

CHAPTER 30

VESTED RIGHTS

(Amended 09/11/18)

Section 30.010. Vested Rights.

(Amended 7/11/06; 12/09/08; 03/12/19)

A. An applicant is entitled to approval of a land use application if the application conforms to the requirements of the City’s zoning map and applicable land use ordinance in effect when a complete application is submitted and all fees have been paid, unless:

1. the governing body, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the application; or
2. in the manner provided by local ordinance and before the application is submitted, the municipality has formally initiated proceedings to amend its ordinances in a manner that would prohibit approval of the application as submitted.
3. approval is not granted within one year of the original application submission. Thereafter the application is deemed to have expired and vesting terminated.

B. The City shall process an application without regard to proceedings initiated to amend the municipality’s ordinances if:

1. 180 days have passed since the proceedings were initiated; and
2. the proceedings have not resulted in an enactment that prohibits the approval of the application as submitted.

C. An application for a land use approval is considered submitted and complete when the application is provided in a form that complies with the requirements of applicable ordinances and all applicable fees have been paid.

D. The continuing validity of an approval of a land use application is conditioned upon the applicant proceeding, after approval, to implement the approval within the time limitations specified in Section 10.110 of this Code.

E. The City shall not impose on a holder of an is-

sued land use permit a requirement that is not expressed:

1. in the land use permit or in documents on which the land use permit is based; or
2. in the City’s ordinances.

F. The City will not withhold issuance of a certificate of occupancy because of an applicant’s failure to comply with a requirement that is not expressed:

1. in the building permit or in documents on which the building permit is based; or
2. in the City’s ordinances.

G. The City is bound by the terms and standards of applicable land use ordinances and shall comply with mandatory provisions of those ordinances.

H. As used in Subsection 30.010.A.2, the phrase “the municipality has formally initiated proceedings to amend its ordinances in a manner that would prohibit approval of the application as submitted” shall mean the earliest date when:

1. Lehi City gives notice of the first public hearing in which the proposed amendment will be considered;
2. a specific change first appears as an item on a publicly-posted agenda for the Planning Commission or City Council;
3. the matter is announced in a public notice; or
4. the City Council adopts a resolution directing the formal initiation of such an amendment.