

**SANTA CRUZ COUNTY PLANNING DEPARTMENT
POLICY/ORDINANCE INTERPRETATION**

Interpretation No.: PI-01 (Planning Interpretations)
Effective Date: 01/01/03
Originally Issued: 07/16/99 (Alvin James, Planning Policies)

Question

Why does the County need interpretations of the Zoning Ordinance? Why can't the Zoning Ordinance simply be applied as it reads? Who is authorized to make policy interpretations?

**Applicable Ordinance Section(s)
And/or General Plan/LUP Policy(ies)**

§ 13.10.250

§ 18.10.410

Reason

From time to time, it becomes necessary to interpret the provisions of the County Zoning Ordinance. The authority to interpret the Zoning Ordinance comes from Section 13.10.250 of the County Code. That section places the responsibility for interpreting Chapter 13 with the Zoning Administrator. Section 18.10.410 establishes the office of the Zoning Administrator and states that the Planning Director shall be, *ex officio*, the Zoning Administrator. The function is currently being executed by a designated Deputy Zoning Administrator.

The need to interpret the ordinance arises from a variety of factors. One example is determining if a proposed use is permitted in a specific zone district where the County did not contemplate such uses at the time the Zoning Ordinance was adopted. Before the last major ordinance revision in 1994, the ordinance did not list automatic teller machines (ATMs) as a use; thus, a literal reading of the ordinance would have led to the conclusion that ATMs were not allowed anywhere in the County.

Other factors that lead to the necessity for ordinance interpretations are ambiguity in ordinance language and internal inconsistencies. Every attempt is made to limit such interpretations to the absolute minimum necessary and the precise language of the ordinance is normally relied upon.

Under ideal circumstances, these various interpretations should only serve as interim guides and would signal the first step in correcting and codifying a problem identified in the ordinance language. However, given the complexity of regulations and the lengthy

13.10.250

processing times for amendments, it is critical that the interpretation provisions continue to be available to ensure a uniform understanding and application of the County's Zoning Ordinance by staff and an orderly dissemination of information to the public.

Interpretation memoranda shall be issued over the Planning Director's signature of authorship to ensure that the interpretations are made in a deliberative manner and are consistent with one another. Some interpretations may have to be made where two or more ordinance sections are inconsistent or contradictory. In these cases, an amendment to the ordinance is likely to be appropriate and the Planning Department will bring a proposed amendment to the Planning Commission and Board as soon as practicable.

Alvin James, Planning Director