



PLANNING COMMISSION STUDY SESSION MEMORANDUM

November 6, 2019

To: Planning Commissioners
From: Gabriel Perez, City Planner
Subject: San Clemente Municipal Code Section 17.040.040 Interpretations

The study session has been scheduled to review and discuss the interpretation provisions in Section 17.04.040 of the San Clemente Municipal Code (SCMC) at the request of the City Council on August 20, 2019 (Attachment 1).

Interpretations Section 17.04.040 SCMC

The interpretation provisions in the SCMC are in place when ambiguities arise concerning the appropriate classification of a use or any standards and/or requirements in Title 17 Zoning Ordinance. The section allows the City Planner to determine whether an ambiguity exists and whether an interpretation is considered minor or major as follows:

- Minor Interpretations are considered when the City Planner determines the interpretation will not have public impacts or cause public concern. The City Planner shall approve, approve with modifications and/or conditions, or deny the request for a minor interpretation.
- Major interpretations are considered when the City Planner determines that the interpretation has the potential for public impact or concern therefore requiring that the Planning Commission consider the item as a New Business item. The Planning Commission shall approve, approve with modifications and/or conditions, or deny the interpretation request.

If the interpretation is related to a propose use, the decision-making authority is required to make two findings as follows:

- The proposed use is similar in nature to the listed use in terms of its function; and
- The proposed use is restrictive as the use to which it is compared in terms of impact to traffic, parking, dust, noise, or other negative impacts.

There are no findings required to be made for the interpretations of standards and/or requirements in Title 17. Any decision made regarding an interpretation can be appealed pursuant to section 17.12.140 (Appeals of an Action).

Staff has attached the interpretations provisions of other surrounding cities for reference, which includes the cities of Dana Point, Laguna Beach, Newport Beach, San Juan Capistrano, and Laguna Niguel (Attachments 2-6). The notable provisions in the Municipal Codes from these cities are as follows:

- Dana Point requires interpretations be made by the Director and that they be incorporated into the Zoning Code at a time deemed appropriate by the Director.
- Laguna Beach designates the Planning Commission as the authority for interpretations and the body can make interpretations on its own motion or consider interpretations at the request of any person that files an application for interpretation.
- Newport Beach designates the Director as the authority for interpreting provisions of the Zoning Code but may also refer any interpretation to the Planning Commission for input or a determination. The Director can make interpretations of uses not listed in the Code based on listed findings.
- San Juan Capistrano designates the Planning Director as the authority to make interpretations with respect to unlisted uses based on listed findings and interpretations of code requirements.
- Laguna Niguel designates the Director as the authority for making interpretations and the Director may refer interpretations to the Planning Commission for review if the Director determines on a case-by case basis that the public interest would be served by the referral.

In all of the cities surveyed, the interpretation authority lies with the Director with the exception of the City of Laguna Beach, where the Planning Commission is the authority for interpretations. In Newport Beach and Laguna Niguel the Director is given the authority to refer interpretation decisions to the Planning Commission.

Staff requests that the Planning Commission discuss Section 17.040.040 (Interpretations) as presented and make recommendations to the City Council.

Attachments:

- 1) SCMC Zoning Ordinance Section 17.04.040 – Interpretations
- 2) Dana Point Section 9.61.020
- 3) Laguna Beach Chapter 25.06
- 4) Newport Beach Chapter 20.12
- 5) San Juan Capistrano Municipal Code
- 6) Laguna Niguel Municipal Code

17.04.040 - Interpretations.

If ambiguity arises concerning the appropriate classification of a particular use or with respect to any standards and/or requirements set forth within this title, the ambiguity shall be resolved as follows. For ambiguities regarding zone boundaries, please refer to Section 17.08.030, Determination of Zone Boundaries, of this title.

A. **Purpose and Intent.** The purpose and intent of the interpretations process is to provide for review and official interpretation of ambiguities in the Zoning Ordinance.

B. **Authority.** The City Planner shall make the determination as to whether an ambiguity exists with regard to the Zoning Ordinance and whether an interpretation is minor or major.

