

BOX ELDER COUNTY PLANNING COMMISSION MINUTES NOVEMBER 21, 2024

The Board of Planning Commissioners of Box Elder County, Utah met in the Box Elder County Commission Chambers at 7:00 p.m. The following members were present by a roll call, constituting a quorum:

Roll Call

Mellonee Wilding	Excused
Jed Pugsley	Vice-Chair
Lonnie Jensen	Excused
Bonnie Robinson	Member
Jared Holmgren	Member
Jennifer Jacobsen	Member
Vance Smith	Alternate/Member

the following Staff was present:

Scott Lyons	Comm Dev Director
Marcus Wager	County Planner
Destin Christiansen	County Planner
Stephen Hadfield	County Attorney
Boyd Bingham	Excused
Diane Fuhriman	Executive Secretary

Vice-Chair Jed Pugsley called the meeting to order at 7:00 p.m.

The Invocation was offered by Commissioner Jared Holmgren.
Pledge was led by Commissioner Vance Smith.

The following citizens were present & signed the attendance sheet
See Attachment No. 1 – Attendance Sheet.

The Minutes of the October 17, 2024 meeting were made available to the Planning Commissioners prior to this meeting and upon review a **Motion** was made by Commissioner Jared Holmgren to approve the minutes as written. The motion was seconded by Commissioner Jennifer Jacobsen and passed unanimously.

UNFINISHED BUSINESS

HAWK WAY BENCH SUBDIVISION, SS24-025, Request for preliminary approval of a 10-Lot subdivision located at approximately 4700 North 950 West in the Brigham City area of Unincorporated Box Elder County. ACTION

Staff explained this item came before the Planning Commission in October. Prior to that meeting the applicant contacted staff requesting the item be tabled as there were items needing to be resolved. On November 15th, the applicant provided an updated plat and site plan. There are still some minor items to be addressed such as modifying notes on the subdivision plat. The more major issues involve two historic waterlines coming out of Cataract Canyon and Moss Rock Canyon that go across the property. County code requires any existing septic tanks, storm drains, culinary and secondary water supplies on the property, or within 100 feet thereof, be shown on the subdivision plat. The applicant's surveyor has been on the property locating those to add to the map.

The County Engineer and Road Supervisor mentioned in their most recent review there is a question regarding the profile. It looks like it is showing asphalt with what appears to be a ribbon curb on the edge that was not labeled. They want to make sure it complies with County Road Department standards. The County Engineer also brought up the issue of drinking water. The development is proposed to be its own private water system connected into the Bear River Water Conservancy District. The conservancy district would sell water wholesale to the development and then the development would provide that water to the 10 lots. The County Engineer would like to see something from the state showing it has reviewed the water system and has issued an operating permit from the Division of Drinking Water. The operating permit would not be required prior to preliminary plat approval, but would be tied in with the final plat.

Commissioner Bonnie Robinson feels like there is still too much needing to be done and would like to continue the table already in place.

Commissioner Vance Smith asked if the applicant has any concerns with the solutions to the water issues. Staff explained applicant is working with an attorney and an engineer to sort out the water situation and submit the drinking water application.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to continue with the tabling of the request from the October 17, 2024 Planning Commission meeting for Application SS24-025, a preliminary plat for the Hawk Way Bench Subdivision located in unincorporated Box Elder County. The motion was seconded by **Commissioner Vance Smith** and unanimously carried.

CONDITIONS

1. Compliance with review and approval by the County Surveyor, Engineer, Fire Marshal, Planning & Zoning, Roads Department, and Building Official.
2. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
3. Compliance with Chapter 6-1, Subdivisions, of the Box Elder County Land Use Management & Development Code.
4. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

PUBLIC HEARINGS

ORDINANCE TEXT AMENDMENT, Z24-014, Request for a text amendment to amend/update the use tables to include "C1" (Administrative Conditional Use) to the Box Elder County Land Use Management & Development Code. ACTION

Staff stated this request is intended to correct a good portion of the county land use code. There are a number of uses considered to be administrative review uses, such as Home Occupations. The C1 Use allows staff to get through the approval process for those items that fall within that realm. In addition, there were a number of chapters that involve C1 Uses that were out-of-date. Staff can bring all those chapters up-to-date and in compliance with how the land use code is currently used.

Staff read the standards for reviewing ordinance text amendments as they apply to this request.

A. Whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan; The County's General Plan states that future land use decisions will consider the following: promoting development patterns consistent with, and sensitive to, resident preferences; and balancing private property rights with public interests.

B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property; This text amendment corrects uses within the use tables of the Box Elder County Land Use Code that staff currently review and approve. The Planning Commission needs to decide if this amendment would be harmonious.

C. The extent to which the proposed amendment may adversely affect adjacent property; The proposed text amendment should not have an adverse effect on adjacent property.

D. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection. The proposed text amendment is county-wide and should not have an effect on the adequacy of facilities.

The public hearing was then opened for comments.

Mitchell James stated he appreciates the work staff puts into updating the county code.

Hearing no further comments, a motion was made by **Commissioner Bonnie Robinson** to close the public hearing on Ordinance Text Amendment, Z24-014. The motion was seconded by **Commissioner Jennifer Jacobsen** and passed unanimously.

ACTION

MOTION: A Motion was made by **Commissioner Jared Holmgren** to forward a recommendation of approval to the County Commission for application Z24-014, an ordinance text amendment to amend/update the use tables to include "C1" (Administrative Conditional Use) in the Box Elder County LUM&DC and adopting the conditions and findings of staff . The motion was seconded by **Commissioner Jennifer Jacobsen** and passed unanimously.

CONDITIONS:

1. Compliance with Article 5 of the Box Elder County Land Use Management & Development Code.
2. Compliance with Section 2-2-080, Zoning Map and Text Amendments, of the Box Elder County Land Use Management & Development Code.
3. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

(See Attachment No. 2 – Ordinance Text Amendment.)

ZONING TEXT AMENDMENT, Z24-015, Request for a zone change of 10 acres from MU-160 (Multiple Use 160 acres) to the RR-10 (Rural Residential 10 acre) zone on parcel #01-059-0053 in the Lucin area of Unincorporated Box Elder County. ACTION

Staff stated the applicant is requesting parcel 01-059-0053 (10 acres) be rezoned from MU-160 (Multiple Use 160 acres) to the RR-10 (Rural Residential 10 acre) zone. The parcel is located way out west in the Lucin area and it appears it was split off in 2003 making it an illegal parcel. The surrounding land use is agricultural and surrounding zoning is MU-160.

Staff read the standard for reviewing zoning map amendments as they apply to this request as follows:

A. Whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan; The County's General Plan does not address areas this far West. The zoning that is in this area is original zoning the County established in 1974. The purpose of the MU zone is stated as: "Mixed Use zones provide a multiple use district to establish areas in mountain, hillside, canyon mountain valley, desert and other open and generally undeveloped lands where human habitation should be limited in order to protect land and other open space resources; to reduce unreasonable requirements for public utility and service expenditures through uneconomic and unwise dispersal and scattering of population; to encourage use of the land, where appropriate, for forestry, grazing, agriculture, mining, wildlife habitat, and recreation; to avoid excessive damage to watersheds, water pollution, soil erosion, danger from brush land fires, damage to grazing and livestock raising, and to wildlife values; to avoid the premature development of lands by discouraging intensive development until the ultimate best use of the land can be recommended by the Planning Commission to the County Commission; and to promote the health, safety, convenience, order, prosperity, and general welfare of the inhabitants of the community." It is important to point out this verbiage was also established in the original 1974 code as zoning ordinance and has not been changed for 50 years.

B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property; The area is all open/grazing/agricultural uses. The Planning Commission needs to decide if an RR-10 zone could be considered harmonious. Staff's opinion is it is not harmonious.

C. The extent to which the proposed amendment may adversely affect adjacent property; This is unknown. The public hearing process may bring forth additional information.

D. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection. The adequacy of facilities is nonexistent in this area.

The public hearing was then opened for comments.

Hearing no comments, a motion was made by **Commissioner Bonnie Robinson** to close the public hearing on the Zoning Text Amendment, Z24-015. The motion was seconded by **Commissioner Vance Smith** and passed unanimously.

ACTION

Staff explained county code allows for the rezone of property subject to zoning map amendment procedures and approval. The Planning Commission will need to determine if the proposed map amendment meets the approval standards for reviewing zoning map amendments. Staff reiterated they feel this request is not harmonious.

Commissioner Bonnie Robinson said there is nothing in the area that says this should be zoned as residential 10-acres. She feels it would set a bad precedence for the future to have little places out there that do not fit what is already there. The property is also landlocked so there is no legal access to the parcel.

MOTION: A Motion was made by **Commissioner Jared Holmgren** to forward a recommendation of denial to the County Commission for application Z24-015, a request for a zone change of 10 acres from MU-160 (Multiple Use 160 acres) to the RR-10 (Rural Residential 10 Acre) zone based on not meeting the standards set in Section 2-2-080(E); there is no access to the subject property; there are no utilities in the area. The motion was seconded by **Commissioner Jennifer Jacobsen** and passed unanimously.

ORDINANCE TEXT AMENDMENT, Z24-016, Request for a text amendment adding Section 5-1-390, Determining Legal Parcels to the Box Elder County Land Use Management & Development Code. ACTION

Staff explained this amendment is for clearly stating the process for determining legal parcels in the county. Previously, the determinations have just been done matter-of-fact. Staff thinks it best to have something in writing so to always stay consistent. Staff was under the impression that state code in 1993 was what had started subdivision regulations for the county. The property rights Ombudsman's office in the state researched it and found it was 1954 when the original code came into the state. There was an update in 1992 outlining some regulations for subdivisions but did not require subdivisions to be gone through. The Ombudsman's office said even though the state did not require that, perhaps the county and their ordinances did. Staff found the county ordinance for subdivision regulations passed on November 24, 1992. After reviewing the verbiage, Staff determined it would be good to add the word "applicable" towards the end where it says for the zoned or unzoned areas so it would not apply to every single subdivision that is done, only ones that apply to that zoned or unzoned area.

Staff then read the standards for reviewing ordinance text amendments as they apply to this request.

A. Whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan; The proposed amendment is consistent with the goals, objectives, and policies of the County's General Plan.

B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property; This text amendment would apply to all areas of unincorporated Box Elder County.

C. The extent to which the proposed amendment may adversely affect adjacent property; The proposed amendment should not adversely affect adjacent property. The public hearing process may shed additional light on this subject.

D. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection. The proposed text amendment should not have an effect on the adequacy of facilities.

The public hearing was then opened for comments.

Mitchell James agrees with putting applicable in the verbiage.

