

CHAPTER 03

ADMINISTRATION

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Section 03.10 Decision Making and Administrative Bodies.

The decision making bodies and officials identified herein have responsibility for implementing and administering the Lehi City General Plan and Lehi City Development Code. Other City Departments, bodies and officials also may have specific responsibilities related to this Code and are identified as appropriate.

Section 03.020 City Council.

The Lehi City Council ("Council") shall have the following powers and duties:

- A. To adopt the Lehi City General Plan and all elements of the General Plan;
- B. To initiate amendments to the text and map of this Code, the Lehi City General Plan, and all elements of the General Plan;
- C. To approve, deny, or to amend and approve applications for development approval;
- D. To render, or to appoint a hearing officer to render a determination, pursuant to the provisions of Chapter 31 of this Code, if an applicant asserts a deprivation of, or has been subject to, a taking of property without just compensation or asserts some other invalidity by the passage of this Code;
- E. To establish a fee schedule by resolution for applications for development approval, zone district amendments and all other approvals, permits and licenses required by this Code;
- F. To designate and appoint an administrative official to decide routine and uncontested matters which otherwise would be heard by the Board of Adjustments; and

G. To take such other action not expressly delegated to the Development Review Committee, Planning Commission or the BOA that may be desirable and necessary to implement the provisions of the Lehi City General Plan and this Code.

Section 03.030 Planning Commission.

(Amended 2/8/00)

A. Creation. There is hereby created and established a Lehi City Planning Commission ("Commission").

B. Powers and Duties. The Commission shall be an advisory body to the City Council in making decisions pertaining to amendments to the Lehi City General Plan and this Code. The Commission shall have the following powers and duties:

1. To prepare or cause to be prepared a General Plan or element thereof and to submit the proposed General Plan or element(s) to the City Council;
2. To prepare or cause to be prepared amendments to the General Plan or elements thereof from time to time and to submit the proposed amendments to the City Council;
3. To review and make recommendations to the City Council with regard to amendments to the Lehi City General Plan Land Use Map(s);
4. To review and make recommendations to the City Council with regard to interpretations of authorized permitted and Conditional Uses;
5. To initiate, hear, review and make recommendations to the City Council on applications for amendments to the text or Zoning District Map of this Code;
6. To hear, review, recommend approval or disapproval, or approve or disapprove applications for development approval, as authorized in accordance with the provisions of this Code;
7. To hear and decide appeals from actions of the Development Review Committee; and
8. To adopt bylaws, policies, procedures and regulations for the conduct of its duties and meetings, for the consideration of applications for development approval, and for any other purposes deemed necessary for the functioning of the Commission provided, that such bylaws, policies,

procedures and regulations shall be consistent with this Code and shall be approved by the City Council before taking effect.

C. Qualifications for Membership. Members of the Commission shall be appointed by the Mayor with the advice and consent of the City Council from the qualified electors of the City.

D. Membership: Appointment, Removal, Terms, and Vacancies.

1. The Commission shall be composed of seven (7) members to be appointed by the Mayor with the advice and consent of the City Council. Each member of the City Council shall be authorized to submit names of candidates.

2. The Mayor, with the advice and consent of the City Council, may remove any member of the Commission for violation of this Code or any policies or procedures adopted by the Commission following receipt of a written complaint filed against the member. The Mayor shall provide the member with a hearing, if requested.

3. Members of the Commission may be compensated on a per diem basis, based upon meetings actually attended and reasonable and necessary expenses, as determined by the City Council.

4. All members shall serve a term of three (3) years. No member shall serve more than three (3) consecutive terms.

5. At an annual organizational meeting, the members of the Commission shall elect one (1) of their members as chair and one (1) of their members as vice-chair. In the absence of the chair, the vice-chair shall act as chair and shall have all powers of the chair. The chair shall serve a term of one (1) year. No member shall serve as chair for more than two (2) consecutive terms.

6. The chair, or in the chair's absence the vice-chair, shall administer oaths, shall be in charge of all proceedings before the Commission, and shall take such action as shall be necessary to preserve order and the integrity of all proceedings before the Commission.

E. Alternate Members.

1. The Mayor with the advice and consent of the City Council may appoint up to two (2) alternate Planning Commissioners who may act with the

full powers and duties of a regular Planning Commissioner, however, an alternate member may vote only in the absence of a regular member. The senior alternate member will be the first to replace an absent regular member.

2. Alternate members may participate in the discussion and debate of a meeting even if all regular members are present. However if all regular members are present, the alternate member(s) would not vote.

3. Alternate members shall not vote in the place of a member who abstains from voting unless that member completely withdraws from the discussion and removes himself/herself from the Commission table during the consideration for the matter upon which he/she abstains. Under such circumstances, the alternate member may sit as a replacement for the regular member for that particular agenda item.

