

INTERPRETATION OF REQUIREMENTS

**Section 201—Interpretation:**

In interpreting and applying the provisions of this Ordinance, the requirements contained herein are declared to be the minimum requirements for the purposes set forth. In the interpretation of this Ordinance, all provisions shall be:

- 1) Liberally construed in favor of Roy City.
- 2) Deemed neither to limit or repeal any other powers granted under State statutes.
- 3) The following rules shall be observed in the application and interpretation of the provisions of this Ordinance, except where the context clearly requires otherwise:
  - a) The word “shall” or “must” are mandatory. The words “should” and “may” are permissive.
  - b) Words used or defined in one tense or form shall include other tenses or derivative forms.
  - c) Words used in the singular shall include the plural; words used in the plural shall include the singular.
  - d) Words referencing a gender shall extend and be applied to the other gender and shall be considered gender neutral.
  - e) In the event of a conflict between the text of this Ordinance and any maps, illustrations, captions, figures, or other material, the text of this Ordinance shall apply and control.
  - f) The word “includes” shall not limit a term to the specified examples, but is intended to provide guidance and to be illustrative only.
  - g) The word “and” indicates that all connected items, conditions, provisions, or events shall apply.
  - h) The word “or” indicates that one (1) or more of the connected items, conditions, provisions, or events shall apply.
  - i) The words “either or” indicates that the connected terms, conditions, provisions, or events shall apply singly but not in combination.

**Section 202—Administrative Interpretations:**

- 1) Purpose. To promote day-to-day efficiencies in the administration and implementation of this Ordinance, and where ambiguity, conflicting provisions or confusion may exist in any provision or requirement of this Ordinance, this Section is provided to allow the Zoning Administrator to make interpretations of this Ordinance, on an as required basis, guided by the purposes of this Ordinance, applied to a specific circumstance.
- 2) Initiation. Any person may request an administrative interpretation of any provision of this Ordinance by presenting an application for an administrative interpretation.
- 3) Procedure. An application for an administrative interpretation shall be considered and processed as provided in this Section:
  - a) A complete application shall be submitted to the Zoning Administrator.
  - b) After an application is determined to be complete, the Zoning Administrator shall review the application and make an interpretation in accordance with the standards set forth, herein.
  - c) After making a final decision, the Zoning Administrator shall provide written notice of the administrative interpretation to the Applicant. A record of the administrative interpretation of the Zoning Administrator shall be maintained in the office of the City Recorder.
- 4) Standards for Making Administrative Interpretations. The Zoning Administrator shall apply the

following standards in making any administrative interpretation:

- a) The administrative interpretation shall not have the effect of adding or removing any provision of this Ordinance.
  - b) An administrative interpretation shall be consistent with the purposes of this Ordinance and any previously rendered administrative interpretations, based on similar facts.
  - c) An administrative interpretation concerning a use interpretation shall not allow any use that is not a Permitted, Conditional, or Temporary Use in the zoning district. All other uses shall be prohibited.
  - d) An administrative interpretation of the location of any zoning district boundary shall not have the effect of establishing a zoning district boundary that is inconsistent with the Roy City General Plan.
  - e) No use interpretation shall permit the establishment of any use that would be inconsistent with the purposes of the zoning district in which it would be located.
- 5) **Effect of Approval.** An administrative interpretation shall apply only to the property for which an interpretation is given. A use interpretation finding a use to be a permitted or conditional use shall not authorize the establishment of such use but merely authorize the filing of applications necessary for any approvals, permits or licenses as may be required and applicable.
  - 6) **Appeal.** Any person adversely affected by an administrative interpretation rendered by the Zoning Administrator may appeal that decision to the Commission as provided in Section 2804 herein.

### Section 203—Rules for Interpretation of Zoning District Boundaries:

In the event of the need to resolve a dispute concerning the boundary of a zoning district, the Zoning Administrator shall have the authority and jurisdiction to render a written determination of the boundary of a zoning district. The Zoning Administrator shall take into consideration the following criteria in rendering such determination:

- 1) The policies and development standards pertaining to such zoning district, or districts.
- 2) In areas divided into lots, a zoning district boundary shall follow the boundary of a lot, unless clearly intended to divide a lot for reasons of topography, landform, or other physical constraints.
- 3) In areas not subdivided into lots, wherever a zoning district is indicated as a strip adjacent to and paralleling a right-of-way, the depth of such strips shall be in accordance with dimensions measured at right angles from the centerline of the 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 rights-of-way, unless otherwise indicated.
- 4) Where a zoning district boundary follows a creek, stream, water course, drainage channel, flood way, or other natural or man-made feature such boundary shall be deemed to be the center line of such creek, stream, water course, drainage channel, flood way, or other natural or man-made feature.
- 5) Where a zoning district boundary follows the right-of-way of any road, street, trail, or other public or private right-of-way or easement such boundary shall be deemed to be the center line of such road, street, trail, or other public or private right-of-way or easement.