Hearing no further comments, a motion was made by **Commissioner Bonnie Robinson** to close the public hearing on the Ordinance Text Amendment, Z24-016. The motion was seconded by **Commissioner Vance Smith** and passed unanimously.

ACTION

Staff explained the Planning Commission will need to decide if this request agrees with the standards in Section 2-2-080. Staff feels that it does agree and recommends approval.

MOTION: A Motion was made by **Commissioner Jennifer Jacobsen** to forward a recommendation of approval to the County Commission for application Z24-016, a request for a text amendment adding Section 5-1-390, Determining Legal Parcels to the Box Elder County LUM&DC and adding the word applicable in the last sentence to read: If a parcel is considered illegal, it will need to go through the subdivision process and meet all zoning requirements for the applicable zoned or unzoned areas to be considered legal, and adopting the conditions and findings of staff . The motion was seconded by **Commissioner Jared Holmgren** and passed unanimously.

CONDITIONS:

1. Compliance with Article 5 of the Box Elder County Land Use Management & Development Code.
2. Compliance with Section 2-2-080, Zoning Map and Text Amendments, of the Box Elder County Land Use Management & Development Code.
3. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

ORDINANCE TEXT AMENDMENT, Z24-017, Request for a text amendment adding Section 2-2-220, Lot Line Adjustment to the Box Elder County Land Use Management & Development Code. ACTION

Staff said this amendment is for creating a process for lot line adjustments to comply with State Code. The state is trying to make it easier for people to do these types of things and not have to go through a full-blown subdivision amendment. Section 2-2-220 E is where state code language comes in. In Section 2-2-220 I. Expiration, staff feels there should not be an excessive amount of

time between getting approval and being recorded so a lot line adjustment approval shall expire and become null and void if the notice of approval and the document of conveyance are not recorded within thirty (30) days after approval.

Staff read the standards for reviewing Ordinance Text Amendments as they apply to this request.

- A. Whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan;** The proposed amendment is consistent with the goals, objectives, and policies of the County's General Plan.
- B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;** This text amendment would apply to all areas of unincorporated Box Elder County.
- C. The extent to which the proposed amendment may adversely affect adjacent property;** The proposed amendment should not adversely affect adjacent property. The public hearing process may shed additional light on this subject.
- D. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.** The proposed text amendment should not have an effect on the adequacy of facilities.

The public hearing was then opened for comments.

Hearing no comments, a motion was made by **Commissioner Bonnie Robinson** to close the public hearing on the Ordinance Text Amendment, Z24-017. The motion was seconded by **Commissioner Jared Holmgren** and passed unanimously.

ACTION

MOTION: A Motion was made by **Commissioner Jennifer Jacobsen** to forward a recommendation of approval to the County Commission for application Z24-017, an ordinance text amendment adding Section 2-2-220, Lot Line Adjustment to the Box Elder County LUM&DC and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Jared Holmgren** and passed unanimously.

CONDITIONS:

1. Compliance with Article 5 of the Box Elder County Land Use Management & Development Code.
2. Compliance with Section 2-2-080, Zoning Map and Text Amendments, of the Box Elder County Land Use Management & Development Code.
3. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

(See attachment No. 3 – Lot Line Adjustment.)

NEW BUSINESS

BECKAM'S EDGE SOUTH SUBDIVISION, SS24-029, Request for preliminary approval of a 29- Lot subdivision located at approximately 10900 N 8400 W in the Tremonton area of Unincorporated Box Elder County. ACTION

Staff explained this subdivision has taken place over the last four years with multiple stages. Stages 1 through 4 comprised Beckam's Edge first portion. The south area will go through a new preliminary approval, then the developer will start working through the various phases. A plat was submitted and all applicable county departments reviewed the plat and submitted their reviews back to the applicant. The applicant has submitted a new plat and the majority of the items from the department reviews have been taken care of.

Staff stated the County Engineer has reviewed the storm drainage proposal and there is what appears to be a field drain along the south portion of the parcel. It is difficult to see on the field drain maps but looks like it runs right along that parcel line or close to it. The applicant would need to locate it and show it on the preliminary plat if it is located on the property.

MOTION: A Motion was made by **Commissioner Jared Holmgren** to approve application SS24-029 a preliminary plat for the Beckam's Edge South Subdivision located in unincorporated Box Elder County and adopting the conditions and findings of staff with emphasis on mapping the field drain. The motion was seconded by **Commissioner Vance Smith** and unanimously carried.

CONDITIONS:

1. Compliance with review and approval by the County Surveyor, Engineer, Fire Marshal, Planning & Zoning, Roads Department, and Building Official.
2. Compliance with the requirement from the County Surveyor and the County Roads Department that the retention pond be designed and constructed as part of Phase 5.
3. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
4. Compliance with Chapter 6-1, Subdivisions, of the Box Elder County Land Use Management & Development Code.
5. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

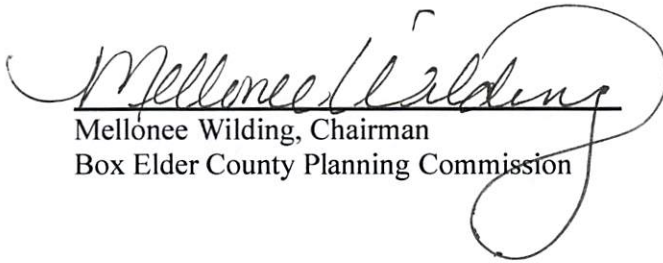
WORKING REPORTS

Staff has finished interviewing all culinary and irrigation water suppliers throughout the county. There were 50+ interviews conducted. The findings from those interviews were presented at the seven regional meetings. Staff will start drafting the overall plan from the seven regional plans and asked if the Planning Commission would be interested in a presentation on where staff is at with those plans.

PUBLIC COMMENTS - NONE

ADJOURN

MOTION: A Motion was made by Commissioner Bonnie Robinson to adjourn commission meeting. The motion was seconded by Commissioner Vance Smith and meeting adjourned at 8:00 p.m.



Mellonee Wilding, Chairman
Box Elder County Planning Commission

PLANNING COMMISSION MEETING
Thursday November 21, 2024

Please sign & pass along to others.

NAME	ADDRESS	AGENDA ITEM
A. Jack Patton	2068W 2300W	
Kory Wayment	4577 N Hwy 38	
Mitchell E. James	NE of Fiddling	_____
Ryan Jones	4550 N Hwy 38	Kory's Subdivision
Jacob Secrist	5156 N Hwy 38 Brigham	Kory's sub
Terrance Tenley	4670 N Hwy 38	Kory sub
Leslie Christiansen	1170 W 4575 N. Brigham City	"
Scott Watts	4655 N. H.W. 38	"
Jim Watts	"	"
Marc Allred	3103 W 1000 N	Beckams Edge
Deb Allred	3103 W. 1000 N.	Beckams Edge
Greg Day		Kory's Surveyor

ORDINANCE NO. 610

AN ORDINANCE OF BOX ELDER COUNTY ADDING THE C1 USE TYPE TO MULTIPLE SECTIONS OF CODE, IN THE BOX ELDER COUNTY LAND USE MANAGEMENT & DEVELOPMENT CODE.

WHEREAS, a proposal has been made to add the C1 use type to multiple sections of code, in the Box Elder County Land Use Management & Development Code; and

WHEREAS, the Box Elder County Planning Commission scheduled a public hearing on the proposal to amend the text of the Box Elder County Land Use Management & Development code and provided a Class B notice in accordance with Section 2-2-050(B) of the Box Elder County Land Use Management and Development Code and Section 63G-30-102 of the Utah Code; and

WHEREAS, the Box Elder County Planning Commission, after appropriate notice, held a public hearing on November 21, 2024 to allow the general public to comment on this proposed text amendment; and

WHEREAS, after providing for public comment from the general public, the Box Elder County Planning Commission has found and determined that the proposed text amendment is in conformity with the General Plan of Box Elder County, that the uses allowed by the proposed change are harmonious with the overall character of the existing development in the vicinity of the property, that it will not adversely affect adjacent properties, that the facilities and services intended to serve property are adequate, and will provide for the health, safety, and general welfare of the public and protect the environment; and

WHEREAS, based upon these findings, the Box Elder County Planning Commission has recommended that the Box Elder County Commission amend the text as has been requested; and

WHEREAS, the Box Elder County Commission, after appropriate notice, held a public meeting on December 4, 2024, to review and discuss this proposed amendment; and

WHEREAS, after reviewing and discussing, the Board of County Commissioners of Box Elder County, Utah finds that the amendment to the text as set forth in Exhibit B is in conformity with the General Plan of Box Elder County, that the uses allowed by the proposed change are harmonious with the overall character of the existing development in the vicinity of the property, that it will not adversely affect adjacent properties, that the facilities and services intended to serve property are adequate, and that it will be in the best interest of and promote the health, safety and general welfare of the residents of Box Elder County;

NOW THEREFORE, the County legislative body of Box Elder County ordains as follows:

SECTION 1: Ordinance Text Amendment. Adding the C1 use type to multiple sections of code, in the Box Elder County Land Use Management & Development Code is hereby amended to read in its entirety as set forth in Exhibit A.

SECTION 2: Effective Date. This ordinance shall become effective fifteen (15) days after its passage.

PASSED, ADOPTED AND A SYNOPSIS ORDERED PUBLISHED this _____ day of _____, 2024, by the Board of County Commissioners of Box Elder County, Utah,

Commissioner Bingham	Voting _____
Commissioner Summers	Voting _____
Commissioner Perry	Voting _____

Box Elder County Commission Chair

Attest:

Marla Young
Box Elder County Clerk

State of Utah)
).ss)
County of Box Elder)

On this _____ day of _____, 2024, personally appeared before me, the undersigned notary public, _____, whose identity is personally known to me (or proved on the basis of satisfactory evidence) and who by me duly sworn (or affirm), did say he is the **Commission Chairman for Box Elder County** and said document was signed by him in behalf of said Corporation and acknowledged to me that said Corporation executed the same.

My Commission Expires: _____

Notary Public

EXHIBIT A

Chapter 3-1 – Zones Established

Sections.

- 3-1-010. Zones Established.
- 3-1-020. Zone Purposes.
- 3-1-030. Definitions.
- 3-1-040. Official Zoning Map.
- 3-1-050. Rules of Locating Zone Boundaries.
- 3-1-060. Clarification of Zoning.

3-1-010. Zones Established.