4. The appointment and participation of alternate members does not increase the number of members of the Commission nor does it increase the number of members constituting a quorum required to take action. When an alternate member fills in for an absent or abstaining regular member, such alternate is considered to be a regular member for the purpose of that meeting or agenda item.

5. Alternate members shall serve a term of three (3) years.

F. Recording Secretary. The Mayor shall appoint a recording secretary to serve the Commission. The Recording Secretary shall keep minutes of all proceedings of the Commission, which minutes shall be the official record of all proceedings before the Commission, attested to by a majority vote of the members of the Commission. The Recording Secretary shall maintain all records of Commission meetings, hearings and proceedings, and handle the correspondence of the Commission.

G. Quorum and Necessary Vote. No meeting of the Commission may be called to order, nor may any business be transacted without a quorum consisting of at least four (4) members of the Commission being present. The chair shall be included for purposes of establishing a quorum and shall act as a voting member of the Commission. All actions shall require the vote of a majority of the members of the Commission.

H. Meetings, Hearings and Procedure.

1. The Commission shall establish a regular meeting schedule.
2. Special meetings may be requested by the City Council, the chair of the Commission, or a majority of the members of the Commission.
3. If a matter is postponed due to lack of a quorum, the chair shall reschedule the matter to the next available Commission meeting. The Recording Secretary shall notify interested parties and all members of the Commission of the date of the continued meeting.

Section 03.040 Board of Adjustment. *(Amended 11/28/06)*

A. Creation. There is hereby created and established a Lehi City Board of Adjustment ("BOA").

B. Powers and Duties.

1. The BOA shall hear and decide:
 - (a) Appeals from final administrative decisions of the Zoning Administrator applying the provisions of this Code;
 - (b) Variances from the terms of this Code with a finding of unreasonable hardship as allowed by Chapter 25;
 - (c) Interpretations of a zoning district boundary line as allowed by Section 02-020;
 - (d) Appeals from Planning Commission decisions concerning Conditional Use permits;
 - (e) Requests for the issuance of a building permit authorizing the reconstruction, remodeling, expansion or enlargement of a nonconforming building or structure.
2. The BOA shall not have power, jurisdiction or authority to consider any of the following:
 - (a) Variances to any of the standards governing approval of subdivisions, site plans, or Conditional Use permits; or
 - (b) Amendments to the General Plan, and any element or map thereof or any provision, requirement or map of this Code, the Zoning District Map(s), including the permissible use of land within any Zoning District.

C. Qualifications for Membership. Members of the BOA shall be appointed by the Mayor with the advice and consent of the City Council from the qualified electors of the City.

D. Membership: Appointment, Removal, Terms, and Vacancies.

1. The BOA shall be composed of five (5) members and three (3) alternate members to be appointed by the Mayor with the advice and consent of the City Council.

2. Members of the BOA may be compensated on a per diem basis, based upon meetings actually attended and reasonable and necessary expenses, as determined by the City Council.

3. All members shall serve a term of three (3) years. No member shall serve more than three (3) consecutive terms.

4. The Mayor with the advice and consent of the City Council may remove any member of the BOA for violation of this Code or any policies or procedures adopted by the BOA following receipt of a written complaint filed against the member. The Mayor shall provide the member with a hearing, if requested.

5. At an annual organizational meeting, the members of the BOA shall elect one (1) of their members as chair and one (1) of their members as vice-chair. In the absence of the chair, the vice-chair shall act as chair and shall have all powers of the chair. The chair and vice-chair shall serve a term of one (1) year. No member shall serve as chair for more than two (2) consecutive terms.

6. The chair, or in the chair's absence, the vice chair of the BOA shall administer oaths, shall be in charge of all proceedings before the BOA, and shall take such action as shall be necessary to preserve order and the integrity of all proceedings before the BOA.

E. Recording Secretary. The Mayor shall appoint a recording secretary to serve the BOA. The Recording Secretary shall keep minutes of all proceedings of the BOA, which minutes shall be the official record of all proceedings before the BOA, attested to by a majority of the members of the BOA voting. The Recording Secretary shall maintain all records of BOA meetings, hearings and proceedings, and handle the correspondence of the BOA.

F. Quorum and Necessary Vote. No meeting of the BOA may be called to order, nor may any business be transacted without a quorum consisting of at least three (3) members of the BOA being present. The chair shall be included for purposes of establishing a quorum and shall act as a voting member of the BOA. All actions shall require the concurring vote of a ma-

majority of the members of the BOA`.

