercial | |
| CS | Service Commercial | Commercial Services | |
| CR | Commercial Recreation | Commercial Recreation | |
| MW | Manufacturing/Warehousing | Manufacturing/Warehousing | |

TABLE 1-1 - ZONES

| Zone Symbol | Name of Zone | General Plan Classification Implemented by Zone | See Chapter |
|-------------|--------------|---|-------------|
|-------------|--------------|---|-------------|

Special Purpose Zones

| | | | |
|------|-----------------------|-----------------------|------|
| AG | Agriculture | Open Space | D2-V |
| OS-1 | Open Space | Open Space | |
| OS-2 | Open Space | Open Space | |
| P | Parks and Recreation | Parks | |
| GC | Golf Course | Golf Course | |
| PS | Public and Semipublic | Public and Semipublic | |
| M-1 | Medical Center | Office | |
| M-2 | Health Facility | Office | |
| PD | Planned Development | All | |

Overlay Zones

| | | | |
|----|----------------|-----|-------|
| H | Height | All | D2-VI |
| IS | Interim Study | All | |
| L | Landmark | All | |
| SH | Senior Housing | All | |