In order to accomplish the purposes of the Box Elder County General Plan and this Code, the following zones, along with their accompanying zoning map designations, are hereby established:

A. Zoning Districts

1. Agricultural Zones (A-20)
2. Mixed Use Zones (MU-160, MU-80, MU-40)
3. Rural Residential Zones (RR-1, RR-2, RR-5, RR-10, RR-20)
4. Residential (R-1-20)
5. Neighborhood Commercial District (C-N)
6. Shopping Commercial District (C-S)
7. Highway Commercial District (C-H)
8. General Commercial District (C-G)
9. South Willard Neighborhood Commercial (SW-NC)
10. Manufacturing-Food Products District (M-FP)
11. General Industrial District (M-G)

B. Special Purpose and Overlay Zones

1. Airport Overlay
2. Sensitive Area Overlay (SA)
3. Landfill and Land Excavation Overlay

3-1-020. Zone Purposes.

In addition to the general purposes of this Code as set forth in Section 1-1-030, the various zones each serve more specific purposes as set forth below.

- A. Agricultural Zones.** Agricultural zones promote and preserve in appropriate areas conditions favorable to agriculture and to maintain greenbelt spaces. This district is intended to include activities normally and necessarily related to the conduct of

agriculture and to protect the district from the intrusion of uses inimical to the continuance of agricultural activity.

1. A-20. Minimum Lot Size: 20 acres

B. Mixed Use. Mixed Use zones provide a multiple use district to establish areas in mountain, hillside, canyon mountain valley, desert and other open and generally undeveloped lands where human habitation should be limited in order to protect land and other open space resources; to reduce unreasonable requirements for public utility and service expenditures through uneconomic and unwise dispersal and scattering of population; to encourage use of the land, where appropriate, for forestry, grazing, agriculture, mining, wildlife habitat, and recreation; to avoid excessive damage to watersheds, water pollution, soil erosion, danger from brushland fires, damage to grazing and livestock raising, and to wildlife values; to avoid the premature development of lands by discouraging intensive development until the ultimate best use of the land can be recommended by the Planning Commission to the County Commission; and to promote the health, safety, convenience, order, prosperity, and general welfare of the inhabitants of the community.

1. MU-160. Minimum Lot Size: 160 acres or quarter section
2. MU-80. Minimum Lot Size: 80 acres
3. MU-40. Minimum Lot Size: 40 acres

C. Rural Residential Zones. The purposes of providing a rural residential district are to promote and preserve in appropriate areas conditions favorable to large-lot family life; to maintain a rural atmosphere, to provide for the keeping of limited numbers of animals and fowl and to reduce requirements for public utilities, services, and infrastructure.

1. RR-10. Minimum Lot Size: 10 acres
2. RR-5. Minimum Lot Size: 5 acres
3. RR-2. Minimum Lot Size: 2 acres
4. RR-1. Minimum Lot Size: 1 acre
5. RR-20. Minimum Lot Size: 20,000 square feet

D. Residential zone. This zone is intended to protect the stability of neighborhoods and encourage, collectively, different kinds of compatible residential development.

1. R-1-20: Minimum Lot Size: 20,000 sq. ft.

E. Commercial Zones. Commercial zones provide areas where a combination of business, commercial, entertainment, office, and related activities may be established, maintained and protected. Commercial zones are intended to provide a suitable environment for those commercial and service uses vital to the economic base of the County.

1. Neighborhood Commercial District (C-N)
2. Commercial Shopping District (C-S)
3. Highway Commercial District (C-H)
4. General Commercial District (C-G)
5. South Willard Neighborhood Commercial (SW-NC)

- F. Manufacturing Zones.** Industrial zones provide areas for conducting business, manufacturing and industrial activities.
1. Manufacturing-Food Products District (M-FP)
 2. General Industrial District (M-G)
- G. Special Purpose and Overlay Zones.** Special purpose zones are intended to accomplish objectives unique to the particular zone. Overlay zones implement supplemental regulations that apply geographically, regardless of the underlying base zone. Whenever the regulations of a district and an overlay zone conflict, overlay zone regulations shall apply.
1. Airport Overlay
 2. Sensitive Area Overlay (SA)
 3. Landfill and Land Excavation

3-1-030. Definitions.

Certain words and phrases in this Chapter are defined in Chapter 1-3 of this Code.

3-1-040. Official Zoning Map.

- A. Zones.** The location and boundaries of the zones described in this Chapter, including subsequent amendments, shall be shown on an official zoning map, entitled the Box Elder County Official Zoning Map, as provided in this section.
1. The zones established by this Chapter are intended to further the goals and policies of the Box Elder County General Plan.
 2. Each lot or parcel within the unincorporated boundaries of Box Elder County shall be subject to the requirements of the zone, or zones, in which the lot or parcel is located as shown on the Official Zoning Map.
 3. The Official Zoning Map, including all boundaries, notations, and other data shown thereon, is hereby adopted by this reference.
- B. Amendments.** Amendments to the boundaries of a specific zone shown on the Official Zoning Map shall be accomplished in accordance with state law and the provisions set forth in Section 2-2-080 of this Code.
- C. Map Updates.** The Recorder's Office shall update the Official Zoning Map as soon as possible after amendments are adopted by the County Commission. Upon entering any such amendment on the map, the Recorder's Office shall note on the map the ordinance enacting the revision.
- D. Filing of Zoning Ordinance and Map.** The official copy of the Land Use Development and Management Code shall be maintained in the Community Development Office and the Official Zoning Map shall be maintained in the Office of the County Recorder and may be examined by the public in accordance with the *Utah Governmental Records Management Act* as set forth in *Utah Code Ann. §63G-2-1, et seq., as amended.*

3-1-050. Rules for Locating Zone Boundaries.

- A. Applicability.** Where uncertainty exists as to the boundary of any zone shown on the Official Zoning Map, the provisions of this section shall apply to determine the location of such boundary. This section shall apply only when uncertainty exists.
- B. Center Lines and Property Lines.** When a zone boundary is indicated as being approximately upon the center line of a street, alley or block, or along a property line, the center line of such street, alley or block or such property line shall be construed to be the boundary of such zone.
- C. Waterways and Public Lands.** When a zone boundary is indicated as being approximately at the line of any river, irrigation canal or other waterway or public land, then the center of the stream, canal or waterway, or the boundary line of the public land shall be deemed to be the boundary of the zone.
- D. Street Vacations.** When a public road, street, or alley is officially vacated, such property shall have the same zoning as the adjacent property. In the event vacated property is adjacent to two zones, each zone shall extend to the center line of the vacated right-of-way.
- E. Uncertainties.** When a physical or cultural feature existing on the ground is at variance with one shown on the Official Zoning Map, or in the event any other uncertainty exists with respect to a zone boundary, the Zoning Administrator shall determine the boundary location, subject to appeal to the Planning Commission as provided in this Code.
- F. Action by Zoning Administrator.** If application of the above rules does not clarify the location of a zone boundary, the Zoning Administrator shall determine the proper boundary subject to appeal to the Planning Commission as provided in this Code.

3-1-060. Clarification of Zoning.

If ambiguity arises concerning the classification of a particular use within the meaning and intent of this Code, or with respect to matters of height, yard requirements, area requirements, or other property development standards, the Zoning Administrator shall determine the proper use or development standard, subject to appeal to the Planning Commission as provided in this Code.

Chapter 3-2 – Multiple Use, Agricultural, and Rural Residential District

Sections.

- 3-2-010. Purpose.
- 3-2-020. Scope.
- 3-2-030. Definitions.
- 3-2-040. Uses Allowed.
- 3-2-050. Use Regulations.
- 3-2-060. Regulations of General Applicability.
- 3-2-070. Regulations for Specific Uses.
- 3-2-080. Regulations for Uses.

3-2-010. Purpose.

- A. Mixed Use.** Mixed Use zones provide a multiple use district to establish areas in mountain, hillside, canyon mountain valley, desert and other open and generally undeveloped lands where human habitation should be limited in order to protect land and other open space resources; to reduce unreasonable requirements for public utility and service expenditures through uneconomic and unwise dispersal and scattering of population; to encourage use of the land, where appropriate, for forestry, grazing, agriculture, mining, wildlife habitat, and recreation; to avoid excessive damage to watersheds, water pollution, soil erosion, danger from brush land fires, damage to grazing and livestock raising, and to wildlife values; to avoid the premature development of lands by discouraging intensive development until the ultimate best use of the land can be recommended by the Planning Commission to the County Commission; and to promote the health, safety, convenience, order, prosperity, and general welfare of the inhabitants of the community.
- B. Agricultural.** Agricultural zones promote and preserve in appropriate areas favorable to agriculture and to maintain greenbelt spaces. These districts are intended to include activities normally and necessarily related to the conduct of agriculture and to protect the district from the intrusion of uses inimical to the continuance of agricultural activity.

The purpose of the A ½ zone in this Chapter is to outline regulations for existing A ½ parcels within Box Elder County. The A ½ zone is not an option for rezones due to this zone not being adequate for agricultural uses.

- C. Rural Residential.** The purposes of providing a rural residential district are to promote and preserve in appropriate areas conditions favorable to large-lot family life, to maintain a rural atmosphere, to provide for the keeping of limited numbers of animals and fowl, and to reduce requirements for public utilities, services, and infrastructure.

3-2-020. Scope.

The provisions of this Chapter shall apply to any real property located in a mixed use, agricultural, or rural residential zone as shown on the Official Zoning Map.

3-2-030. Definitions.

Certain words and phrases in this Chapter, including uses, are defined in Chapter 1-3 of this Code.

3-2-040. Uses Allowed.

- A. Allowed, Permitted and Conditional Uses.** Allowed, permitted and conditional uses allowed in mixed use, agricultural, and rural residential zones shall be as set forth pursuant to Section 3-2-070 in this Chapter. Allowed uses (any land use not requiring approval by a land use authority) are indicated by an “A” in the appropriate column. Uses that may be permitted by a permitted use review issued by the zoning administrator are indicated by a "P" in the appropriate column. Uses that may be permitted by a conditional use permit are indicated by a “C” in the appropriate column. Uses that may be permitted by a conditional use permit issued by the zoning administrator are indicated by a “C1” in the appropriate column. If a use is not allowed in a given district, it is either not named in the use list or it is indicated in the appropriate column by a dash, “-.”
- B. Accessory Uses.** Allowed, permitted and conditional uses set forth pursuant to Section 3-2-070 in this Chapter shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such uses.
 - 1. Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the same zone except as otherwise expressly provided in this Code.
 - 2. No accessory use, building, or structure shall be allowed on a lot or parcel unless a permitted or conditional use has been and is currently established.

3-2-050. Use Regulations.

No building, structure or real property shall be used and no building or structure shall hereafter be erected, structurally or substantially altered, or enlarged except as set forth in this Chapter. Such requirements shall not be construed to prohibit or limit other applicable provisions of this Code or other laws.

3-2-060. Regulations of General Applicability.

The use and development of real property in agricultural, mixed use, or rural residential zones shall conform to regulations of general applicability as set forth in the following chapters of this Code.