The City Planner issues minor interpretations of the Zoning Ordinance, subject to the concurrent review and appeal provisions of Section 17.12.090, Consideration of Concurrent Applications, and Section 17.12.140, Appeals of an Action, of this title.

The Planning Commission issues major interpretations of the Zoning Ordinance, subject to the concurrent review and appeal provisions of Section 17.12.090, Consideration of Concurrent Applications, and Section 17.12.140, Appeals of an Action, of this title.

C. **Applicability.** This section shall apply to ambiguities in the Zoning Ordinance. Please refer to Section 17.08.030, Determination of Zone Boundaries, for ambiguities related to the Zoning Map.

D. **Submittal Requirements.** Please refer to the submittal requirements in Section 17.12.040, Filing an Application, and Section 17.12.060, Applications Requiring Additional Information, of this title.

E. **Determination of Major/Minor Interpretation.**

1. Minor Interpretations. If the City Planner determines that the interpretation will not have public impacts or cause public concern, then the interpretation shall be considered minor and shall be reviewed and processed in accordance with procedures for minor interpretations, included within this section.

2. Major Interpretations. If the City Planner determines that the interpretation has the potential for public impact or concern, then the interpretation shall be considered major and shall be reviewed and processed in accordance with procedures for major interpretations, included within this section.

F. **Review Procedures.**

1. Minor Interpretations. The City Planner shall approve, approve with modifications and/or conditions, or deny the request for a minor interpretation within 15 days following receipt of a completed application. Should the City Planner fail to render

a decision within 15 days of receiving a completed application, the applicant may request that the minor interpretation application be forwarded to the Planning Commission for review in the same manner as requests for major interpretations, as described in this section.

2. Major Interpretations. Following receipt of a completed major interpretation application, the City Planner shall place the application on the next regularly scheduled meeting of the Planning Commission for which the item can be agendaized, as a New Business item. At the meeting, the Planning Commission shall approve, approve with modifications and/or conditions, or deny the major interpretation request.
 3. Recordation. All minor and major interpretations shall be recorded in writing. The record of interpretations shall be kept on file in the Planning Division and shall be available to the public upon request. Interpretations will be forwarded in accordance with the procedures for zoning amendments included in Section 17.16.040, Zoning Amendments, of this title, for consideration of incorporation into the Zoning Ordinance, at such time as is deemed appropriate by the City Planner.
- G. **Required Findings.** Prior to determining that a proposed use is similar to a permitted or conditionally permitted use, the decision-making authority shall make the following findings:
1. The proposed use is similar in nature to the listed use in terms of its function; and
 2. The proposed use is as restrictive as the use to which it is being compared in terms of impacts to traffic, parking, dust, noise, or other negative impacts.
- H. **Appeals.** An appeal of the decision on a minor or major interpretation shall be reviewed in accordance with Section 17.12.140, Appeals of an Action, of this title.

(Ord. 1172 § 3 (part), 1996)

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9.61.020 Interpretation, Administration and Enforcement.

(a) Authority and Procedure for **Interpretations**.

(1) The Director of Community Development is hereby charged with the duty of providing **interpretations** of the Zoning Code.

(2) The **interpretations** of the Director of Community Development are subject to the policy directives of the Planning Commission and City Council.

(3) Any appeal of decisions by the Director of Community Development shall be made pursuant to Section 9.61.110, Appeal Procedures.

(4) All **interpretations** of the Code made by the Director shall be recorded in writing. The record of **interpretations** made by the Director shall be kept on file in the Community Development Department and shall be available to the public upon request. These **interpretations** shall be incorporated into the Zoning Code pursuant to the provisions of Section 9.61.080, at such time as is deemed appropriate by the Director.

(b) Planning Commission Administration of Code. The Planning Commission of the City of Dana Point is responsible for administering the Zoning Code, making recommendations to the City Council on matters governed by the Code, and initiating amendments to the Code when necessary to promote the public health, safety, or welfare.

(c) Procedure for Enforcement. When any use or structure is found to be in violation of the provisions of this Code, the City Council may direct the City Attorney to commence appropriate civil, administrative, or criminal proceedings for the discontinuation or removal of the illegal use or structure in the manner prescribed by law.

