

An Interpretation of the Planning Commission

(September 5, 2002)

Section 5.010 of the Rivergrove Land Development Ordinance (RLDO), as amended by Ordinance No. 59-97A, establishes zoning (residential) and minimum lot sizes for all land within the City of Rivergrove. Section 5.010 reads as follows:

Section 5.010. Land Use. All land within the city of Rivergrove is zoned residential.. The minimum lot size within the Flood Hazard District is ½ acre. The minimum lot size outside the Flood Hazard District is 10,000 square feet.

The above section clearly establishes the minimum lot size standards for lots that are wholly within and wholly outside the Flood Hazard District (FHD). That section, however, does not clearly specify how the minimum lot size standard should be applied to a lot that is partially within and partially outside the FHD. The uncertainty / ambiguity that results from this lack of specificity concerning the application of the minimum lot size standard to a lot that is partially within and partially outside the FHD can be eliminated by an interpretation of the Planning Commission.

The Planning Commission has the authority and responsibility to interpret the RLDO (Section 3.090 of the RLDO). That interpretation shall be in writing and shall be available with copies of the RLDO. The following interpretation of Section 5.010 is hereby adopted by the Planning Commission at its regular meeting on September 5, 2002. Until this Section is revised or until a different interpretation of this Section is adopted by the Planning Commission or the City Council, this Section shall be applied and enforced in accordance with the following interpretation:

A lot that is partially within and partially outside the FHD shall be deemed in conformance with the minimum lot size standard of Section 5.010 of the RLDO, as amended by Ordinance No. 59-97A, if the lot:

- a. is at least ½ acre in size

OR

- b. includes at least 10,000 square feet of land that is wholly outside the FHD and all existing and future development on the lot is limited to the portion of the lot that is wholly outside the FHD.