- A. Regulations Applicable to All Zones. See Chapter 5-1 of this Code.
- B. Off-Street Parking and Loading. See Chapter 5-2 of this Code.
- C. Signs. See Chapter 5-3 of this Code.
- D. Sensitive Lands. See Chapter 4-2 of this Code.

3-2-070. Regulations for Specific Uses.

To the extent that use and development of real property includes any matter encompassed by a regulation for a specific use as set forth in this Code, such regulation shall apply in addition to the requirements of this Chapter and shall prevail over any conflicting provision of this Chapter.

Code Section	<p>“P” = Permitted Use “C” = Conditional Use “C1” = Administrative Conditional Use “A” = Allowed Use “-” = Not Permitted</p>	MU 160	MU 80	MU 40	A 20	A 1/2	RR 10	RR 5	RR 2	RR 1
3-2-070-1	ACCESSORY USES									
3-2-070-1.1	Accessory buildings and uses customarily incidental to permitted agricultural uses, provided, however, that such accessory buildings are a minimum of 20 feet from any dwelling	A	A	A	A	A	A	A	A	A
3-2-070-1.2	Any pen, corral or pasture for the keeping of animals or fowl.	A	A	A	A	A	A	A	-A	A
3-2-070-1.3	Swimming Pool	P	P	P	P	P	P	P	P	P
3-2-070-2	Temporary buildings for uses incidental to construction work, including living quarters for guard or night watchman, which buildings must be removed upon completion or abandonment of the construction work.	C	C	C	C	C	C	C	C	C
3-2-070-2.1	Mobile homes for temporary living quarters (i.e. Agriculture uses, Ailing relatives).	C	C	C	C	C	C	C	C	C
3-2-070-3	AGRICULTURAL									
3-2-070-3.1	Agriculture	A	A	A	A	A	A	A	A	A
3-2-070-3.2	Fruit/Vegetable Stand	C	C	C	C	C	C	C	C	C
		MU 160	MU 80	MU 40	A 20	A 1/2	RR 10	RR 5	RR 2	RR 1
3-2-070-3.3	Farms devoted to raising and marketing chickens, turkeys, or other fowl or	P	P	P	P	C	P	C	C	C

	poultry, fish or frogs, mink, rabbits, including wholesale and retail sale.									
3-2-070-3.4	Farms devoted to Apiary and Aviary	P	P	P	P	-	C	C	C	-
3-2-070-3.5	Forestry except forest industry	P	P	P	P	-	P	P	P	-
3-2-070-3.6	Forest Industry, such as a saw mill, wood products, plant, etc.	C	C	C	-	-	-	-	-	-
3-2-070-3.7	Agricultural Industry	C	C	C	C	-	C	C	C	-
3-2-070-3.8	Cannabis Production Establishment (must be state licensed and permitted)	-	-	-	P	-	-	-	-	-
3-2-070-3.9	Animals and Fowl for Recreation and Family Food Production	-	-	-	-	A	-	-	A	A
3-2-070-4	Home-Based Kennel	C1	C1	C1	C1	-	C1	C1	C1	C1
3-2-070-5	Dude ranch, family vacation ranch	C	C	C	C	-	C	C	C	-
3-2-070-6	DWELLINGS									
3-2-070-6.1	Single-Family dwelling	A	A	A	A	A	A	A	A	A
3-2-070-6.2	Residential facilities for elderly persons and persons with a disability	C	C	C	C	C	C	C	C	C
3-2-070-6.3	Accessory Dwelling Unit	C1	C1	C1	C1	C1	C1	C1	C1	C1
3-2-070-6.4	Internal Accessory Dwelling Unit	P	P	P	P	P	P	P	P	P
		MU 160	MU 80	MU 40	A 20	A 1/2	RR 10	RR 5	RR 2	RR 1
3-2-070-7	Home occupation	C1	C1	C1	C1	C1	C1	C1	C1	C1
3-2-070-8	Household pets	A	A	A	A	A	A	A	A	A
3-2-070-9	Small Power Generation	P	P	P	P	P	P	P	P	P
3-2-070-10	Large Power Generation	C	C	C	C	-	C	-	-	-

3-2-070-11	Private park or recreational grounds or private recreational camp or resort, including accessory or supporting dwelling complexes and commercial service uses which are owned or managed by the recreational facility to which it is accessory	C	C	C	C	-	C	C	C	-
3-2-070-12	Public stable, riding academy or riding ring, horse show barn or other equestrian facilities under single management	P	P	P	P	-	P	P	P	-
3-2-070-13	Public or quasi-public facilities, essential service facilities, airports, schools, churches, dams and reservoirs, cemeteries, railroad and substations	C	C	C	C	C	C	C	C	C
3-2-070-14	Wireless telecommunication towers, radio and television transmitting stations or towers (including repeating towers)	C	C	C	C	C	C	C	C	C

3-2-080. Regulations for Uses.

3-2-080-1	AREA REGULATIONS									
3-2-080-1.1	The minimum lot area in acres for any main use in the districts regulated by this Chapter shall be	160	80	40	20	1/2	10	5	2	1
3-2-080-2	WIDTH AND FRONTAGE REGULATIONS									

3-2-080-2.1	The minimum width in feet for any lot in the districts regulated by this Chapter shall be	1320	1320	1320	500	100	330	250	175	120
3-2-080-2.2	The minimum width along the radius for cul-de-sac lots in feet shall be	-	-	-	-	-	165	125	87	60
3-2-080-3	FRONT YARD REGULATIONS									
3-2-080-3.1	The minimum depth in feet for the front yard for main buildings and accessory buildings in districts regulated by this chapter shall be	30	30	30	30	30	30	30	30	30
3-2-080-3.2	Where the existing minimum right-of-way on which the lot front is less than 66 feet, the setback shall be measured from the center line and in feet shall be no less than	63	63	63	63	63	63	63	63	63
		MU 160	MU 80	MU 40	A 20	A 1/2	RR 10	RR 5	RR 2	RR 1
3-2-080-3.3	Accessory buildings may have the same minimum front yard depth as the main buildings if they have the same side yard required for main buildings; otherwise they shall be set the following distance in feet from the rear of the main building	8	8	8	8	8	8	8	8	8
3-2-080-4	REAR YARD REGULATIONS									
3-2-080-4.1	The minimum depth in feet for the rear yard in the districts regulated by this Chapter shall be for main buildings	60	60	60	60	30	50	50	30	30
3-2-080-4.2	Accessory buildings * Minimum setback reduced to 3 feet so long as they do not encroach on a public utility easement.	10	10	10	10	3*	10	10	10	3*

3-2-080-4.3	The minimum side yard in feet for any main building in districts regulated by this Chapter shall be	60	60	60	60	15	60	20	20	15
3-2-080-4.4	Accessory buildings * Minimum setback reduced to 3 feet so long as they do not encroach on a public utility easement.	10	10	10	10	3*	10	10	10	3*
3-2-080-5	HEIGHT REGULATIONS									
3-2-080-5.1	Except for agricultural related buildings, the maximum height for all buildings and structures in districts regulated by this chapter shall be:	35 feet or 2½ stories	35 feet or 2½ stories	35 feet or 2½ stories	35 feet or 2½ stories	35 feet or 2½ stories	35 feet or 2½ stories	35 feet or 2½ stories	35 feet or 2½ stories	35 feet or 2½ stories
3-2-080-6	COVERAGE REGULATIONS									
	The maximum coverage in percent for any lot in the districts regulated by this Chapter shall be	-	-	-	-	40	5	10	25	20

Chapter 3-3 – Residential District

Sections.

- 3-3-010. Purpose.
- 3-3-020. Scope.
- 3-3-030. Definitions.
- 3-3-040. Uses Allowed.
- 3-3-050. Use Regulations.
- 3-3-060. Regulations of General Applicability.
- 3-3-070. Regulations for Specific Uses.
- 3-3-080. Regulations for Uses.

3-3-010. Purpose.

The purpose of this chapter is to outline regulations for existing R-1-8 parcels within Box Elder County. The R-1-8 zone is not an option for rezones due to Box Elder County lacking the adequacy of facilities and services to serve this type of development.

R-1-8: To provide areas of medium low-density, single-family residential neighborhoods where low and medium costs of development may occur.

3-3-020. Scope.

The provisions of this Chapter shall apply to any real property located in a residential zone and as shown on the Official Zoning Map.

3-3-030. Definitions.

Certain words and phrases in this Chapter, including uses, are defined in Chapter 1-3 of this Code.

3-3-040. Uses Allowed.

- A. **Allowed, Permitted and Conditional Uses.** Allowed, permitted and conditional uses allowed in the residential zone shall be as set forth pursuant to Section 3-3-070 in this Chapter. Allowed uses (any land use not requiring approval by a land use authority) are indicated by an “A” in the appropriate column. Uses that may be permitted by a permitted use review issued by the zoning administrator are indicated by a "P" in the appropriate column. Uses that may be permitted by a conditional use permit are indicated by a “C” in the appropriate column. Uses that may be permitted by a conditional use permit issued by the zoning administrator are indicated by a “C1” in the appropriate column. If a use is not allowed in a given district, it is either not named in the use list or it is indicated in the appropriate column by a dash, “-.”
- B. **Accessory Uses.** Permitted and conditional uses set forth pursuant to Section 3-2-070 in this Chapter shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such uses.
1. Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the same zone except as otherwise expressly provided in this Code.
 2. No accessory use, building, or structure shall be allowed on a lot or parcel unless a permitted or conditional use has been and is currently established

3-3-050. Use Regulations.

No building, structure or real property shall be used and no building or structure shall hereafter be erected, structurally or substantially altered, or enlarged except as set forth in this Chapter. Such requirements shall not be construed to prohibit or limit other applicable provisions of this Code or other laws.

3-3-060. Regulations of General Applicability.

The use and development of real property in the residential zone shall conform to regulations of general applicability as set forth in the following chapters of this Code.

- A. Regulations Applicable to All Zones. See Chapter 5-1 of this Code.
- B. Off-Street Parking and Loading. See Chapter 5-2 of this Code.

- C. Signs. See Chapter 5-3 of this Code.
- D. Sensitive Lands. See Chapter 4-2 of this Code.

3-3-070. Regulations for Specific Uses.

To the extent that use and development of real property includes any matter encompassed by a regulation for a specific use as set forth in this Code, such regulation shall apply in addition to the requirements of this Chapter and shall prevail over any conflicting provision of this Chapter.