(d) Investigation or Inspection of Property. Any duly authorized city official may enter any premises, building, or structure at any reasonable hour, after either obtaining the consent of the owner or other responsible individual or pursuant to an inspection warrant, for investigation or inspection of such premises, building, or structure to determine whether said building, premises, or structure is in violation of this Code. Every person who denies, prevents, obstructs or attempts to deny, prevent, or obstruct such access pursuant to an inspection warrant is guilty of a misdemeanor.

(Added by Ord. 93-16, 11/23/93)

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Chapter 25.06 INTERPRETATIONS, PURPOSE, CONFLICT

25.06.002 Minimum requirements—Stricter regulation to govern.

In interpreting and applying the provisions of this title, these provisions shall be held to be the minimum requirements for the promotion of the public peace, health, safety, convenience, comfort, prosperity or general welfare.

It is not intended by this title to abrogate, annul, impair or interfere with any existing or future provision of law or ordinance or with any easements, covenants or other agreements between parties; provided, however, that where this title imposes a greater restriction upon the use or occupancy of buildings or premises or upon the height or location of buildings or structures or upon the lot area per family, size of yards and open spaces, number of garages or other requirements whatsoever, than is imposed or required by such existing laws, ordinances, easements, covenants or agreements, the provisions of this title shall govern. (Ord. 209, 1940).

25.06.004 Interpretation by planning commission.

In any case where there is difficulty in interpreting and applying the provisions of this title to any specific case or situation, the planning commission may, upon its own motion, interpret the intent of this title by resolution, and the interpretation shall be followed in applying the provisions. Any person may request such an interpretation by filing an application with the planning commission together with a filing fee as established by the city council. Any person aggrieved by any such interpretation by the planning commission may appeal the same to the city council by filing written notice thereof with the city clerk together with a filing fee as established by the city council. The city council may, on appeal or on its own motion, review, modify, reverse or affirm any decision of the planning commission made hereunder. (Ord. 833 § 1, 1975; Ord. 209, 1940).

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Chapter 20.12 ATTACHMENT 4 INTERPRETATION OF ZONING CODE PROVISIONS

Sections:

[20.12.010](#) Purpose.

[20.12.020](#) Rules of Interpretation.

20.12.010 Purpose.

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. (Ord. 2010-21 § 1 (Exh. A)(part), 2010)

20.12.020 Rules of Interpretation.

A. **Authority.** The Director has the authority to interpret the meaning of provisions of this Zoning Code, including maps, and to apply and/or enforce the Zoning Code. The Director may also refer any interpretation to the Commission for input or a determination. An interpretation made by the Director may be appealed to the Commission in compliance with Chapter [20.64](#) (Appeals).

B. **Language.** When used in this Zoning Code, 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 common meaning of the word indicates otherwise. The words “includes” and “including” shall mean “including, but not limited to.”

C. **Calculations.**

1. **Residential Density.** When the number of dwelling units allowed on a site is calculated based on the minimum site area per dwelling unit, any fraction of a unit shall be rounded down to the next lowest whole number. For example, where a residential zoning district requires a minimum site area per dwelling unit of one thousand five hundred (1,500) square feet; a site of ten thousand (10,000) square feet would be allowed six dwelling units.

Example: Ten thousand (10,000) sq. ft. site area/one thousand five hundred (1,500) sq. ft. per unit = 6.66 dwelling units. This would be rounded down to six dwelling units.

2. **Other Calculations.** For calculations other than residential density, the fractional/decimal results of calculations shall be rounded to the next highest whole number unless otherwise specified.

3. **Time Limits.** Whenever a number of days is specified in this Zoning Code, or in a permit, condition of approval, or notice provided in compliance with this Zoning Code, the number of days shall be construed as calendar days unless otherwise specified. Where the last of the specified number of days falls on a weekend, holiday, or other day the City is not open for business, the time limit shall extend to 5:00 p.m. on the following business day.

