

## CHAPTER 01

### TITLE, AUTHORITY AND PURPOSE

(Amended 12/14/17, 11/16/21)

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#### Section 01.010 Short Title.

This Code shall be known and may be referred to as the Lehi City Development Code. The Lehi City Development Code may, in subsequent sections, be referred to as “Code”, “the Code”, or “this Code”.

#### Section 01.020 Authority.

The City Council of Lehi City, Utah adopts this Code pursuant to the Municipal Land Use, Development, and Management Act, Title 10, Chapter 9a of the Utah Code and all other authorities and provisions of Utah statutory and common law that are applicable.

#### Section 01.030 Intent and Purpose.

The purpose of this Code is to implement the goals and policies of the Lehi City General Plan. This Code contains standards, provisions and requirements intended to protect the health, safety and welfare of the citizens of Lehi City by striving to ensure that adjacent and neighboring properties are protected from potential negative impacts in the development and use of land and resources. It is the intent of this Code to provide predictability and consistency in the use of land and individual properties, to guide and direct the development of land, and to achieve a balance between the desires of the individual property-owner and the citizens of the City of Lehi. These purposes are met by:

- A. implementing the various policies and other provisions of the Lehi City General Plan;
- B. guiding the growth and development of the City in an orderly manner consistent with the land use and environmental goals and policies of the City;
- C. directing and guiding land development so more intense development is located in areas of the

City having adequate Levels of Service (LOS) capacity sufficient to meet the demands of the development activity and redevelopment;

D. promoting the public health, safety and general welfare by regulating the location and use of buildings, structures and land for residential, commercial, and other specified uses contained within this Code so as to achieve:

1. a physical environment which provides for the housing, employment, business, service, recreational, social, cultural, educational, entertainment, open space and conservation needs of the City and maintains and enhances a high quality of life for its residents; and

2. a physical environment which protects the City's natural environment and manages the development of land in areas containing environmentally sensitive areas as defined in the City's General Plan and this Code;

E. reducing damage and injury from disasters such as fire, flood, geologic and seismic hazards and other dangers;

F. avoiding excessive concentration of people and overcrowding of the land;

G. assuring adequate transportation facilities, public utilities, schools, parks, open space and other public facilities and improvements;

H. directing and managing, through the establishment of use districts, the type, distribution and intensity of activity;

I. ensuring the maintenance of property in the City by requiring each owner, occupant or other person in charge of any property to keep it in good repair and in compliance with the provisions of this Code;

J. providing that development proposals relate to the provisions of the Lehi City General Plan;

K. protecting landowners from potential adverse impacts from adjoining uses;

L. securing economy and efficiency in the allocation and expenditure of public funds;

M. balancing the interest of the citizens of the City of Lehi with those of the individual property owners; and

N. protecting and preserving areas, sites and structures of historic, cultural, scenic, archaeological and natural significance.

**Section 01.040 Applicability.** *(Amended 12/13/16; 07/10/18)*

A. Applications accepted by the City as complete for any approval, permit or license issued under the provisions of this Code shall be processed, reviewed and approved or denied, subject to the provisions of this Code in effect at the time the application is accepted as complete by Lehi City unless, before the complete application is submitted, the City has formally initiated proceedings to amend the City's land use regulations in a manner that would prohibit approval of the application as submitted. "Formally initiated proceedings to amend the City's land use regulations" shall be interpreted to mean such date and time as when the City posts or publishes a Planning Commission agenda advertising the fact that a given land use ordinance, land use map, or zoning ordinance, as may be applicable, is to be considered and a draft of the proposed amendment is available to members of the public.

B. No building may be erected, moved, altered or enlarged nor shall any land, building or premises be used, designed or intended to be used for any purpose or in any manner other than as listed in this Code and as allowed and authorized by the zoning district in which such land, building or premises is located.

C. All approvals, permits, or licenses issued under the provisions of this Code must be found to be consistent with the goals, policies, and uses of the Lehi City General Plan.