BOX ELDER COUNTY ZONING RESTRICTIONS		
CODE SECTION	"P" = Permitted Use "C" = Conditional Use "C1" = Administrative Conditional Use "A" = Allowed Use "-" = Not permitted	CURRENT ESTABLISHED RESIDENTIAL ZONING DISTRICTS
		R-1-8
3-3-070-1	ACCESSORY USES	
3-3-070-1.1	Temporary buildings for uses incidental to construction work, including living quarters for guard or night watchman, which building must be removed upon completion or abandonment of the construction work. Mobile homes for temporary living quarters.	C
3-3-070-1.2	Swimming Pool	P
3-3-070-2	SPECIAL USES	
3-3-070-2.1	Agriculture	A
3-3-070-2.2	Home Occupation	C1
3-3-070-2.3	Household pets	A
3-3-070-2.4	Animals and Fowl for Recreation and Family Food Production	A

3-3-070-3	RESIDENTIAL	
3-3-070-3.1	Single-family dwelling	A
		R-1-8
3-3-070-3.2	Residential facilities (group homes) for the handicapped and elderly provided they are separated at least 3/4 mile from another similar facility	C
3-3-070-4	PUBLIC AND QUASI-PUBLIC	
3-3-070-4.1	Private School	C
3-3-070-4.2	Public and quasi-public buildings and uses (cemeteries, churches, essential service facilities, golf courses, substations or transmission lines (50kv or greater capacity), recreation trails, schools, streets (public and private), and railroad and utility lines and rights-of-way)	C

3-3-080. Regulations for Uses.

		R-1-8
3-3-080-1	AREA REGULATIONS	
3-3-080-1.1	The minimum lot area in square feet for a single-family dwelling structure in the district regulated by this chapter shall be	8,000
3-3-080-2	WIDTH REGULATIONS	

3-3-080-2.1	The minimum width in feet for any lot in the districts regulated by this chapter, except as modified by planned unit developments, shall be	70
3-3-080-3	FRONTAGE REGULATIONS	
3-3-080-3.1	The minimum width of any lot at the street right-of-way line in feet in the districts regulated by this Chapter, except as modified by conditional use permit, shall be	40
		R-1-8
3-3-080-4	FRONT YARD REGULATIONS	
3-3-080-4.1	The minimum depth in feet for the front yard for main buildings in districts regulated by this Chapter shall be	30
3-3-080-4.2	Accessory buildings may have the same minimum front yard depth as main buildings if they have the same side yard required for main buildings; otherwise they shall be set back the following number of feet from the rear of the main building	8
3-3-080-4.3	On corner lots, main buildings shall have two front yards, and one rear yard, and one side yard	
3-3-080-5	REAR YARD REGULATIONS	
3-3-080-5.1	The minimum depth in feet for the rear yard in the districts regulated by this Chapter shall be	25

3-3-080-5.2	Accessory buildings may have a minimum setback in feet listed provided that all drainage from them stays on the lot and there is at least 10 feet distance to another accessory building on an adjacent lot	1
		R-1-8
3-3-080-5.3	Provided that on corner lots which rear on a side yard of another lot, accessory buildings in all such districts shall be located in feet to such side yard not closer than	10
3-3-080-6	SIDE YARD REGULATIONS	
3-3-080-6.1	The minimum side yard in feet for any dwelling in districts regulated by this Chapter shall be	8
3-3-080-6.2	The total width of the two required side yards in feet shall be no less than	18

<p>3-3-080-6.3</p>	<p>The minimum side yard in feet for accessory buildings shall be</p> <p>Accessory buildings located 6 feet to the rear of the main buildings may have a minimum side yard of 1 foot if the walls of the building have a minimum tested fire resistance of 1 hour and are located at 10 feet from a residence on an adjoining lot.</p> <p>No accessory building shall be located within 10 feet of a dwelling on an adjacent lot.</p>	<p>6</p>
		<p>R-1-8</p>
<p>3-3-080-7</p>	<p>HEIGHT REGULATIONS</p>	
<p>3-3-080-7.1</p>	<p>The minimum height for all buildings and structures in districts regulated by this Chapter shall be</p>	<p>35 feet or 2 ½ stories</p>
<p>3-3-080-8</p>	<p>COVERAGE REGULATIONS</p>	
<p>3-3-080-8.1</p>	<p>The minimum coverage in percent for any lot in the districts regulated by this Chapter shall be</p>	<p>35</p>
<p>3-3-080-9</p>	<p>DEPTH REGULATIONS</p>	
<p>3-3-080-9.1</p>	<p>The minimum depth of a lot in feet in districts regulated by this Chapter, except as may be modified by conditional use permit, shall be</p>	<p>100</p>

Chapter 3-5 – South Willard Neighborhood Commercial (SW-NC)

Sections.

- 3-5-010. Purpose.
- 3-5-020. Scope.
- 3-5-030. Definitions.
- 3-5-040. Uses Allowed.
- 3-5-050. Use Regulations.
- 3-5-060. Maximum Zoning and Lot Size.
- 3-5-070. Regulations of General Applicability.
- 3-5-080. Regulations for Specific Uses.
- 3-5-090. Regulations for Uses.

3-5-010. Purpose.

To provide areas in appropriate locations along Fruit Way (U.S. Highway 89) where individualized, small-scale convenience buying outlets may be established to serve and are compatible with surrounding residential neighborhoods. The regulations of this district are designed to allow the development of various types of uses necessary to meet day-to-day needs of area residents.

3-5-020. Scope.

The provisions of this Chapter shall apply to any real property located in a South Willard Neighborhood Commercial zone as shown on the Official Zoning Map.

3-5-030. Definitions.

Certain words and phrases in this Chapter, including uses, are defined in Chapter 1-3 of this Code.

3-5-040. Uses Allowed.

- A. Allowed, Permitted and Conditional Uses.** Allowed, permitted and conditional uses allowed in South Willard Neighborhood Commercial Zone shall be as set forth pursuant to Section 3-5-080 in this Chapter. Allowed uses (any land use not requiring approval by a land use authority) are indicated by an “A” in the appropriate column. Uses that may be permitted by a permitted use review issued by the zoning administrator are indicated by a "P" in the appropriate column. Uses that may be permitted by a conditional use permit are indicated by a “C” in the appropriate column. Uses that may be permitted by a conditional use permit issued by the zoning administrator are indicated by a “C1” in the appropriate column. If a use is not allowed in a given district, it is either not named in the use list or it is indicated in the appropriate column by a dash, “-.”
- B. Accessory Uses.** Permitted and conditional uses set forth pursuant to Section 3-2-080 in this Chapter shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such uses.
1. Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the same zone except as otherwise expressly provided in this Code.
 2. No accessory use, building, or structure shall be allowed on a lot or parcel unless a permitted or conditional use has been and is currently established.

3-5-050. Use Regulations.

No building, structure or real property shall be used and no building or structure shall hereafter be erected, structurally or substantially altered, or enlarged except as set forth in this Chapter. Such requirements shall not be construed to prohibit or limit other applicable provisions of this Code or other laws.

3-5-060. Maximum Zoning and Lot Size.

- A. Maximum zoning size.** The maximum size of a South Willard Neighborhood Commercial Zone is one (1) acre.

B. Maximum lot size. The maximum size of a South Willard Neighborhood Commercial lot is one (1) acre.

3-5-070. Regulations of General Applicability.

The use and development of real property in the South Willard Neighborhood Commercial zone shall conform to regulations of general applicability as set forth in the following chapters of this Code.

- A. Regulations Applicable to All Zones. See Chapter 5-1 of this Code.
- B. Off-Street Parking and Loading. See Chapter 5-2 of this Code.
- C. Signs. See Chapter 5-3 of this Code.
- D. Sensitive Lands. See Chapter 4-2 of this Code.

3-5-080. Regulations for Specific Uses.

BOX ELDER COUNTY ZONING RESTRICTIONS		
CODE SECTION	<p>“P” = Permitted Use</p> <p>“C” = Conditional Use</p> <p>“C1” = Administrative Conditional Use</p> <p>“A” = Allowed Use</p> <p>“-“ = Not permitted</p>	SW-NC
3-5-080-1	AGRICULTURAL	
3-5-080-1.1	Fruit Stands	P
3-5-080-1.2	Agriculture	A
3-5-080-2	RESIDENTIAL	
3-5-080-2.1	Retirement homes, assisted care facilities, nursing homes	C
3-5-080-2.2	Religious quarters	C
3-5-080-3	RETAIL	

3-5-0803.1	Eating places (food consumed on premises)	C
3-5-080-3.2	Garden Supplies	C
3-5-080-3.3	Grocery stores (not to exceed 20,000 sq. ft of retail space)	C
3-5-080-3.4	Mail services (store with services, not processing center)	P
3-5-080-4	SERVICES	
3-5-080-4.1	Animal Clinic/veterinary hospital	C
3-5-080-4.2	Apparel repair, alteration and cleaning pick-up services, shoe repair services, tailor	P
3-5-080-4.3	Art/cultural uses (e.g., Art studios, Dance studios)	C
3-5-080-4.4	Beauty and barber shops	P
3-5-080-4.5	Home occupations	C1
3-5-080-4.6	Medical/dental offices	C
3-5-080-4.7	Photographic studio	C
3-5-080-4.8	Professional health care offices	C
3-5-080-4.9	Schools (commercial)	C
3-5-080-4.10	Small Butcher shop (meat processing)	C
3-5-080-4.11	Small Taxidermy	C
3-5-080-4.12	Professional Offices	C
3-5-080-5	PUBLIC AND QUASI-PUBLIC	
3-5-080-5.1	Libraries	P
3-5-080-5.2	Public buildings and facilities	P
3-5-080-6	RECREATION AND OPEN SPACE	
3-5-080-6.1	Parks	P

3-5-080-6.2	Recreation center	C
3-5-080-7	RELIGIOUS & WELFARE SERVICES	
3-5-080-7.1	Churches, synagogues and temples, welfare and charitable services	C

3-5-090. Regulations for Uses.

To the extent that use and development of real property includes any matter encompassed by a regulation for a specific use as set forth in this Code, such regulation shall apply in addition to the requirements of this Chapter and shall prevail over any conflicting provision of this Chapter.

3-5-090-1	HEIGHT REGULATIONS	
	The Maximum Height for all buildings & Structures in districts regulated by this Chapter shall Be:	
	In Feet	35
	In Number of Stories	2 ½
	In Structures with more than 2 ½ stories Fire Protection Design, Evacuation Facilities, and Automatic Fire Sprinkling Systems will be Required to mitigate the additional potential Of Loss of Life and/or Property.	
3-5-090-2	AREA, WIDTH, FRONTAGE, YARD & COVERAGE REGULATIONS	
3-5-090-2.1	The minimum depth and/or length for yards in the Districts regulated by this Chapter shall be:	
	Front Yard	25
	Rear Yard	20
	Side Yard	10

CHAPTER 3-7 Rural Residential District RR-20 and Residential District R-1-20

Sections.

- 3-7-010. Purpose.
- 3-7-020. Scope.
- 3-7-030. Definitions.
- 3-7-040. Uses Allowed.
- 3-7-050. Use Regulations.
- 3-7-060. Regulations of General Applicability.
- 3-7-070. Regulations for Specific Uses.
- 3-7-080. Regulations for Uses.

