

AI-001-2020

2300.03 ADMINISTRATIVE INTERPRETATIONS

A Authority

The Planning Official, subject to the procedures, standards, and limitations of this Ordinance, may render written interpretations, including use interpretations, of the provisions of this Ordinance and of any rule or regulations issued pursuant to it. The Planning Official may forward requests for interpretations to the Board of Zoning Appeals, where, in the opinion of the Planning Official, the proposed use is not sufficiently similar to a use expressly listed as a permitted or conditional use within a zoning district to allow staff interpretation.

B. Purpose

The interpretation authority established by this section is intended to recognize that the provisions of this Ordinance, though detailed and extensive, cannot, as a practical matter, address every specific situation to which they may have to be applied. In particular, certain categories of uses are listed as either Permitted, Accessory, or Conditional uses, but certain specific proposed uses may not clearly fall within the common meaning of any of the listed uses. Many such situations can be readily addressed by an interpretation of the specific provisions of this Ordinance in light of the general and specific purposes for which those provisions have been enacted. Because the interpretation authority established is an administrative rather than a legislative authority, an interpretation shall not have the effect of adding to or changing the essential content of this Ordinance, but is intended only to allow authoritative application of that content to specific cases.

Pursuant to Section 2300.03 of the West Run Planning District Zoning Ordinance when the proposed use is not sufficiently similar to a use expressly listed as a permitted or conditional use within a zoning district to allow staff interpretation it shall go before the Board of Zoning Appeals.

As this requested interpretations for medical cannabis dispensaries, growing/processing facilities, and health care organizations were not sufficiently similar to a use expressly listed as a permitted or conditional use within any districts, the interpretation went before the BZA.

Per Resolution BZA01-20, the BZA has approved:

- A. Medical cannabis dispensaries within the C-1, C-2 and C-3 districts with a conditional use permit prior to sale.
- B. Medical cannabis growing/processing within the M-2 district with a conditional use permit prior to sale.
- C. Medical cannabis health care organizations within the R-4, C-1 or I-1 districts with adherence to the permitted or conditional permittance of hospitals, assisted living or nursing home as required within the West Run Zoning Ordinance.

Signed By,


Andrew Gast-Bray, AICP
Director of Planning