G. Meetings, Hearings and Procedure.

1. Regular meetings of the BOA shall be held not less frequently than once per month.
2. Special meetings may be requested by the City Council, the chair of the BOA, or a majority of the members of the BOA.
3. If a matter is postponed due to lack of a quorum, the chair of the BOA shall reschedule the matter to the next available meeting. The recording secretary shall notify all interested parties and all members of the BOA of the date of the meeting.

Section 03.050 Development Review Committee. *(Amended 3/23/04)*

A. Creation. There is hereby created and established a Development Review Committee (DRC) consisting of the City Engineer, City Planner, Public Works Director, Chief Building Official City Fire Marshall (representing the Public Safety Department), and the Water/Sewer Department Superintendent, or their designees. As requested by the DRC members, a representative from the Power Department, Streets Department, Police Department, Parks Department, Recreation Department and other City Staff may be asked to provide input on DRC issues.

B. Purpose. The DRC shall provide technical Reviews on all development requests requiring approval from the Planning Commission and City Council as required by this Code.

C. Organization and Approval of Reviews. The DRC Reviews shall be under the direction of the Planning Department and shall require a consensus approval by the members before the reviews are forwarded to the Planning Commission and/or City Council.

D. Recording of Reviews. The City Planner or designee shall maintain a record of the DRC reviews and shall forward said reviews to the Planning Commission and/or City Council for their consideration.

E. Procedure.

1. The DRC shall meet as often as needed (weekly if necessary) to accommodate development review requests.
2. Submittal requests for review by the DRC

shall be complete prior to being reviewed by the DRC. Information relative to each item in the "application checklist" must be in the submittal documents in order for it to be considered complete. The applicant shall make an appointment to meet with a member of the Planning Staff to determine whether the submittal is complete. Once the submittal is determined complete, the request will be scheduled for the next available DRC meeting. A submittal request must be determined complete at least two business days before being scheduled for a review.

3. The DRC is a City Staff meeting, however it may request applicants to be present as needed to provide information relative to their project.

4. The applicant will be provided a copy of the DRC review which may be in the form of redlined plans. Applications containing significant Development Code deficiencies as indicated in the DRC review should be corrected and resubmitted before being scheduled for a meeting with the Planning Commission and/or City Council.

5. Permitted Uses in this Code that were delegated to the DRC for final approval are now delegated to:

(a) The Chief Building Official with review approval by the Public Works Director for all projects with a valuation less than 500,000 dollars. However the Chief Building Official or the Public Works Director may request that the approval of a permitted use be forwarded to the Planning Commission following a DRC review as the need arises.

(b) The Planning Commission following a DRC review for all projects with a valuation greater than 500,000 dollars.

Section 03.060 Zoning Administrator

It is the responsibility of the Zoning Administrator to ensure all processes, procedures and other provisions of this Code are consistently and equitably applied and to effect the general administration and enforcement of this Code. The City Council shall designate a staff person, or staff persons to carry out the responsibilities of the Zoning Administrator. The staff person, or persons designated are referred to in this Code as the "Zoning Administrator".

Section 03.070 Staff

The staff of the Lehi City Public Works Department shall perform the planning functions of the City and shall provide professional and technical support, ad-

vice and guidance on all General Plan, General Plan Elements, this Code, and amendments thereto, and on all applications for development approval, permits, licenses and appeals, and shall perform all such other functions as may be requested by the City Council, the Commission, the Board of Adjustment or as authorized by this Code.

Section 03.080 Meetings and Public Hearings

(Amended 5/22/01; 7/10/07)

All meetings and hearings of the City Council, Planning Commission, BOA or DRC shall comply with the provisions of this Code and the Utah Code. At least ten (10) days notice shall be provided for all public hearings required by this Code, except public hearings required for all applications for preliminary subdivision plat, which shall require at least seven (7) days notice, and all applications for annexation which shall be noticed according to the Utah Code. The applicant shall be required to pay the cost for the City to provide the required notice to all property owners and public entities as required by this Code.

Section 03.090 Courtesy Notice. *(Amended*

5/22/01)

As a courtesy to property owners, all applicants for a General Plan amendment, annexation, zoning map amendment, conditional use permit or preliminary Subdivision plat shall provide the City with stamped and preaddressed envelopes for each owner of record of each parcel located entirely or partly within three hundred (300) feet from any boundary of the property subject to the application, including any owners of property in unincorporated Utah County or adjacent municipalities, together with a mailing list for those owners. The names and addresses shall be as shown on the most recently available Utah County tax assessment rolls. It shall be the sole responsibility of the applicant to verify that the mailing list and envelopes are complete and accurate. The courtesy notices shall be mailed by the City and state that an application has been filed, the nature of the application or action, and the time place and date set for a public hearing or meeting on the matter. Courtesy notice is not a legal requirement, and any defect in courtesy notice shall not affect or invalidate any hearing or action by the Planning Commission or City Council.