D. **Conflicting Requirements.**

1. **Zoning Code and Other Municipal Code Provisions.** If conflicts occur between requirements of this Zoning Code, or between this Zoning Code and other provisions of the Newport Beach Municipal Code, or other adopted regulations of the City, the more restrictive provision shall prevail.

2. **Agreements, Planned Communities, or Specific Plans.** If conflicts occur between the requirements of this Zoning Code and standards adopted as part of a planned community development plan, development agreement, specific plan, or annexation agreement, the requirements of the planned community development plan, development agreement, specific plan, or annexation agreement shall prevail unless otherwise provided in the planned community document plan, development agreement, specific plan, or annexation agreement.

3. **Zoning Map, Setback Maps, Development Area Maps, and Development Standards.** If a conflict occurs between a requirement of the Zoning Map, setback maps, or development area maps and any development standard of the Zoning Code, the requirement of the Zoning Map, setback maps, or development area maps shall prevail.

E. **Unlisted Uses of Land.** If a proposed use of land is not specifically listed in Part 2 of this title (Zoning Districts, Allowable Land Uses, and Zoning District Standards), the use shall not be allowed, except as provided below.

1. **Director's Interpretation.** The Director may determine that a proposed land use that is not listed in Part 2 of this title (Zoning Districts, Allowable Land Uses, and Zoning District Standards) may be allowed if the following findings can be made:

- a. The characteristics of, and activities associated with, the proposed use are equivalent to those of one or more of the uses listed in the zoning district as allowable, and will not involve a greater level of activity, population density, intensity, traffic generation, parking, dust, odor, noise, or similar impacts than the uses listed in the zoning district;
- b. The proposed use will meet the purpose/intent of the zoning district that is applied to the location of the use;
- c. The proposed use will be consistent with the goals, objectives, and policies of the General Plan, or any applicable specific plan;
- d. The proposed use is not listed as allowable in another zoning district; and
- e. The proposed use is not a prohibited or illegal use.

2. **Applicable Standards and Permit Requirements.** When the Director determines that a proposed but unlisted land use is equivalent to a listed use, the proposed use will be treated in the same manner as the listed use in determining where the use is allowed, what permits are required, and what other standards and requirements of this Zoning Code apply.

F. **Zoning Map Boundaries.** If there is uncertainty about the location of a zoning district boundary shown on the official Zoning Map, the Director shall determine the location of the boundary in the following manner:

1. Where a district or area boundary approximately follows a lot line, street or alley line, the lot line, street centerline, or alley centerline shall be construed as the district boundary;
2. Where a district or area boundary divides a lot and the boundary line location is not specified by distances indicated on the subject map, the location of the boundary shall be determined by using the scale appearing on the map;
3. Where a public street or alley, or a portion thereof, is officially vacated or abandoned, the property that was formerly in the street or alley shall be included within the zoning district of the adjoining property on either side of the centerline of the vacated or abandoned street or alley;

4. Where a district or area boundary approximately follows the shoreline of the Pacific Ocean, the boundary shall be construed to follow the mean high tide line; or
 5. Where a district or area boundary approximately follows the waterfront of Newport Bay, the boundary shall be construed to follow the bulkhead line.
- G. Illustrations. In case of a conflict between the Zoning Code text and any diagram, illustration, or image contained in the Zoning Code, the text shall control.
- H. Use of Headings. The headings of the chapters, sections, and subsections of this Zoning Code, together with the accompanying examples and explanatory notes, are inserted as a matter of convenience and are not intended to define, limit, or enlarge the scope or meaning of this Zoning Code or its provisions. (Ord. 2010-21 § 1 (Exh. A)(part), 2010)

The Newport Beach Municipal Code is current through Ordinance 2019-14, passed September 10, 2019.

