City of Ukiah

COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING DIVISION MEMORANDUM

To: Planning Division Staff

From: Craig Schlatter, AICP, Community Development Director

CC: City Attorney's Office

Date: December 17, 2024

Re: Zoning code interpretations and Determinations of Appropriate Use

Director's Determinations are to be utilized for both types of minor zoning matters described below.

1. Zoning Code Interpretation and other Minor Zoning Matters

Division 9, Chapter 2, Article 20 Administration and Procedures, §9268 of Ukiah City Code describes the office of the Zoning Administrator and that the *Zoning Administrator shall be the Planning* ([Community Development]) *Director or his/her designated representative.*

Authority is granted to the Community Development Director/Zoning Administrator through §9268B to…*make determinations regarding…other minor zoning matters.* Such minor zoning matters include all such interpretations, minor in nature, that are not clearly articulated within the code. For all such interpretations, the party requesting the interpretation shall be informed of their rights to appeal the decision or determination by the Community Development Director, as listed in §9268E *Appeals*. In most cases such interpretations will be subject to an application for a Director Determination. The decision on whether an application is required shall be made by the Director.

Note that only the Community Development Director is authorized within UCC to make code interpretations or determinations regarding other minor zoning matters. Planning Division staff are not to make code interpretations to members of the public or parties and individuals requesting such interpretation unless so designated with this authority in writing from the Community Development Director, a copy of which shall be included in the file for the determination.

The Community Development Director will issue his/her determination in writing.

2. Determinations of Appropriate Use

The section within zoning code related to the Determination of Appropriate Use is listed as the final section within each of the zoning districts. All Determinations of Appropriate Use sections read similarly, requiring that *whenever a use is not listed in this article as a use permitted by right or a use subject to a use permit…, the Planning* ([Community Development]) *Director shall determine whether the use is appropriate for the zoning district, either as a right or subject to a use permit.*

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The Director is also required to make findings in support of his/her determination.

As with zoning code interpretations and action on other minor zoning matters, only the Community Development Director is authorized within the code to make determinations of appropriate use. Planning division staff are not to make such determinations, even preliminarily, to requestors.

Craig Schlatter, AICP
Community Development Director

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