

Chapter 4.8 — Code Interpretations

Sections:

4.8.100 - Purpose

4.8.200 - Authorization of Similar Uses

4.8.300 – Code Interpretation Procedure

4.8.100 Purpose.

Some terms or phrases within the Code may have two or more reasonable meanings. This section provides a process for resolving differences in the interpretation of the Code text.

4.8.200 Authorization of Similar Uses

Where a proposed use is not specifically identified by this Code, or the Code is unclear as to whether the use is allowed in a particular zone, the Planning Official may find the use is similar to another use that is permitted, allowed conditionally, or prohibited in the subject zone and apply the Code accordingly. However, uses and activities that this Code specifically prohibits in the subject zone, and uses and activities that the Planning Official finds are similar to those that are prohibited, are not allowed. Similar use rulings that require discretion on the part of City officials shall be processed following the Type II procedure of Chapter 4.1.400.

4.8.300 Code Interpretation Procedure.

- A. Requests.** A request for a code interpretation (“interpretation”) shall be made in writing to the City Manager. The Planning Official may develop written guidelines for the application process.
- B. Decision to Issue Interpretation.** The Planning Official shall have the authority to review a request for an interpretation. The Planning Official shall advise the requester in writing within 14 days after the request is made, on whether the City will issue an interpretation.
- C. Declining Requests for Interpretations.** The Planning Official is authorized to issue or decline to issue a requested interpretation. Basis for declining may include, but is not limited to, a finding that the subject Code section affords only one reasonable interpretation, and the interpretation does not support the request.
- D. Written Interpretation.** If the Planning Official decides to issue an interpretation, it shall be issued in writing and shall be mailed or delivered to the person requesting the interpretation and any other person who specifically requested a copy of the interpretation. The written interpretation shall be issued within 14 days after the City advises the requester that an interpretation shall be issued. The decision shall become effective 14 days later unless an appeal is filed in accordance with E-G below.
- E. Appeals.** The applicant and any party who received such notice or who participated in the

proceedings through the submission of written or verbal evidence of an interpretation may appeal the interpretation to the City Council within 14 days after the interpretation was mailed or delivered to the applicant. The appeal may be initiated by filing a notice of appeal with the Planning Official pursuant to Section 4.1.400.G.

- F. Appeal Procedure.** City Council shall hear all appeals of a Planning Official interpretation as a Type III action pursuant to Section 4.1.500, except that written notice of the hearing shall be provided to the applicant, any other party who has filed a notice of appeal, and any other person who requested notice.
- G. Final Decision/Effective Date.** The decision of the City Council on an appeal of an interpretation shall be final and effective when it is mailed to the applicant. If an appeal of the City Council's decision is filed, the decision remains effective unless or until it is modified by the Land Use Board of Appeals or a court of competent jurisdiction.
- H. Interpretations On File.** The City shall keep on file a record of all code interpretations.