Disclaimer: The City Clerk's Office has the official version of the Newport Beach Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

San Juan Capistrano Municipal Code

[Up](#)[Previous](#)[Next](#)[Main](#)[Search](#)[Print](#)[No Frames](#)[TITLE 9. LAND USE](#)[CHAPTER 1. GENERAL PROVISIONS](#)[Article 1. Purpose, Title, Authority, Effective Date, Effect, and Definitions](#)[\[remove highlighting \]](#)**Sec. 9-1.109. Planning Director authority.**

Subject to the general control and supervision of the City Manager, the Planning Director shall have the following duties, responsibilities, and authority for Chapters 1 through 5 of this title, as well as other duties, responsibilities, and authority prescribed for the Planning Director under other laws and ordinances, City regulations, and administrative provisions:

(a) The Planning Director shall be responsible for the processing of all development applications contained in Chapter 2, Article 3 Development Review Procedures of this title, in accordance with the applicable provisions contained in said article.

(b) The Planning Director or designee shall be the reviewing authority for minor modifications to existing approvals or existing development, and minor expansions, additions or exterior alterations to existing development sites and structures in accordance with the procedures and provisions of Section 9-2.303 (Administrative Approvals).

(c) The Planning Director shall be responsible for determining the applicable section(s) of this title that apply to specific development issues; for making **interpretations** of code requirements; for making determinations on unlisted uses in accordance with Section 9-3.203; and for making **interpretations** of district boundaries in accordance with Section 9-3.105.

(d) The Planning Director shall investigate and submit to the Planning Commission or City Council, his or her findings on appeals where it is alleged there is an error or abuse of discretion in any order, requirement, decision, or determination made during the administration of Chapters 1 through 5 of this title.

(e) The Planning Director shall have authority or responsibilities where said authority or responsibility is assigned to the Director by the provisions of Chapters 1 through 5 of this title. Said authority and responsibility may be delegated through deputies or assistants appointed by him or her for such purpose.

(f) The Planning Director shall choose to refer any application described in this article to the Planning Commission as the reviewing authority when the Planning Director determines that:

(1) The general public interest warrants such referral because the nature or intensity of the project may cause impacts to surrounding areas or the general public;

(2) The applicant is not in agreement with staff's recommendations on the project;

(3) Public input received on the project indicates a significant level of community concern;

(4) The Planning Commission has requested to review the project;

(5) Or as otherwise determined to be warranted by the Planning Director.

(g) When any application described in this article is filed in conjunction with, and is a part of, a project that requires Planning Commission action on the related land use applications, such application shall automatically be referred to the Planning Commission in conjunction with the other pending applications.

(h) Appeals. All determinations by the Planning Director may be appealed to the Planning Commission and ultimately to the City Council in accordance with Section 9-2.311, Appeals.

(i) Overseeing all the duties and responsibilities as prescribed for the Building Official, whom he or she supervises.

(j) Authorized and directed to investigate all purported violations of any of the provisions of Chapters 1 through 5 of this title. If a violation is determined to exist or be pending, the Director of Planning or his/her designee is hereby authorized and directed to take such measures as deemed necessary or expedient to enforce and secure compliance with the provisions of Chapters 1 through 5 of this title.

(k) Where any use of land or a building or erection, construction, reconstruction, moving, alteration, or addition to any building or structure is being done contrary to the provisions of Chapters 1 through 5 of this title, the Director of Planning may order the work stopped by notice in writing served on any person engaged in doing or causing such work to be done, and any such person shall forthwith stop such work until authorized to recommence by the Director of Planning. (Ord. No. 869, § 2; Ord. No. 938, § 2, 2008)

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San Juan Capistrano Municipal Code[Up](#)[Previous](#)[Next](#)[Main](#)[Search](#)[Print](#)[No Frames](#)[TITLE 9. LAND USE](#)[CHAPTER 3. ZONING DISTRICTS AND STANDARDS](#)[Article 2. District Regulations: General Provisions](#)**Sec. 9-3.203. Unlisted uses.**

The Planning Director shall have the authority and responsibility to review uses not listed in this chapter. A proposed unlisted use shall be permitted as a principal, accessory or comparable mobilehome park within a Base District if the Planning Director determines that such use falls within the purpose and intent of that Base District, is of a comparable nature to the principal, accessory or conditional uses set forth as permitted in the Base District, is not listed in another Base District, and will not be detrimental to property in the vicinity of such use. (Ord. No. 869, § 2)

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ATTACHMENT 6

City of Laguna Niguel

SUBARTICLE 1. - GENERAL PROVISIONS

Sec. 9-1-10. - Authority and purpose.

