
Chapter 20.10 – Purpose and Applicability of the Zoning Code

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20.10.010 – Title

This title shall be known as the "City of Newport Beach Zoning Code" and referred to as the "Zoning Code."

20.10.020 – Purpose

This Zoning Code is intended to carry out the policies of the City of Newport Beach General Plan and certified Coastal Land Use Plan. It is also the intent of this Zoning Code to promote the orderly development of the City; promote and protect the public health, safety, peace, comfort, and general welfare; protect the character, social, and economic vitality of neighborhoods; and to ensure the beneficial development of the City.

20.10.030 – Authority, Relationship to General Plan and Local Coastal Plan

- A. Authority.** The regulations within this Zoning Code are enacted based on the authority vested in the City of Newport Beach by the State of California and Section 200 of the City Charter.
- B. Relationship to the California Coastal Act.** The regulations within this Zoning Code are enacted to address the requirements of Articles 1 and 2 of Chapter 6 of the California Coastal Act and Chapter 8 of Title 14 of the California Code of Regulations. The provisions of this Zoning Code implement a portion of the City's certified Coastal Land Use Plan.
- C. Consistency with General Plan and Coastal Land Use Plan.** This Zoning Code is the primary tool used by the City to carry out the goals, objectives, and policies of the General Plan and certified Coastal Land Use Plan. It is intended that all provisions of this Zoning Code be consistent with the General Plan and certified Coastal Land Use Plan and that any development, land use, or subdivision approved in compliance with these regulations will also be consistent with these documents. Whenever the provisions of this Zoning Code require consistency with the General Plan, it shall also be understood as requiring consistency with the certified Coastal Land Use Plan for properties located in the Coastal Zone.

20.10.040 – Applicability of Zoning Code

This Zoning Code applies to all construction, land uses, subdivisions, and development within the City of Newport Beach, 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 Zoning Code, except that the provisions of this Zoning Code shall not apply to capital improvements undertaken in compliance with the City Charter.
- B. Minimum Requirements.** The provisions of this Zoning Code shall be considered the 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 review authority, the discretion may be exercised to impose more or less stringent requirements than required by this Zoning Code and may allow deviations from the requirements in order to promote orderly land use and development, environmental resource protection, and the other purposes of this Zoning Code.
- C. Agreements, covenants, easements, laws, permits, and regulations.**

 - 1. Effect on municipal laws, policies, and regulations.** It is not intended by the adoption of this Zoning Code to repeal, impair, or interfere with other provisions of law of the City, or any policy, regulation, or rule for the alteration, construction, erection, or establishment of land uses or structures.
 - 2. Effect on agreements, covenants, and easements.** It is not intended by the adoption of this Zoning Code to interfere with, abrogate, annul, or repeal any agreement, covenant (e.g., CC&Rs), easement, or restriction between private parties. However, if this Zoning Code imposes greater restrictions than are imposed or required by other private agreements, covenants, or easements, the provisions of this Zoning Code shall control. The City shall not enforce any private agreement, covenant, or restriction unless it is a party to the agreement, covenant, or restriction.
- D. Subdivisions.** A proposed subdivision of land within the City after the effective date of this Zoning Code shall be in compliance with the minimum parcel size requirements of Part 2 (Zoning Districts and Allowable Land Uses), other applicable requirements of this Zoning Code, and Title 19 (Subdivisions) of the Municipal Code.
- E. Other permits may be required.** Nothing in this Zoning Code eliminates the need for obtaining other permits required by the City; regulations of a special district or agency; or regulations of a State or Federal agency.
- F. Other applicable provisions.** Where this Zoning Code requires compliance with “other applicable provisions”, they shall be in addition to the requirements of this Zoning Code, General Plan, and certified Coastal Land Use Plan. Other applicable provisions may include, but are not limited to, annexation agreements, development agreements, specific plans, adopted criteria/guidelines, City policies, and/or State and Federal regulations.

- G. State and Federal law requirements.** Where this Zoning Code refers to provisions of State or Federal law, the references shall be interpreted to be to the applicable State or Federal law provisions as they may be amended from time to time.

20.10.050 – Responsibility for Administration

- A. Responsible authority.** This Zoning Code shall be administered by: Newport Beach 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;" the Zoning Administrator; and the Planning Department, hereafter referred to as the "Department."
- B. Exercise of discretion.** In the event that a provision of this Zoning Code or a condition of approval allows the review authority to exercise judgment in the application of a specific development standard or condition of approval, the exercise of the discretion shall be based on all of the following:
1. The proposed project or decision/determination complies with all applicable provisions of this Zoning Code;
 2. The exercise of authority will act to ensure the compatibility of the proposed project with its site and surrounding properties;
 3. The manner in which authority is exercised will result in a more practical application of the provisions of this Zoning Code given specific characteristics of the site and its surroundings; and
 4. The decision is consistent with the General Plan, certified Local Coastal Plan, any applicable specific plan, or any other applicable regulation or standard.

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