

ARTICLE IV

INTERPRETATION AND CONSTRUCTION

SECTION 1. RULES OF INTERPRETATION: When interpreting the provisions of these Regulations, the following shall govern:

1. *Minimum Requirements.* In their interpretation and application, the provisions of these Regulations shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare of the citizens of the City of Udall.
2. *Overlapping or Contradictory Regulations.* Where the conditions imposed by the provisions of these Regulations upon the use of land or structures are either more restrictive or less restrictive than comparable conditions imposed by any other provision of any other applicable law, ordinance, resolution, rule, or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.
3. *Private Agreements.* The provisions of these Regulations are not intended to abrogate any easement, covenant, or other private agreement provided that where the requirements of these Regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement the requirements of these Regulations shall govern.
4. *District Boundary Lines.* Interpretation of zoning district boundary line locations shall be governed by the following:
 - a. Where district boundary lines are indicated as approximately following streets and alleys, highways, or railroads, such boundaries shall be construed as following the centerlines thereof.
 - b. Where district boundary lines are indicated as approximately following lot lines or section lines, such lines shall be construed as the said boundaries.
 - c. Where a boundary of a district appears to follow a stream, lake, or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the governing body, unless otherwise indicated.
 - d. Where a district boundary line divides a lot or un-subdivided property, and the dimensions are not shown on the map, the location of such boundary shall be indicated by using the scale appearing on the Zoning Map.
 - e. No use of land or structure which was not lawfully existing at the time of the adoption of these regulations shall become lawful solely by reason of the adoption of these regulations; and to the extent that said unlawful use or structure is in conflict with the requirements of these regulations, said use or structure shall remain unlawful hereunder.

SECTION 2. RULES OF CONSTRUCTION: Except where clearly required to be otherwise by the context, rules of construction shall include:

1. Words or numbers used singularly or plurals shall include both singular and plural interpretation.
2. The word "may" is permissive; the word "shall" is mandatory.
3. The present tense includes the past and future tenses and the future the present.
4. The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
5. The word "person" includes individuals, firms, corporations, associations, governmental bodies, and other legal entities.
6. The words "use," "used," "occupy," or "occupied," as applied to any land or building, shall be construed to include the words "intended," "arranged," or "designed" to be used or occupied.
7. Unless otherwise specified, all distances shall be measured horizontally.

SECTION 3. ZONING PROCEDURE: The requirements of this Zoning Ordinance permit only those uses listed in each district under USE REGULATIONS. Any owner of property desiring to use his property for some use other than the listed uses may proceed as follows:

1. When the proposed use intensity varies slightly from the regulations, the property owner may file an application with the Zoning Official for a hearing with the Board of Zoning Appeals for one (1) of the following:
 - a. Variance (height, area and yard).
 - b. Exception (special use permit as outlined in the district regulations – see ARTICLE XXX, Section II for procedure.)
 - c. Appeals from Zoning Official's decisions.
2. When the proposed use is listed as a Conditional Use, the property owner may file an application with the Zoning Official for a hearing with the Planning Commission to be processed in the same manner as described for special use permits by the Board of Zoning Appeals. Following the hearing the Planning Commission shall provide a recommendation to the Governing Body for final review and approval. See ARTICLE XXX, Section II for procedure.
3. When the proposed use requires a change of Zoning Ordinance and/or change in District Zoning Map, the property owner may file an application for zoning changes and proceed as set out in Article XXXI.

4. Any person intending to perform construction of any sort other than for agricultural structures shall provide certification of proof of compliance with Zoning Requirements to the Zoning Official.

5. Any person intending to construct a residence on an unplatted tract for other than agricultural use shall prepare a plat in accordance with the Subdivision Regulations and shall obtain the approval of the Plat by the Planning Commission and the Governing Body before requesting a zoning permit.