- (a) *Title.* This article shall be known as the "City of Laguna Niguel zoning code," the "zoning code" or, for purposes of this article, may be referred to by the short title "code."
- (b) *Authority and purpose.* This zoning code is adopted for the purpose of promoting the public health, safety and general welfare pursuant to section 11 of article XI of the California Constitution, the state planning and zoning law (government Code section 65000 et seq.), the California Environmental Quality Act (public resources code section 21000 et seq.), and other applicable state laws. This code is also adopted pursuant to section 30000 et seq. of the public resources code for the purpose of complementing the city's local coastal program.
- (c) *Objectives.* This zoning code is intended to achieve the following objectives:
 - (1) To implement the city's general plan.
 - (2) To provide regulations not covered by the local coastal program (LCP) for portions of the city subject to the LCP.
 - (3) To classify different land uses and structures in appropriate places as designated in the general plan, and to regulate such land uses and structures in order to serve the needs of residential neighborhoods, commerce, industry, recreation, open space and other purposes.
 - (4) To provide a guide for the development and use of land in the city as required by the state government Code.
 - (5) To secure for the residents of the city the social and economic advantages resulting from the planned and orderly use of its land resources.
 - (6) To establish conditions which allow the various types of land uses to exist in harmony and to promote the stability of existing land uses by protecting them from harmful intrusion.
 - (7) To prevent undue intensity of land use or development, to avoid population overcrowding, and to maintain a suitable balance between developed land and open space.
 - (8) To ensure that adequate offstreet parking and loading facilities are provided and maintained for all land uses.
 - (9) To provide land zoned for schools, parks and other public facilities.
 - (10) To protect and enhance real property values.
- (d) *Specificity of regulations.* If a use, structure or activity regulated under the scope of this code, as set forth in this section, is not expressly permitted pursuant to provisions of this code, such use, structure or activity is prohibited.

(Ord. No. 99-107, § 5, 2-2-99)

Sec. 9-1-11. - Applicability of code.

- (a) *Compliance Required.* Except as specifically provided in this zoning code, no uses or structures shall be established, substituted, expanded, constructed, altered, moved, maintained, or otherwise changed and no lot lines shall be created or changed except in conformity with this code.
- (b) *Applicability to property.* This code shall apply to all land within the city except as otherwise provided by this section.

- (c) *Applicability to road rights-of-way.* Within dedicated public and private road rights-of-way, only the following are subject to the land use regulations of this code:
- (1) Signs not placed or maintained by public agencies. However, bus bench and bus shelter signs in road rights-of-way are regulated by section 7-1-120 et seq.
 - (2) Walls or fences not erected or maintained by public agencies.
 - (3) Landscaping.
- Notwithstanding the preceding, all uses and structures within the coastal zone may be subject to a coastal development permit.
- (d) *Applicability to land owned or leased by city.* Except for road rights-of-way, land owned in fee by the city or land leased to or used by the city is exempt from all of the land use regulations of this code.
- (e) *Limitations on validity of permits.* The issuance or granting of a permit or approval of plans and specifications shall not be construed to be an approval of any violation of any provision of this code. The issuance of such a permit shall not prevent the city from thereafter requiring the correction of violations of this code or of any other ordinance of the city.
- (f) *Conflict with other regulations.* Whenever any provision of this code and other city regulations impose overlapping or contradictory requirements, that provision which is more restrictive or imposes a higher standard shall control, except as otherwise expressly provided in this code. Nothing contained in this code shall be deemed to repeal or amend any regulation of the city requiring a permit or license, nor shall any provision of this code be deemed to repeal or amend the city's Building Regulations (title 8).
- (g) *Effect of code on private agreements.* This code is separate from and independent of any condition, covenant, restriction, easement, or other agreement between parties, except that where this code is more restrictive or imposes a higher standard than that required by such agreement, this code shall control.