3-7-010. Purpose.

Residential zones provide a wide range of residential land uses at various densities. These zones are intended to protect the stability of neighborhoods and encourage, collectively, different kinds of compatible residential development. These zones also are intended to promote and preserve in appropriate areas conditions favorable to large-lot family life, maintaining a rural atmosphere, the keeping of limited numbers of animals and fowl, and reducing requirements for public utilities, services and infrastructure.

3-7-020. Scope.

The provisions of this Chapter shall apply to any real property located in a residential (R-1-20) or rural residential (RR-20) zone as shown on the Official Zoning Map.

3-7-030. Definitions.

Certain words and phrases in this Chapter, including uses, are defined in Chapter 1-3 of this Code.

3-7-040. Uses Allowed.

- A. Allowed, Permitted and Conditional Uses.** Allowed, permitted and conditional uses allowed in the residential zone shall be as set forth pursuant to Section 3-3-070 in this Chapter. Allowed uses (any land use not requiring approval by a land use authority) are indicated by an “A” in the appropriate column. Uses that may be permitted by a permitted use review issued by the zoning administrator are indicated by a "P" in the appropriate column. Uses that may be permitted by a conditional use permit are indicated by a “C” in the appropriate column. Uses that may be permitted by a conditional use permit issued by the zoning administrator are indicated by a “C1” in the appropriate column. If a use is not allowed in a given district, it is either not named in the use list or it is indicated in the appropriate column by a dash, “-.”
- B. Accessory Uses.** Permitted and conditional uses set forth pursuant to Section 3-2-070 in this Chapter shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such uses.
1. Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the same zone except as otherwise expressly provided in this Code.
 2. No accessory use, building, or structure shall be allowed on a lot or parcel unless a permitted or conditional use has been and is currently established.

3-7-050. Use Regulations.

No building, structure or real property shall be used and no building or structure shall hereafter be erected, structurally or substantially altered, or enlarged except as set forth in this Chapter. Such requirements shall not be construed to prohibit or limit other applicable provisions of this Code or other laws.

3-7-060. Regulations of General Applicability.

The use and development of real property in residential (R-1-20) or rural residential (RR-20) zones shall conform to regulations of general applicability as set forth in the following chapters of this Code.

- A. Regulations Applicable to All Zones. See Chapter 5-1 of this Code.

- B. Off-Street Parking and Loading. See Chapter 5-2 of this Code.
- C. Signs. See Chapter 5-3 of this Code.
- D. Sensitive Lands. See Chapter 4-2 of this Code.

3-7-070. Regulations for Specific Uses.

BOX ELDER COUNTY ZONING RESTRICTIONS			
CODE SECTION	"P" = Permitted Use "C" = Conditional Use "C1" = Administrative Conditional Use "A" = Allowed Use "-" = Not permitted	CURRENT ESTABLISHED RESIDENTIAL ZONING DISTRICTS	
			RR 20
3-7-070-1	ACCESSORY USES		
3-7-070-1.1	Accessory buildings and uses customarily incidental to agricultural uses, provided, however, that such accessory buildings are a minimum of 20 feet from any dwelling.	A	A
3-7-070-1.2	Swimming Pool	P	P
		RR-20	R-1-20
3-7-070-1.3	Temporary buildings for uses incidental to construction work, including living quarters for guard or night watchman, which buildings must be removed upon completion or abandonment of the construction work. Mobile homes for temporary living quarters.	C	C
3-7-070-2	RESIDENTIAL		
3-7-070-2.1	Single-family dwelling	A	A

3-7-070-2.2	Home Occupation	C1	C1
3-7-070-2.3	Residential facilities for the elderly and persons with disabilities	C	C
3-7-070-2.4	Household pets	A	A
3-7-070-2.5	Subdivisions	P	P
3-7-070-2.6	Accessory Dwelling Unit	C1	C1
3-7-070-2.7	Internal Accessory Dwelling Unit	P	P
		RR-20	R-1-20

DRAFT

3-7-070-2.8	Residential Wind Tower Approval Standards are as follows: <ol style="list-style-type: none"> 1. 1.5 acre lot. 2. Tower height - including any vertical projection above the tower - shall not exceed the distance measured from the base of the tower to the nearest property line. 3. Clearance of Blades – shall not extend within 20’ of ground. 4. Automatic Over Speed Controls – must meet design limits of residential wind energy systems. 5. Sound shall not exceed 60 dBA. 6. Must be a certified Residential Wind Turbine (or submit a description of the safety features of the turbine prepared by a registered mechanical engineer). 7. Applicant must show proof they have notified utility company. 8. Compliance with building code, Federal Aviation Administration regulations, and National Electric Code. 	-	C
3-7-070-3	AGRICULTURE		
3-7-070-3.1	Agriculture	A	A
3-7-070-3.2	Animals and Fowl for Recreation and Family Food Production	A	A
3-7-070-3.3	Fruit/vegetable stand	C	C
3-7-070-4	PUBLIC USES		

3-7-070-4.1	Public or quasi-public facilities	C	C
3-7-070-4.2	Essential service facilities	C	C
3-7-070-4.3	Private schools	C	C
3-7-070-4.4	Cemeteries	C	C
3-7-070-4.5	Churches	C	C
3-7-070-4.6	Dams and reservoirs/Retention ponds	C	C
3-7-070-4.7	Radio and television transmitting stations or towers (including repeating towers)	C	C
3-7-070-4.8	Recreation trails	C	C
3-7-070-4.9	Railroad and utility lines rights-of-way and substations, etc.	C	C

3-7-080. Regulations for Uses.

		RR-20 & R-1-20
3-7-080-1	AREA REGULATIONS	
3-7-080-1.1	The minimum lot area in square feet for any Main use shall be.	20,000 sq. ft.
3-7-080-2	WIDTH REGULATIONS	
3-7-080-2.1	The minimum width in feet for any lot in the districts regulated by this chapter shall be	100 feet
3-7-080-3	FRONTAGE REGULATIONS	

3-7-080-3.1	The minimum width of any lot at the street right-of-way line in feet in the districts regulated by this Chapter shall be	100 feet
3-7-080-3.2	The minimum width along the radius for cul-de-sac lots in feet shall be	50 feet
3-7-080-4	FRONT YARD REGULATIONS	
3-7-080-4.1	The minimum depth in feet for the front yard for main buildings and accessory buildings shall be	30 feet
3-7-080-4.2	Where the existing minimum right-of-way on which the lot front is less than 66 feet, the setback shall be measured from the center line and in feet shall be no less than	66 feet
3-7-080-5	REAR YARD REGULATIONS	
3-7-080-5.1	The minimum depth in feet for the rear yard for main buildings shall be	30 feet
3-7-080-5.2	Accessory buildings, *Minimum setback reduced to 3 feet so long as they do not encroach on a public utility easement.	3* feet
3-7-080-6	SIDE YARD REGULATIONS	
3-7-080-6.1	The minimum side yard in feet for any main building shall be	15 feet
3-7-080-6.2	Accessory buildings, *Minimum setback reduced to 3 feet so long as they do not encroach on a public utility easement.	3* feet
3-7-080-7	HEIGHT REGULATIONS	

3-7-080-7.1	The maximum height for all buildings and structures shall be	35 feet or 2 ½ stories
3-7-080-8	COVERAGE REGULATIONS	
3-7-080-8.1	The maximum coverage in percent for any lot shall be	40%

DRAFT

EXHIBIT B

Chapter 3-1 – Zones Established

Sections.

- 3-1-010. Zones Established.
- 3-1-020. Zone Purposes.
- 3-1-030. Definitions.
- 3-1-040. Official Zoning Map.
- 3-1-050. Rules of Locating Zone Boundaries.
- 3-1-060. Clarification of Zoning.

3-1-010. Zones Established.

In order to accomplish the purposes of the Box Elder County General Plan and this Code, the following zones, along with their accompanying zoning map designations, are hereby established:

B. Zoning Districts

- 12. Agricultural Zones (A-20, ~~A-1, A-1/2~~)
- 13. Mixed Use Zones (MU~~160, MU80, MU40~~)
- 14. Rural Residential Zones (RR-1, RR-2, RR-5, ~~RR-5 modified~~, RR-10, ~~RR-20~~)
- 15. Residential (R-1-~~820, R-1-12~~)
- ~~16. Multiple Residential District (RM-7, RM-15)~~
- ~~17. Mobile Home Parks (MH)~~
- ~~18. 5. Neighborhood Commercial District (C-N)~~
- ~~19. 6. Shopping Commercial District (C-S)~~
- ~~20. 7. Highway Commercial District (C-H)~~

- ~~21.~~ ~~8.~~ General Commercial District (C-G)
- ~~22.~~ ~~9.~~ South Willard Neighborhood Commercial (SW-NC)
- ~~23.~~ ~~10.~~ Manufacturing-Food Products District (M-FP)
- ~~24.~~ ~~11.~~ General Industrial District (M-G)

B. Special Purpose and Overlay Zones

- 4. Airport Overlay
- 5. Sensitive Area Overlay (SA)
- 6. Landfill and Land Excavation Overlay
- ~~7.~~ ~~Planned Community Overlay (P)~~
- ~~8.~~ ~~Planned Residential Unit Development Overlay (PUD)~~

3-1-020. Zone Purposes.

In addition to the general purposes of this Code as set forth in Section 1-1-030, the various zones each serve more specific purposes as set forth below.

- E. Agricultural Zones.** Agricultural zones promote and preserve in appropriate areas conditions favorable to agriculture and to maintain greenbelt spaces. ~~These~~ ~~This~~ districts ~~are~~ ~~is~~ intended to include activities normally and necessarily related to the conduct of agriculture and to protect the district from the intrusion of uses inimical to the continuance of agricultural activity.

 - 2. A-20. Minimum Lot Size: 20 acres
 - ~~3.~~ ~~A-1.~~ ~~Minimum Lot Size: 1 acre~~
 - ~~4.~~ ~~A-1/2.~~ ~~Minimum Lot Size: ½ acre~~
- F. Mixed Use.** Mixed Use zones provide a multiple use district to establish areas in mountain, hillside, canyon mountain valley, desert and other open and generally undeveloped lands where human habitation should be limited in order to protect land and other open space resources; to reduce unreasonable requirements for public utility and service expenditures through uneconomic and unwise dispersal and scattering of population; to encourage use of the land, where appropriate, for forestry, grazing, agriculture, mining, wildlife habitat, and recreation; to avoid excessive damage to watersheds, water pollution, soil erosion, danger from brushland fires, damage to grazing and livestock raising, and to wildlife values; to avoid the premature development of lands by discouraging intensive development until the ultimate best use of the land can be recommended by

the Planning Commission to the County Commission; and to promote the health, safety, convenience, order, prosperity, and general welfare of the inhabitants of the community.

