

CHAPTER 10**DEVELOPMENT APPLICATIONS AND PROCEDURES**

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Section 10.010. Purpose.

The development applications and procedures are formulated and intended to protect the integrity and character of the residential and nonresidential areas of the City through the application of the provisions of this Code, consistent with the mission, goals, policies, and guidance of the Lehi City General Plan. Development applications and development review is structured to consider and determine if the development application should be approved by weighing the public need for and the benefit to be derived from the proposed use(s), building(s), or structure(s) against any associated negative impact(s).

Section 10.020. Applicability.

A development application shall be required for all uses, intensification of uses, and construction or modifications for all properties located in the City. All development applications are to be presented to the City on the applicable application form(s) available from the City. The type of development application to be presented to the City for review and consideration is at the discretion of the applicant.

Section 10.030. Application Forms.

The City shall identify submittal requirements, instructions for completing forms, and internal procedures for acceptance and filing of applications. Additional information may be required for particular applications. The City shall provide the necessary forms for the administration, interpretation and enforcement of this Code which shall be maintained in the offices of the Department of Public Works, including:

1. Application for General Plan Amendment, including text and Land Use Map amendments.
2. Application for Zone District Map Amendment or Development Code Amendment.
3. Application for Temporary Uses.
4. Application for Preliminary Site Plan Approval.
5. Application for Final Site Plan Approval.
6. Application for Preliminary Subdivision Plat Approval.
7. Application for Final Subdivision Plat Approval.
8. Application for Conditional Use Permit Approval.
9. Application for Permitted Use Approval.
10. Application for Change in Permitted Use Approval.
11. Application for Minor Revision.
12. Application for Area Plan Approval.
13. Application to the Board of Adjustment.
14. Application for Home Occupation Permit.
15. Application for Building Permit.
16. Application for Appeal.
17. Application for a Sign Permit.
18. Application for Annexation.

Section 10.040. Development Application Procedures.

The steps in the review and consideration of the various development applications, permits and licenses authorized by this Code are identified in the Appendix of this Code.

Section 10.050. Combined Actions Permitted. *(Amended 11/28/06)*

The applicant may request and the Staff, the DRC, the Planning Commission, the Board of Adjustment, or the City Council may, at their discretion, combine the processing and hearing of various development applications, administrative actions, and legislative actions. The sequence of review and approval of applications authorized by this Code requires that compliance with the Lehi City General Plan be considered initially.

Combined actions are only to be considered, and if deemed appropriate, permitted as identified below:

A. Application for a General Plan amendment, including text and map amendments may be combined with an Application for Annexation.

B. Application for Zone District Map amendment may be combined with an Application for Area Plan approval.

C. Application for Zone District Map amendment, Lehi City Development Code amendment, site plan approval, subdivision approval, Planned Residential Design (PRD) approval, Planned Unit Development (PUD) approval, and an application for a conditional use, variance, or other required approvals may be combined.

Section 10.060. Permits Required.

The standards and requirements of this Code shall apply to all uses, development or development activity located within Lehi City. No use, development or development activity may be commenced or undertaken within the City unless all necessary approvals, permits and licenses have been issued in accordance with the provisions of this Code.

Section 10.070. Development Application; Initiation.

An application for a development approval, permit or license required by this Code shall be initiated by submitting the appropriate application(s) to the City. All applications are to be processed in accordance with the provisions of this Code.

Section 10.080. Determination of Application Completeness.

After receipt of an application the City Staff shall determine whether the application is complete. If the staff determines that the application is not complete, the staff shall notify the applicant in writing, identifying the deficiencies of the application, including any additional information, which must be provided, and advising the applicant that no action can be taken by the City until the deficiencies have been corrected. Determinations made by staff concerning application completeness shall be reviewed by the Development Review Committee if the applicant considers the staff determination to be in error.

Section 10.090. Remediating Application Deficiencies.

If the applicant fails to correct the specified deficiencies within thirty (30) days following notification of the deficiency, the application for development approval or a development permit or license shall be deemed withdrawn and will be returned to the applicant. All application fees shall be refunded.