(Ord. No. 99-107, § 5, 2-2-99)

Sec. 9-1-12. - Prior agreements and approvals.

- (a) *Development agreements.* Notwithstanding any provision of this zoning code, any development agreement which is valid as of the effective date of this code shall remain in full force and effect until expiration of said agreement. Permitted land uses, development standards, and other zoning provisions referred to in such a development agreement shall supersede the provisions of this code.
- (b) *Building permits.* Any development project approved prior to the effective date of this code for which a building permit has been issued within 180 days after the effective date of this code may be constructed in accordance with the zoning regulations in effect at the time of its approval, provided all other regulations are satisfied. Any project for which a building permit has not been issued within 180 days after the effective date of this code shall comply with this code.
- (c) *Nonconforming uses and lots.* Any land use or lot approved prior to the effective date of this code which does not conform to the provisions of this code may nevertheless be established or recorded in accordance with approved plans or maps, provided all other regulations in effect at the time of approval are satisfied.
- (d) *Approved vesting maps.* Any vesting tentative tract or parcel map which was approved pursuant to earlier ordinances of the city which is now inconsistent with this code may be continued and completed in accordance with the provisions of its approval, provided it is completed within the time limit in effect at the time of its approval without extension of time thereof and provided it complies with all other ordinances and laws in effect at the time of its approval.

(Ord. No. 99-107, § 5, 2-2-99)

Sec. 9-1-13. - General plan density and intensity.

Notwithstanding any provision of this zoning code, the limitations on density, unit counts, square footages, floor area ratios, and other similar measures established in the general plan shall constitute the upper limit of development intensity for all land in the city.

(Ord. No. 99-107, § 5, 2-2-99)

Sec. 9-1-14. - Code interpretations.

Interpretations of the provisions of this zoning code shall be made by the director. Such interpretations may be referred to the planning commission for review if the director determines on a case-by-case basis that the public interest would be better served by such referral.

(Ord. No. 99-107, § 5, 2-2-99)

Sec. 9-1-15. - Use of terms.

- (a) *Rules for construction of language.* The following general rules of construction shall apply to the textual provisions of this code:
- (1) The specific shall supersede the general.
 - (2) The word "shall" is mandatory. The word "may" is discretionary. The word "should" identifies a regulation or design guideline which must be followed in the absence of compelling opposing considerations identified by the city decision-making body.
 - (3) In the case of any difference of meanings or implication between the text regarding a provision of the code and any title, heading, caption, or illustration, the text shall control.
 - (4) Unless the context clearly indicates otherwise, words used in the present tense include the future, words used in the singular include the plural, and words used in the plural include the singular.
 - (5) Unless the context clearly indicates otherwise, certain conjunctions shall be interpreted as follows:
 - a. "And" indicates that all connected items or provisions shall apply.
 - b. "Or" indicates that the connected items or provisions may apply singly or in any combination.
 - c. "Either...or" indicates that the connected items or provisions shall apply, but not in combination.
 - (6) Unless otherwise indicated, all public officials, bodies and agencies to which reference is made are those of the city.
 - (7) "Director" means the community development director of the city or the director's authorized agent or representative.
- (b) *Time periods.* The use of the term "days" to describe a specific time period does not include the day the action was taken but does include all subsequent days unless the last day falls upon a Saturday, Sunday, or a legal city holiday, in which case the next business day shall be the last day of the time period.

(Ord. No. 99-107, § 5, 2-2-99)

Sec. 9-1-16. - Severability.

The city council hereby declares that each portion of this zoning code is separate, distinct, and independent and the invalidity of any portion shall not affect the validity of the remaining portions. The city council further declares that it would have enacted this code and each portion thereof irrespective of the fact that any portion or portions are declared invalid or ineffective. Therefore, in the event that any map, diagram, regulation or other portion of this code is declared by a court of competent jurisdiction to be invalid or ineffective in whole or in part, such decision shall not affect the validity of the remaining portions thereof.

(Ord. No. 99-107, § 5, 2-2-99)

Secs. 9-1-17—9-1-19. - Reserved.