4. MU-160. Minimum Lot Size: 160 acres or quarter section
5. MU-80. Minimum Lot Size: 80 acres
6. MU-40. Minimum Lot Size: 40 acres

G. Rural Residential Zones. The purposes of providing a rural residential district are to promote and preserve in appropriate areas conditions favorable to large-lot family life; to maintain a rural atmosphere, to provide for the keeping of limited numbers of animals and fowl and to reduce requirements for public utilities, services, and infrastructure.

6. RR-10. Minimum Lot Size: 10 acres
7. RR-5. Minimum Lot Size: 5 acres
- ~~8. RR-5M. Minimum Lot Size: 5 acres (modified)~~
- ~~9. RR-2. Minimum Lot Size: 2 acres~~
- ~~10. RR-1. Minimum Lot Size: 1 acre~~
- ~~11. RR-20. Minimum Lot Size: 20,000 square feet~~

H. Residential zones. ~~Residential zones provide a wide range of residential land uses at various densities. These~~ This zones are is intended to protect the stability of neighborhoods and encourage, collectively, different kinds of compatible residential development.

- ~~2. R-1-12~~20: Minimum Lot Size: 20~~12~~,000 sq. ft.
- ~~3. R-1-8: Minimum Lot Size: 8,000 sq. ft.~~
- ~~4. RM-7~~
- ~~5. RM-15~~

E. Commercial Zones. Commercial zones provide areas where a combination of business, commercial, entertainment, office, and related activities may be established, maintained and protected. Commercial zones are intended to provide a suitable environment for those commercial and service uses vital to the economic base of the County.

6. Neighborhood Commercial District (C-N)
7. Commercial Shopping District (C-S)
8. Highway Commercial District (C-H)
9. General Commercial District (C-G)

10. South Willard Neighborhood Commercial (SW-NC)

- F. Manufacturing Zones.** Industrial zones provide areas for conducting business, manufacturing and industrial activities.
1. Manufacturing-Food Products District (M-FP)
 3. General Industrial District (M-G)
- G. Special Purpose and Overlay Zones.** Special purpose zones are intended to accomplish objectives unique to the particular zone. Overlay zones implement supplemental regulations that apply geographically, regardless of the underlying base zone. Whenever the regulations of a district and an overlay zone conflict, overlay zone regulations shall apply.
1. Airport Overlay
 2. Sensitive Area Overlay (SA)
 - ~~3. Planned Residential Unit Development Overlay (PUD)~~
 - ~~4. Planned Community Overlay (P)~~
 5. **3.** Landfill and Land Excavation

3-1-030. Definitions.

Certain words and phrases in this Chapter are defined in Chapter 1-3 of this Code.

3-1-040. Official Zoning Map.

- A. Zones.** The location and boundaries of the zones described in this Chapter, including subsequent amendments, shall be shown on an official zoning map, entitled the Box Elder County ~~City~~ Official Zoning Map, as provided in this section.
4. The zones established by this Chapter are intended to further the goals and policies of the Box Elder County General Plan. ~~Accordingly, not every zone established by this Chapter need be included on the Official Zoning Map unless and until the Box Elder County Commission, in the exercise of its legislative discretion, determines that placing a particular property in a particular zone will further the goals and policies of the General Plan.~~
 5. Each lot or parcel within the ~~City~~ **unincorporated boundaries of Box Elder County** shall be subject to the requirements of the zone, or zones, in which the lot or parcel is located as shown on the Official Zoning Map.

6. The Official Zoning Map, including all boundaries, notations, and other data shown thereon, is hereby adopted by this reference.
- B. Amendments.** Amendments to the boundaries of a specific zone shown on the Official Zoning Map shall be accomplished in accordance with state law and the provisions set forth in Section 2-2-080 of this Code.
- C. Map Updates.** The ~~Zoning Administrator~~ **Recorder's Office** shall update the Official Zoning Map as soon as possible after amendments are adopted by the County Commission. Upon entering any such amendment on the map, the ~~Zoning Administrator~~ **Recorder's Office** shall note on the map the **ordinance enacting date** ~~of~~ the revision.
- D. Filing of Zoning Ordinance and Map.** The official copy of the Land Use Development and Management Code **shall be maintained in the Community Development Office** and the Official Zoning Map shall be **filed maintained** in the Office of the County Recorder and may be examined by the public in accordance with the *Utah Governmental Records Management Act* as set forth in *Utah Code Ann.*; §63**G-2-10**, *et seq.*, as amended.

3-1-050. Rules for Locating Zone Boundaries.

- A. Applicability.** Where uncertainty exists as to the boundary of any zone shown on the Official Zoning Map, the provisions of this section shall apply to determine the location of such boundary. This section shall apply only when uncertainty exists.
- B. Center Lines and Property Lines.** When a zone boundary is indicated as being approximately upon the center line of a street, alley or block, or along a property line, the center line of such street, alley or block or such property line shall be construed to be the boundary of such zone.
- C. Waterways and Public Lands.** When a zone boundary is indicated as being approximately at the line of any river, irrigation canal or other waterway or public land, then the center of the stream, canal or waterway, or the boundary line of the public land shall be deemed to be the boundary of the zone.

- D. Street Vacations.** When a public road, street, or alley is officially vacated, such property shall have the same zoning as the adjacent property. In the event vacated property is adjacent to two zones, each zone shall extend to the center line of the vacated right-of-way.
- E. Uncertainties.** When a physical or cultural feature existing on the ground is at variance with one shown on the Official Zoning Map, or in the event any other uncertainty exists with respect to a zone boundary, the Zoning Administrator shall determine the boundary location, subject to appeal to the Planning Commission as provided in this Code.
- F. Action by Zoning Administrator.** If application of the above rules does not clarify the location of a zone boundary, the Zoning Administrator shall determine the proper boundary subject to appeal to the Planning Commission as provided in this Code.

3-1-060. Clarification of Zoning.

If ambiguity arises concerning the classification of a particular use within the meaning and intent of this Code, or with respect to matters of height, yard requirements, area requirements, or other property development standards, the Zoning Administrator shall determine the proper use or development standard, subject to appeal to the Planning Commission as provided in this Code.

Chapter 3-2 – Multiple Use, Agricultural, and Rural Residential District

Sections.

- 3-2-010. Purpose.
- 3-2-020. Scope.
- 3-2-030. Definitions.
- 3-2-040. Uses Allowed.
- 3-2-050. Use Regulations.
- 3-2-060. Regulations of General Applicability.
- 3-2-070. Regulations for Specific Uses. (~~Ordinance 318; 376, 403~~)
- 3-2-080. Regulations for Uses. (~~Ordinance 353; 381, 403~~)

3-2-010. Purpose.

- B. Mixed Use.** Mixed Use zones provide a multiple use district to establish areas in mountain, hillside, canyon mountain valley, desert and other open and generally undeveloped lands where human habitation should be limited in order to protect land and other open space resources; to reduce unreasonable requirements for public utility and service expenditures through uneconomic and unwise dispersal and scattering of population; to encourage use of the land, where appropriate, for forestry, grazing, agriculture, mining, wildlife habitat, and recreation; to avoid excessive damage to watersheds, water pollution, soil erosion, danger from brush land fires, damage to grazing and livestock raising, and to wildlife values; to avoid the premature development of lands by discouraging intensive development until the ultimate best use of the land can be recommended by the Planning Commission to the County Commission; and to promote the health, safety, convenience, order, prosperity, and general welfare of the inhabitants of the community.
- B. Agricultural.** Agricultural zones promote and preserve in appropriate areas favorable to agriculture and to maintain greenbelt spaces. These districts are intended to include activities normally and necessarily related to the conduct of agriculture and to protect the district from the intrusion of uses inimical to the continuance of agricultural activity.

The purpose of the A ½ zone in this Chapter is to outline regulations for existing A ½ parcels within Box Elder County. The A ½ zone is not an option for rezones due to this zone not being adequate for agricultural uses.

C. Rural Residential. The purposes of providing a rural residential district are to promote and preserve in appropriate areas conditions favorable to large-lot family life, to maintain a rural atmosphere, to provide for the keeping of limited numbers of animals and fowl, and to reduce requirements for public utilities, services, and infrastructure.

3-2-020. Scope.

The provisions of this Chapter shall apply to any real property located in a mixed use, agricultural, or rural residential zone as shown on the Official Zoning Map.

3-2-030. Definitions.

Certain words and phrases in this Chapter, including uses, are defined in Chapter 1-3 of this Code.

3-2-040. Uses Allowed.

- C. **Allowed, Permitted and Conditional Uses.** Allowed, Permitted and conditional uses allowed in mixed use, agricultural, and rural residential zones shall be as set forth ~~on the Table of Uses Allowed~~ pursuant to Section 3-2-070 in this Chapter. Allowed uses (any land use not requiring approval by a land use authority) are indicated by an “A” in the appropriate column. Uses that may be Permitted ~~and conditional uses~~ by a permitted use review issued by the zoning administrator are indicated by a “P” ~~or “C,” respectively~~ in the appropriate column. Uses that may be permitted by a conditional use permit are indicated by a “C” in the appropriate column. Uses that may be permitted by a conditional use permit issued by the zoning administrator are indicated by a “C1” in the appropriate column. If a use is not allowed in a given district, it is either not named in the use list or it is indicated in the appropriate column by a dash, “-.” ~~If a regulation applies in a given district, it is indicated in the~~

~~appropriate column by a numeral to show the linear or square feet required, or by the letter "A." If the regulation does not apply, it is indicated in the appropriate column by a dash, "-."~~

- D. Accessory Uses.** ~~Allowed~~ Permitted and conditional uses set forth pursuant to Section 3-2-070 in ~~on the Table of Uses~~ Allowed this Chapter shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such uses.
1. Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the same zone except as otherwise expressly provided in this Code.
 2. No accessory use, building, or structure shall be allowed on a lot or parcel unless a permitted or conditional use has been and is currently established.

3-2-050. Use Regulations.

No building, structure or real property shall be used and no building or structure shall hereafter be erected, structurally or substantially altered, or enlarged except as set forth in this Chapter. Such requirements shall not be construed to prohibit or limit other applicable provisions of this Code or other laws.

3-2-060. Regulations of General Applicability.

The use and development of real property in agricultural, mixed use, or rural residential zones shall conform to regulations of general applicability as set forth in the following chapters of this Code.

- E. Regulations Applicable to All Zones. See Chapter 5-1 of this Code.
- F. Off-Street Parking and Loading. See Chapter 5-2 of this Code.
- G. Signs. See Chapter 5-3 of this Code.
- H. Sensitive Lands. See Chapter 4-2 of this Code.