Section 10.100. Payment of Taxes and Charges Required.

All development approvals shall be conditioned so that no final plat or site plan document is recorded or building permit issued on the subject property until all outstanding taxes and charges have been paid to date of approval.

Section 10.110. Scope of Development Approvals.

(Amended 8/10/99; 07/28/09)

A. Except as otherwise provided, the rights conferred by a development permit upon the filing of a complete application and approval by the City Council, Commission, BOA, DRC, or Zoning Administrator shall be limited to those development rights granted in the applicable provisions of this Code and any conditions attached to the development permit.

B. All development applications, approvals, permits or licenses shall be considered void after one (1) year of final approval if substantial progress, construction or development has not taken place or has not continued in good faith without interruption, or if the applicant has failed to satisfy the water rights conveyance requirements in connection with an approval for Annexation or Zoning Map Amendment. A longer period of time may be provided for a phased subdivision application or phased site plan application as set forth in the condition(s) attached to the

preliminary plat or preliminary site plan or final plat or final site plan.

C. Should an application be considered void, the applicant shall be required to re-submit the application and shall satisfy all requirements in place at the time of re-submission, including the payment of fees.

Section 10.120. Extensions of Development Approvals. *(New 07/28/09)*

A. Up to a one (1) year extension of a development approval may be granted by the Planning Commission and/or City Council (as applicable based on the body that granted the original approval) upon a finding that special circumstances exist that warrant such an extension.

B. Additional extensions may also be granted in no more than one (1) year increments at the discretion of the approving body and based on the same criteria as the original extension.

C. All requests for extensions are subject to the following:

1. An extension should be requested by the applicant prior to the expiration of the original development approval or any previously granted extension. Requests for extensions after the expiration of the original approval or expiration of a previous extension will be subject to additional fees and may be refused for consideration by the approving body.

2. Requests for an extension of a development approval shall be made in writing, and shall set forth the reasons why an extension is necessary and should be granted.

3. Where bonding is deemed necessary as part of the development approval, a new bond will be required to take into account any changes in costs to match prevailing conditions for the construction and installation of all required improvements.

4. All requests for extensions shall be reviewed by the DRC prior to approval by the approving body. The DRC will consider the following factors and make appropriate recommendations to the approving body:

- (a) Whether the original conditions of approval are still appropriate based on current requirements of the Lehi City Development

Code and the Lehi City Design Standards and Public Improvement Specifications Manual.

- (b) Whether any ordinance changes have occurred or are being considered that may affect the activity or project authorized by the development approval.

- (c) Whether any changes in infrastructure or surrounding land uses have occurred that would affect the activity or project authorized by the development approval.

- (d) The length of time since the original approval was granted.

- (e) Any other applicable factors that would affect the viability of the previous approval.

D. If a final plat which covers only a portion of an approved preliminary plat is recorded within the one (1) year time limit or extension thereof, the validity of the unrecorded portion of the preliminary plat shall automatically be extended for one (1) year from the date of recording the final plat.

Section 10.130. Amendment to Development Permits.

All proposed amendments to an approved application for a development approval, permit or license issued under the provisions of this Code must be reviewed and reapproved in accordance with the procedures established for the approval of the original development approval or development permit, unless determined to be a minor revision under the provisions of Section 14-020 of this Code.

Section 10.140. Reapplication Following Denial.

If an application for a development approval, permit or license is denied for failure to meet the requirements of this Code, an application for all or a part of the same property shall not be considered for a period of at least one (1) year from the date of denial unless the subsequent application is for a development that is materially different from the previously denied proposal or the prior denial was based upon a material mistake of fact.

Section 10.150. Inspections.

In order to review information relevant to an application, permit or license the City Staff, DRC, BOA, Commission, or City Council may, at any reasonable time and for any proper purpose, and upon the permission of the owner, enter upon any public or private premises and make an inspection thereof.

Section 10.160. Fee for Processing Development Applications.

The City Council shall establish a fee schedule for the

processing and review of all applications, permits and licenses required by this Code designed to recover an amount not to exceed the actual or anticipated costs of review and processing of the application.