

Chapter 21A.12

ADMINISTRATIVE INTERPRETATIONS

21A.12.010 Purpose Statement:

The interpretation authority established by this Chapter is intended to recognize that the provisions of this Title, though detailed and extensive, cannot, as a practical matter, address every specific situation to which these provisions may have to be applied. Many of these situations can be resolved or clarified by interpreting the specific provisions of this Title in light of the general and specific purposes for which those provisions were enacted. This interpretation authority is administrative rather than legislative. It is intended only to allow authoritative application of the provisions of this Title to specific cases. It is not intended to add to or change the essential content of this Title. (Ord. 26-95 § 2(6-1), 1995)

21A.12.020 Scope Of Zoning Administrator Authority:

The Zoning Administrator, subject to the procedures, standards and limitations of this Chapter, may render interpretations, including use interpretations, of the provisions of this Title and of any rule or regulation issued pursuant to it. (Ord. 26-95 § 2(6-2), 1995)

21A.12.030 Persons Entitled To Seek Interpretations:

Applications for interpretations may be filed only by a property owner having need for an interpretation or by the property owner's authorized agent. (Ord. 26-95 § 2(6-3), 1995)

21A.12.040 Procedures:

A. Application: An application for an interpretation of this Title shall be filed on a form provided by the Zoning Administrator and shall contain at least the following information:

1. **Provisions:** The specific provision or provisions of this title for which an interpretation is sought;
2. **Facts:** The facts of the specific situation giving rise to the request for an interpretation;
3. **Interpretation:** The precise interpretation claimed by the applicant to be correct;
4. **Statement:** When a use interpretation is sought, a statement of what use permitted under the current zoning classification of the property that the applicant claims either includes the proposed use, or is most similar to the proposed use; and
5. **Evidence:** When a use interpretation is sought, documents, statements, and other evidence demonstrating that the proposed use will comply with all use limitations established for the district in which it is proposed to be located.
6. **Fees:** Nonrefundable fees established pursuant to the fee schedule shall accompany the application.
7. **Notification To Recognized And Registered Organizations:** The city shall give notification, by first class mail to any organization which is entitled to receive notice pursuant to [chapter 2.62](#) of this code, that a use interpretation has been determined.

B. Action On Application: The zoning administrator shall send the zoning administrator's written interpretation to the applicant stating any specific precedent or other reasons, or analysis upon which the determination is based.

C. Records: A record of decisions on all applications for interpretations of this title shall be kept on file in the office of the zoning administrator.

D. Appeal: Any person adversely affected by an interpretation rendered by the zoning administrator may appeal to the board of adjustment in accordance with the

provisions of [chapter 21A.16](#) of this part. (Ord. 26-95 § 2(6-4), 1995)

21A.12.050 Standards For Use Interpretations:

The following standards shall govern the zoning administrator, and the board of adjustment on appeals from the zoning administrator, in issuing use interpretations:

- A. Any use defined in [part VI, chapter 21A.62](#) of this title, shall be interpreted as defined;
- B. Any use specifically listed without a "P" or "C" designated in the table of permitted and conditional uses for a district shall not be allowed in that zoning district;
- C. No use interpretation shall allow a proposed use in a district unless evidence is presented demonstrating that the proposed use will comply with the development standards established for that particular district;
- D. No use interpretation shall allow any use in a particular district unless such use is substantially similar to the uses allowed in that district and is more similar to such uses than to uses allowed in a less restrictive district;
- E. If the proposed use is most similar to a conditional use authorized in the district in which it is proposed to be located, any use interpretation allowing such use shall require that it may be approved only as a conditional use pursuant to [part v, chapter 21A.54](#) of this title; and
- F. No use interpretation shall permit the establishment of any use that would be inconsistent with the statement of purpose of that zoning district. (Ord. 26-95 § 2(6-5), 1995)

21A.12.060 Effect Of Use Interpretations:

A use interpretation finding a particular use to be a permitted use or a conditional use shall not authorize the establishment of such use nor the development, construction, reconstruction, alteration or moving of any building or structure. It shall merely authorize the preparation, filing, and processing of applications for any approvals and permits that may be required by the codes and ordinances of the City including, but not limited to, a zoning certificate, a building permit, a certificate of occupancy, subdivision approval, and site plan approval. (Ord. 26-95 § 2(6-6), 1995)

21A.12.070 Limitations On Use Interpretations:

A use interpretation finding a particular use to be a permitted use or a conditional use in a particular district shall be deemed to authorize only that particular use in the district and such use interpretation shall not be deemed to authorize any other allegedly similar use for which a separate use interpretation has not been issued. (Ord. 26-95 § 2(6-7), 1995)