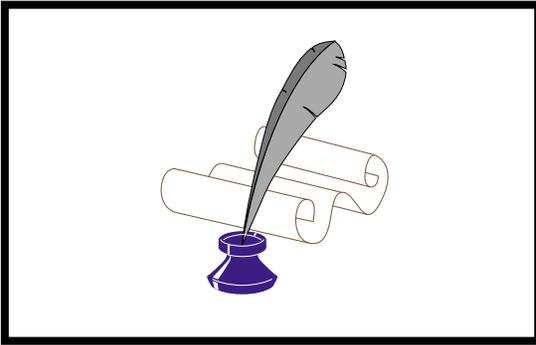


# CHAPTER 2

## General Provisions



### Sections

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### **17.02.01 Review Authority**

The Planning Director shall resolve any questions that involve the interpretation or application of this Ordinance. The Director may seek the advice of the City Attorney before rendering a decision on a matter of interpretation. The Director's opinion may be appealed to the Planning Commission. The Planning Commission shall review the section of the Ordinance in question and shall set forth its finding as a resolution. This finding shall stand unless appealed to the City Council.

Periodically, a party may wish to use property for purposes, that, while consistent with the regulations of the district in which the property is located, is inconsistent with the purpose of the district in the opinion of the Planning Director. When such findings are made by the Director, they shall be forwarded to the party whose proposed use of property is in question, and to the Planning Commission. The Planning Commission shall review the Director's findings and shall set forth their decision as a resolution.

**17.02.02 Minimum Requirements**

The provisions set forth in this Ordinance are the minimum requirements for the protection of the public health, safety and general welfare. This Ordinance shall not interfere with any easements, covenants, or other agreements between parties; however, where this Ordinance imposes a greater restriction upon the use or land within the Woodlake city limits or on development standards or regulations that apply to these land uses, the provisions of this Ordinance shall govern.

**17.02.03 Language**

The word “shall” will mean a mandatory action and not an action that is discretionary. The word “may” will be deemed permissive. The present tense includes past and future tenses; the future tense includes the present tense. The masculine gender includes the feminine and neuter gender. The singular number includes the plural, and the plural the singular. The word “includes” shall not limit a term to specific examples, but is intended to extend its meaning to all other instances of like kind or character.

The word “city” shall mean the City of Woodlake. The words “city council” and “planning commission” shall mean the City Council and Planning Commission of the City of Woodlake.

The word “district” shall have the same meaning as the word “zone”, and the word “classification” shall have the same meaning as “zoning”.

**17.02.04 Interpretation**

Where there is a difference in meaning between the text of this Ordinance and any caption, illustration, table or appendix within this Ordinance, the text of the Ordinance shall prevail.

**17.02.05 Classification of Uses**

Persons may wish to use property for purposes that are not specifically listed in the permitted or conditional use lists of a district. To accommodate such uses, the Planning Director is authorized to make the necessary findings to add the use to the permitted or conditional use list of the district the property is located.

The Planning Director shall determine if the use is substantially similar in character, intensity and compatibility to the uses listed on the permitted or conditional use lists of the applicable district. These findings shall be set forth in an administrative resolution. Based on these findings, the use shall be processed in the same manner as the use listed

on the permitted or conditional use list of the district. Where the applicant disputes the finding of the Planning Director, the decision may be appealed to the Planning Commission.

Where a use has been added to the permitted or conditional use list of a district by the Planning Director or Planning Commission, the Ordinance shall be updated to reflect the addition.

**17.02.06 Non conforming Lots**

A lot or parcel that is shown on an approved and recorded subdivision or parcel map for and which a deed or valid contract of sale was recorded prior to the adoption of this Ordinance, and having an area, frontage or depth less than the standard for the district in which the lot or parcel is located, may be used for any permitted or conditional use listed in the applicable district.

Two or more adjoining vacant lots with continuous frontage, each with an area or frontage less than the standard for the district in which the lots are located, and under a single ownership as of the date of the adoption of this Ordinance, shall be subject to all regulations for the district in which the lots are located.

**17.02.07 Validity**

If any chapter, section or subsection of this Ordinance is found to be unconstitutional, such decision shall not affect the remaining chapters or sections of this Ordinance.

**17.02.08 Continuity of Provisions**

The provisions of this Ordinance, insofar as they are substantially the same as previously existing ordinance provisions relating to the same subject matter, shall be construed as restatements and continuations thereof and not new enactments. Any actions or proceedings commenced, or permits issued pursuant to any previously existing ordinance shall not be affected by the enactment of this Ordinance; but such actions, proceedings and permits shall hereafter conform to this Ordinance.

**17.02.09 Fees and Charges**

Fees and charges called for by this Ordinance shall be set forth in a resolution of the City Council establishing a comprehensive schedule of fees and charges relating to zoning and planning applications.