D. The provisions of this Code shall apply to all lands within the corporate boundaries of the City of Lehi, as indicated on the City's official Zoning District Map. Except as expressly provided in this Code, no development or use of land shall be undertaken without approval pursuant to the provisions of this Code. The provisions of this Code are not intended to interfere with, abrogate or require the enforcement by the City of any legally enforceable easements, covenants, or other agreements between private parties that may restrict the use of land or dimensions more than the requirements and provisions of this Code. When the regulations of this Code impose greater restrictions than are imposed by such easements, covenants or other agreements between parties, or are required by laws or other applicable ordinances, the provisions of this Code shall control.

E. In interpreting and applying the provisions of this Code, they shall be held to be the minimum requirements necessary to protect the public health, safety and welfare of the citizens of the City. Where this Code requires a greater restriction upon the use of buildings or land, or upon the height, bulk, or intensity of buildings, or requires greater open space areas, landscape areas, buffer areas, or other site requirements than are imposed by easements, covenants or agreements, the provisions of this Code shall control.

**Section 01.050 Permits and Licenses to Conform to Development Code.**

All departments, officials, employees, agencies, and bodies of the City with the duty or authority to issue permits or licenses shall conform to the provisions of this Code and shall issue no permits or licenses for uses, buildings or any purpose in conflict with the provisions of this Code.

**Section 01.060 Building Permits Required.**

No construction shall occur except pursuant to a validly issued, unexpired and unrevoked building permit. Applicants for a building permit shall submit an approved final site plan or final subdivision plat, and, if applicable, a conditional use permit prior to obtaining issuance of a building permit. The permittee shall proceed only in accordance with the approved building permit, development permit, and any approved conditions.

**Section 01.070 Building Codes and Permits.**

A. Adoption of Building Codes. The adoption and enforcement of building codes serves the public interest by providing for the inspection of structures for structural stability, fire resistance, adequate ventilation and other safety and sanitary features.

B. Building Permit Required. Construction or removal of any building or structure or any part thereof, including all structures or uses of which plans have been approved as part of a zoning district amendment, site plan, subdivision plat, or conditional use permit, shall not be commenced, or proceeded with, until a building permit is obtained from the City's Chief Building Official.

C. Code Compliance. All structures shall comply with the requirements of the International Building Code, as adopted by the City, excluding manufactured homes.

D. Issuance of Building Permits Prior to Completion and Acceptance of Required Improvements. Building permits may be issued for construction in subdivisions and other projects prior to the completion and acceptance by the City of the required public improvements provided, however, that no building permit may be issued until adequate financial assurance has been provided for completion of such improvements as approved by the City. In such cases, the Chief Building Official may require that the applicant for a building permit sign a statement indicating:

1. the applicant is aware of the terms of the bond or escrow account established to guarantee completion of required improvements to the satisfaction of the City;
2. the applicant releases Lehi City from all liability for the installation, maintenance, or repair of the required improvements until the same have been completed and accepted by the City; and
3. the applicant assumes all risk in connection with construction on the subject property.

E. Guarantees. Prior to issuance of a building permit, the applicant may be required to post a bond or provide other financial security in such form and sum as the City Council shall determine, with sufficient surety running to the City to offset any costs or expenses associated with the abatement of debris and material associated with construction activities on and off the site.

#### **Section 01.080 Certificates of Occupancy.**

A. No land shall be occupied or used, and no building erected or altered, occupied or used, until an inspection by the Chief Building Official of the City determines and verifies that all requirements and conditions related to the use or construction have been complied with and fully satisfied.

B. A certificate of occupancy shall be required before any structure or premises, or part thereof, hereafter erected, changed, converted, moved, altered or enlarged wholly or in part, may be used or occupied. No certificate of occupancy shall be issued permitting the use or occupation of any such structure or premises unless:

1. if a building permit was required, the construction pursuant to such permit as reflected in the approved building has been fully completed and accomplished;

2. if no building permit was required, the use conforms to this Code and all other applicable statutes, ordinances and regulations, or the use is a valid legal nonconforming use in accordance with the provisions of this Code; and

3. payment of all applicable fees, charges and other requirements have been made.

#### **Section 01.090 Exemptions.**

A. Properties, uses and structures owned and operated by the State of Utah or the Federal Government shall to the extent provided by law, be exempt from the provisions of this Code. Where State or Federal law applicable to such properties require the property owner to take steps to comply with local regulations, this exemption shall not be construed to abrogate that requirement.