

CHAPTER 02 (Amended 12/14/17)

INTERPRETATION AND EFFECT

- Section 02.010. Interpretation.
- Section 02.020. Rules for Interpretation of Zoning District Boundaries.
- Section 02.030. Lots in Two or More Districts.
- Section 02.040. Interpretation of Authorized Permitted or Conditional Uses.
- Section 02.050. Amendments to Table of Uses.
- Section 02.060. Severability.

Section 02.010. Interpretation.

A. In interpreting this Code, all provisions shall be:

- 1. liberally construed in favor of the governing body; and
- 2. deemed neither to limit nor repeal any other powers granted under State statutes.

B. The following rules shall be observed in the application and interpretation of the provisions of this Code, except where the context clearly requires otherwise:

- 1. The words “shall” or “must” are mandatory. The words “should” and “may” are permissive.
- 2. Words used or defined in one tense or form shall include other tenses or derivative forms.
- 3. Words used in the singular shall include the plural. Words used in the plural shall include the singular.
- 4. Words referencing the masculine gender shall extend and be applied to the female gender and shall be considered to be gender neutral.
- 5. In the event of a conflict between the text of this Code and any illustrations, captions, figures, or other material, the text of this Code shall control.
- 6. The word “includes” shall not limit a term to the specified examples but is intended to extend its meaning to all other instances or circumstances of like kind or character.

Section 02.020 Rules for Interpretation of Zoning District Boundaries. (Amended 12/13/16)

In the event of a dispute pertaining to the boundary or location of a zoning district, the Hearing Examiner shall have the authority and jurisdiction to render a written determination of the applicable boundary for a zoning district. The Hearing Examiner shall take into consideration the following criteria in rendering such determination:

A. The policies and development standards pertaining to such zoning district shall be given substantial weight.

B. Where a zoning district boundary is shown following a road, right-of-way line, interstate highway, parkway, public utility right-of-way, railroad line, stream or watercourse, or a line located midway between the main track of a railroad, the zoning district boundary shall be deemed to be changed automatically whenever such center line is changed by natural or artificial means.

C. Where a zoning district boundary is shown as following a municipal boundary line, a property line, a plot line or a projection of any one of the same, such boundary shall be such landmarked or monumented line or projection thereof. If such boundary is shown as separated from but approximately parallel to any such landmarked or monumented line or projection thereof, such boundary shall be deemed to be parallel to any landmarked or monumented line or projection thereof, as the case may be, at such distance therefrom as shown on the Lehi City Planning Zone Map.

D. In areas not subdivided into lots and blocks, wherever a zoning district is indicated as a strip adjacent to and paralleling a road or railroad right-of-way, the depth of such strips shall be in accordance with dimensions measured at right angles from the center line of the road or railroad right-of-way, and the length of frontage shall be in accordance with dimensions measured from section, quarter section, or division lines, or center lines of roads or railroad rights-of-way, unless otherwise indicated.

E. Where a road, railroad or other physical monument or marker on the ground, by which a boundary is determined, varies from that as shown on the Lehi City Zoning District Map, the on-the-ground physical monument or marker shall control.

Section 02.030 Lots in Two or More Districts. *(Amended 3/28/00)*

Where a lot of record at the time of passage of this Code or any amendments thereto falls into two or more districts, the more restrictive zoning district provisions shall apply. However, the TH-5 District shall not be considered for this purpose.

Section 02.040. Interpretation of Authorized Permitted or Conditional Uses.

The City Council, following the receipt of a Planning Commission recommendation, shall have the authority and jurisdiction to interpret and to render a written determination as to whether a proposed use is similar to and consistent with the permitted or conditional uses of the applicable zoning district as contained in the Table of Uses. The process and procedures for an interpretation of use shall be the same as for an amendment to the provisions of this Code, as contained in Section 04.050. The City Council and Planning Commission shall take into consideration the following criteria in rendering such interpretation:

A. consistency with the purpose and intent of the policies and development standards pertaining to such district or Land Use Category as described in this Code and the Land Use Element of the Lehi City General Plan; and

B. whether the proposed use is substantially similar to other uses, taking into consideration the following criteria:

1. whether the proposed use is within the same two-or three-digit classification of the *Standard Land Use Code Manual* (1977);
2. trip generation;
3. impact on public facilities and services; and
4. impact on environmental resources.

Section 02.050 Amendments to Table of Uses.

If the City Council, following receipt of a Planning Commission recommendation, determines that the proposed use is not consistent with the purpose and intent of the policies and development standards pertaining to a given zoning district described in this Code and the Land Use Element of the Lehi City General Plan, or is not substantially similar to another use permitted within the applicable zoning district,

the applicant may apply for an amendment to the Lehi City General Plan and this Code, by following the procedures as identified in Section 04.020 and Section 04.050.

Section 02.060. Severability.

The provisions of this Code shall be construed to carry out the purposes of this Code and the Lehi City General Plan and to avoid conflict with the laws of the State of Utah or any other limitation imposed by law. If any section, provision, sentence or clause of this Code is declared unconstitutional by a court of competent jurisdiction, such determination shall not impair the validity of the remainder of this Code, which shall remain in full force and effect.