

## Chapter 20.04 - INTERPRETATION

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### 20.04.010 Purpose

This chapter establishes rules and procedures for interpreting the Zoning Ordinance to ensure that it is applied and enforced in a consistent manner.

### 20.04.020 Authority

The Director of Development Services, Planning Manager, Planning Division staff, City Attorney, and his/her designees are delegated the authority by the City Council to interpret the meaning and applicability of all provisions in the Zoning Ordinance.

### 20.04.030 Rules of Interpretation



**A. General Rules.** The following general rules apply to the interpretation and application of the Zoning Ordinance.

1. The specific controls over the general.
2. Where there is a conflict between text and any figure, illustration, graphic, heading, map, table, or caption, the text governs.
3. The words “shall,” “will,” “is to,” and “are to” are mandatory. “Should” means a regulation that is not mandatory, but must be either fulfilled or the applicant must demonstrate an alternative that fulfills the intent of the regulation. “May” is permissive.

4. The following conjunctions are interpreted as follows:
  - a. “And” means that all items or provisions so connected apply.
  - b. “Or” means that all items or provisions so connected apply singularly or in any combination.
  - c. “Either . . . or” means that one of the items or provisions so connected apply singularly, but not in combination.
5. All officials, bodies, agencies, ordinances, policies, and regulations referred to in the Zoning Ordinance are those of Merced unless otherwise noted.

**B. Calendar Days.** Numbers of days specified in the Zoning Ordinance are construed as continuous calendar days unless otherwise noted. Where the last of a number of days falls on a holiday or weekend, time limits specified in the Zoning Ordinance are extended to the following working day.



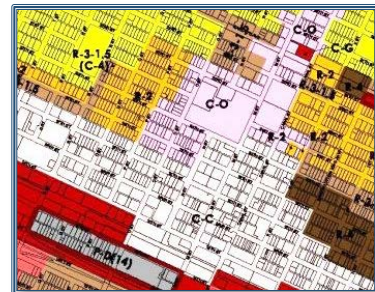
**C. Land Use Regulation Tables.** Land use regulation tables in Part 2 (Zoning Districts) establish permitted land uses within each zoning district. Notations within these tables shall have the following meanings:

1. **Permitted Uses.** A “P” means that a use is permitted by right in the respective zoning district and is not subject to discretionary review and approval.
2. **Conditionally Permitted Uses.** A “C” means that a use requires approval of a Conditional Use Permit. An “M” means that a use requires approval of a Minor Use Permit.
3. **Site Plan Review Required.** A “SP” means that a use requires approval of a Site Plan Review Permit.
4. **Uses Not Allowed.** An “X” in a cell means that a use is not allowed in the respective zoning district.

**D. Unlisted Land Uses.** If a proposed land use is not specifically listed in the Zoning Ordinance, the use is not permitted except as follows:

1. The Director of Development Services may determine that an unlisted proposed use is equivalent to a permitted use (or requires a Site Plan Permit, Conditional Use Permit, Minor Use Permit, or other such permit) if all of the following findings can be made:
  - a. The use is no greater in density or intensity than other uses in the applicable zoning district.
  - b. The use is compatible with permitted or conditionally permitted uses in the applicable zoning district.

- c. The use will meet the purpose of the applicable zoning district.
  - d. The use is consistent with the goals and policies of the General Plan.
  - e. The use will not be detrimental to the public health, safety, or welfare.
  - f. The use is similar to one or more other uses allowed in that zone.
2. A proposed use unlisted in the land use regulation table for a zoning district shall not be permitted if that land use is listed as a permitted use in one or more other zoning districts. In such a case, the absence of the use in the land use regulation table shall be interpreted as a prohibition of the use in the respective zoning district, unless the Director of Development Services deems otherwise under the provisions of Section 20.04.030(D)(1) above.
  3. When the Director of Development Services determines that a proposed use is equivalent to a listed use, the proposed use shall be treated in the same manner as the listed use with respect to development standards, permits required, and all applicable requirements of the Zoning Ordinance.
- E. Uses Prohibited by State or Federal Law.** No use that is prohibited, unlawful, violates or is inconsistent with federal or State law, or any provision in this Zoning Ordinance, shall be allowed or permitted in any zoning district within the City of Merced.
- F. Zoning Map Boundaries.** Where uncertainty exists as to the boundaries of zoning districts as shown on the official zoning map, the following rules shall apply:
1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
  2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
  3. Boundaries indicated as approximately following City limits shall be construed as following City limits.
  4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
  5. In unsubdivided property or where a zoning district boundary divides a parcel, the location of the boundary, unless the same is indicated by dimensions shown upon the map, shall be determined by the use of the scale on the map.
  6. In case further uncertainty exists, the Director of Development Services shall determine the exact location of the boundaries. The Director's decision may be appealed to the Planning Commission that upon written application by a property owner or upon its own motion, shall determine the exact location of the boundaries.



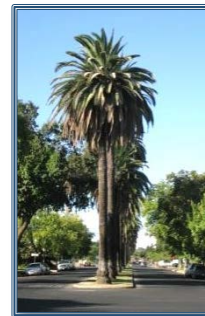
**G. Parcels Containing Two or More Zoning Districts.**

1. For parcels containing two or more zoning districts (“split zoning”), the location of the zoning district boundary shall be determined by the Director of Development Services.
2. For parcels containing two or more zoning districts, the applicable regulations for each zoning district shall apply within the zoning district boundaries as identified on the Zoning Map.
3. When a zoning district boundary interferes with existing structures or setbacks, the Director may approve a minor adjustment of the boundary.

**20.04.040 Procedures for Interpretation/Determinations**

**A. Request for Interpretation.** The Director of Development Services or his/her designee shall respond in writing to written requests for interpretation of the Zoning Ordinance if, in the opinion of the Director, the requested interpretation would substantially clarify an ambiguity which interferes with the effective administration of the Zoning Ordinance. When the Director makes such a determination, the following procedures shall apply:

1. The request shall be in writing and shall state which provision is to be interpreted and shall be accompanied by a fee as set forth in the latest Planning and Development Fee Schedule.
2. The request shall provide any information that the Director requires to assist in its review.
3. The Director shall respond to an interpretation request within 30 days of receiving the request.



**B. Form and Content of Interpretation.** Official interpretations prepared by the Director shall be in writing, and shall quote the provisions of the regulations that are being interpreted. The interpretation shall describe the circumstance that caused the need for the interpretation.

**C. Official Record of Interpretations.** An official record of interpretations shall be kept and updated regularly by the Development Services Department. The record of interpretations shall be indexed by the number of the section that is the subject of the interpretation and made available for public inspection during normal business hours.

**D. Director of Development Services Referral to Planning Commission.** The Director may refer any request for interpretation of the Zoning Ordinance to the Planning Commission for review and interpretation.

**E. Appeals.** Any official interpretation prepared by the Director may be appealed to the Planning Commission. The Planning Commission’s interpretation may be appealed to the City Council.