



Administrative Interpretation Application

Is this application for a land use category determination? (please mark one) ☐ Yes ☐ No

Please specify which City Code is the subject of the administrative interpretation: _____

As per City Code, please explain the request in detail. Attach any additional information that is needed to explain the application: _____

Property Owner or Applicant's Name: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____ Cell Number: _____ E-mail: _____

Signature: _____ Date: _____

For Herriman Use Only

Filing Number: _____ Date of Submittal: _____ Filing Fee: _____

Receipt Number: _____ Check Number: _____ Accepted by: _____

HERRIMAN CITY, TITLE 10, LAND DEVELOPMENT CODE

10-5-23: Administrative Interpretations:

- A. Purpose: The provisions of this title, though detailed and extensive, cannot as a practical matter address every specific situation to which these provisions may be applied. This section allows the Community Development Director to interpret a provision of this title in light of the general and specific purposes for which it was enacted and as applied to specific circumstances.
- B. Authority: The Community Development Director is authorized to render interpretations of the provisions of this title, and any rule or regulation adopted pursuant thereto, as provided in this section.
- C. Initiation: Any person may request an administrative interpretation as provided in this section.
- D. Procedure: An administrative interpretation application shall be considered and processed as provided in this section and as required by applicable provisions of sections 10-5-4, "General Requirements," 10-5-5, "Public Hearings and Meetings," and 10-5-6, "General Decisions-Making Standards," of this chapter.
 - 1. An application for an administrative determination shall be submitted to the Community Development Director along with any applicable fee established by the City's schedule of fees.
 - 2. **The application shall include at least the following information:**
 - a. The name, address, and telephone number of the applicant and the applicant's agent, if any;
 - b. The specific provision or provisions of this title for which an interpretation is requested;
 - c. Specific facts of the situation which illustrate the need for an administrative interpretation;
 - d. The interpretation claimed by the applicant to be correct; and
 - e. When a land use interpretation is requested the application shall include:
 - (1) A statement explaining why the proposed use should be deemed as included within a use category allowed by the zone applicable to the property; and
 - (2) Documents, statements, and other evidence demonstrating that the proposed land use will conform to all use limitations established by the zone applicable to the property.
 - 3. After an application is determined to be complete, within thirty (30) days the Community Development Director shall review the application and make an interpretation in accordance with the standards set forth in subsection E of this section.
 - 4. A record of all administrative interpretations shall be maintained in the Office of the Community Development Director.

- E. Standards for Making Administrative Interpretations: The following standards shall apply to administrative interpretations.
1. An administrative interpretation shall be consistent with:
 - a. The plain language of applicable provisions of this title; and
 - b. Any previously rendered interpretations based on similar facts, unless the Community Development Director determines, based on findings of fact and conclusions of law, that a prior interpretation was rendered incorrectly or that applicable law has changed.
 2. An ambiguous provision of this title, as determined by the Community Development Director, shall be interpreted to favor the applicant.
 3. Administrative interpretations shall not add to or change the provisions of this title.
 4. Questions about the location of zone boundaries shall be resolved by applying the standards set forth in section 10-8-4 of this title.
 5. A land use interpretation shall also be subject to the following standards:
 - a. A use defined in chapter 3 of this title shall be interpreted as provided therein.
 - b. Any use specifically listed as “not permitted” in a table of permitted and conditional uses for a particular zone shall not be allowed in that zone.
 - c. No use interpretation shall allow a use in a particular zone unless the use is substantially similar to a use allowed in the zone and is not substantially similar to a use that is not permitted.
 - d. If a proposed use is most similar to a conditional use authorized in the zone in which it is proposed to be located, any interpretation allowing such use shall require that the use be approved only as a conditional use.
 - e. No use interpretation shall permit the establishment of any use that would be inconsistent with the statement of purpose of the zone in which it would be located.
- F. Appeal: Any person adversely affected by a final administrative interpretation may appeal that decision to the Appeal Authority as provided in section 10-5-24 of this chapter.
- G. Effect of Approval: An administrative interpretation shall apply only to the property for which an interpretation is given.
1. A land use interpretation finding a use to be a permitted or conditional use in a particular zone shall be deemed to authorize only that use on the subject property. A use interpretation shall not authorize another allegedly similar use for which a separate use interpretation has not been issued.
 2. A land use interpretation finding a particular use to be a permitted or conditional use shall not authorize the establishment of such use or the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any approvals or permits that may be required by this title and other applicable provisions of this Code.
- (Ord. 2017-54, 12-13-2017)