3-2-070. Regulations for Specific Uses.

To the extent that use and development of real property includes any matter encompassed by a regulation for a specific use as set forth in this Code, such regulation shall apply in addition to the requirements of this Chapter and shall prevail over any conflicting provision of this Chapter.

DRAFT

3-2-080. Regulations for Uses.

3-2-080-1 AREA REGULATIONS										
3-2-080-1.1	The minimum lot area in acres for any main use in the districts regulated by this Chapter shall be	160	80	40	20	1/2	10	5	2	1
3-2-080-2 WIDTH AND FRONTAGE REGULATIONS										
3-2-080-2.1	The minimum width in feet for any lot in the districts regulated by this Chapter shall be	1320	1320	1320	500	100	330	250	175	120
3-2-080-2.2	The minimum width along the radius for cul-de-sac lots in feet shall be	-	-	-	-	-	165	125	87	60
3-2-080-3 FRONT YARD REGULATIONS										
3-2-080-3.1	The minimum depth in feet for the front yard for main buildings and accessory buildings in districts regulated by this chapter shall be	30	30	30	30	30	30	30	30	30
3-2-080-3.2	Where the existing minimum right-of-way on which the lot front is less than 66 feet, the setback shall be measured from the center line and in feet shall be no less than	63	63	63	63	63	63	63	63	63
3-2-080-3.3	Where the proposed minimum right of way is more than 66 feet, the setback in feet shall be ½ proposed right-of-way plus 30 feet	A	A	A	A	A	A	A	A	A
		MU 160	MU 80	MU 40	A 20	A 1/2	RR 10	RR 5	RR 2	RR 1

		MU 160	MU 80	MU 40	A 20	A 1/2	RR 10	RR 5	RR 2	RR 1
3-2-080-3.43	Accessory buildings may have the same minimum front yard depth as the main buildings if they have the same side yard required for main buildings; otherwise they shall be set the following distance in feet from the rear of the main building	8	8	8	8	8	8	8	8	8
3-2-080-4	REAR YARD REGULATIONS									
3-2-080-4.1	The minimum depth in feet for the rear yard in the districts regulated by this Chapter shall be for main buildings	60	60	60	60	30	50	50	30	30
3-2-080-4.2	Accessory buildings (Ord.381) * Minimum setback reduced to 3 feet so long as they do not encroach on a public utility easement.	10	10	10	10	3*	10	10	10	3*
3-2-080-4.3	The minimum side yard in feet for any main building in districts regulated by this Chapter shall be	60	60	60	60	15	60	20	20	15
3-2-080-4.4	Accessory buildings (Ord.381) * Minimum setback reduced to 3 feet so long as they do not encroach on a public utility easement.	10	10	10	10	3*	10	10	10	3*
3-2-080-5	HEIGHT REGULATIONS									
3-2-080-5.1	the maximum height for all buildings and structures in districts regulated by this chapter shall be: 35 feet or 2 1/2 stories; <u>Except for agricultural related buildings,</u> the maximum height for all buildings and structures in districts regulated by this chapter shall be: <u>35 feet or 2 1/2 stories;</u> except for agricultural related buildings.	<u>A35</u> <u>feet</u> <u>or 2 1/2</u> <u>storie</u> <u>s</u>	<u>A35</u> <u>feet</u> <u>or 2 1/2</u> <u>storie</u> <u>s</u>	<u>A35</u> <u>feet</u> <u>or 2 1/2</u> <u>storie</u> <u>s</u>	<u>A35</u> <u>feet</u> <u>or 2 1/2</u> <u>storie</u> <u>s</u>	<u>A35</u> <u>feet</u> <u>or 2 1/2</u> <u>storie</u> <u>s</u>	<u>A35</u> <u>feet</u> <u>or 2 1/2</u> <u>storie</u> <u>s</u>	<u>A35</u> <u>feet</u> <u>or 2 1/2</u> <u>storie</u> <u>s</u>	<u>A35</u> <u>feet</u> <u>or 2 1/2</u> <u>storie</u> <u>s</u>	<u>A35</u> <u>feet</u> <u>or 2 1/2</u> <u>storie</u> <u>s</u>
3-2-080-6	COVERAGE REGULATIONS									
	The maximum coverage in percent for any lot in the districts regulated by this Chapter shall be	-	-	-	-	40	5	10	25	20

Chapter 3-3 – Residential District

Sections.

- 3-3-010. Purpose.
- 3-3-020. Scope.
- 3-3-030. Definitions.
- 3-3-040. Uses Allowed.
- 3-3-050. Use Regulations.
- 3-3-060. Regulations of General Applicability.
- 3-3-070. Regulations for Specific Uses.
- 3-3-080. Regulations for Uses.

3-3-010. Purpose.

The purpose of this chapter is to outline regulations for existing R-1-8 parcels within Box Elder County. The R-1-8 zone is not an option for rezones due to Box Elder County lacking the adequacy of facilities and services to serve this type of development.

R-1-8: To provide areas of medium low-density, single-family residential neighborhoods where low and medium costs of development may occur.

3-3-020. Scope.

The provisions of this Chapter shall apply to any real property located in a residential zone and as shown on the Official Zoning Map.

3-3-030. Definitions.

Certain words and phrases in this Chapter, including uses, are defined in Chapter 1-3 of this Code.

3-3-040. Uses Allowed.

- C. **Allowed, Permitted and Conditional Uses.** Allowed, P~~er~~mitted and conditional uses allowed in the residential zone shall be as set forth ~~on the Table of Uses Allowed~~ pursuant to Section 3-3-070 in this Chapter. Allowed uses (any land use not requiring approval by a land use authority) are indicated by an “A” in the appropriate column. Uses that may be P~~er~~mitted ~~and conditional uses~~ by a permitted use review issued by the zoning administrator are indicated by a “P” ~~or “C,” respectively~~ in the appropriate column. Uses that may be permitted by a conditional use permit are indicated by a “C” in the appropriate column. Uses that may be permitted by a conditional use permit issued by the zoning administrator are indicated by a “C1” in the appropriate column. If a use is not allowed in a given district, it is either not named in the use list or it is indicated in the appropriate column by a dash, “-.” ~~If a regulation applies in a given district, it is indicated in the appropriate column by a numeral to show the linear or square feet required, or by the letter “A.” If the regulation does not apply, it is indicated in the appropriate column by a dash, “-.”~~
- D. **Accessory Uses.** Permitted and conditional uses set forth pursuant to Section 3-2-070 in ~~on the Table of Uses Allowed~~ this Chapter shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such uses.
3. Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the same zone except as otherwise expressly provided in this Code.
 4. No accessory use, building, or structure shall be allowed on a lot or parcel unless a permitted or conditional use has been and is currently established

3-3-050. Use Regulations.

No building, structure or real property shall be used and no building or structure shall hereafter be erected, structurally or substantially altered, or enlarged except as set forth in this Chapter. Such requirements shall not be construed to prohibit or limit other applicable provisions of this Code or other laws.

3-3-060. Regulations of General Applicability.

The use and development of real property in the residential zone shall conform to regulations of general applicability as set forth in the following chapters of this Code.

- D. Regulations Applicable to All Zones. See Chapter 5-1 of this Code.
- E. Off-Street Parking and Loading. See Chapter 5-2 of this Code.
- F. Signs. See Chapter 5-3 of this Code.
- D. Sensitive Lands. See Chapter 4-2 of this Code.

3-3-070. Regulations for Specific Uses.

To the extent that use and development of real property includes any matter encompassed by a regulation for a specific use as set forth in this Code, such regulation shall apply in addition to the requirements of this Chapter and shall prevail over any conflicting provision of this Chapter.

BOX ELDER COUNTY ZONING RESTRICTIONS		
CODE SECTION	"P" = Permitted Uses "C" = Conditional Uses "CI" = Administrative Conditional Use "A" = Applies Allowed Use "-" = Not permitted	CURRENT ESTABLISHED RESIDENTIAL ZONING DISTRICTS
		R-1-8
3-3-070-1.0	ACCESSORY USES	
3-3-070-1.1	Accessory Buildings and uses customarily incidental to permitted uses other than those listed below	P
3-3-070-1.2	Accessory buildings and uses customarily incidental to conditional uses	C

3-3-070-1.31	Temporary buildings for uses incidental to construction work, including living quarters for guard or night watchman, which building must be removed upon completion or abandonment of the construction work. Mobile homes for temporary living quarters and such other temporary uses found appropriate to the Planning Commission and approved by the County Commission.	C
3-3-070-1.42	Swimming Pool	P
3-3-070-2.0	SPECIAL USES	
3-3-070-2.1	Agriculture The tilling of the soil, the raising of crops, horticulture and gardening	PA
3-3-070-2.2	Home Occupation	C1
3-3-070-2.3	Household pets	PA
3-3-070-2.4	Animals and Fowl for Recreation and Family Food Production (Limited to Small Animals only)	PA
3-3-070-3.0	RESIDENTIAL	
3-3-070-3.1	Single-family dwelling	PA
		R-1-8
3-3-070-3.2	Residential facilities (group homes) for the handicapped and elderly provided they are separated at least 3/4 mile from another similar facility	C
3-3-070-8.04	PUBLIC AND QUASI-PUBLIC	
3-3-070-84.1	Private School Educational institution having a curriculum similar to that ordinarily given in public schools	C

3-3-070- 84.2	Public and quasi-public buildings and uses (cemeteries, churches, essential service facilities, golf courses, substations or transmission lines (50kv or greater capacity), recreation trails, schools, streets (public and private), and railroad and utility lines and rights-of-way)	C
--------------------------	---	---

3-3-080. Regulations for Uses.

		R-1-8
3-3-080-13	AREA REGULATIONS	
3-3-080-13.1	The minimum lot area in square feet for a single-family dwelling structure in the district regulated by this chapter shall be	8,000
3-3-080-13.1	The additional lot area in square feet for each additional dwelling unit in a dwelling structure shall be	-
3-3-080-13.2	Minimum lot area in square feet for all main uses or buildings other than dwelling shall be	-
3-3-080- 214.0	WIDTH REGULATIONS	
3-3-080- 142.1	The minimum width in feet for any lot in the districts regulated by this chapter, except as modified by planned unit developments, shall be	70
3-3-080- 153.0	FRONTAGE REGULATIONS	

3-3-080-15 <u>3.1</u>	The minimum width of any lot at the street right-of-way line in feet in the districts regulated by this Chapter, except as modified by conditional use permit, shall be	40
		R-1-8
3-3-080-16 <u>4</u>	FRONT YARD REGULATIONS	
3-3-080-16 <u>4.1</u>	The minimum depth in feet for the front yard for main buildings in districts regulated by this Chapter shall be	30
3-3-080-16.2	Or the average of the existing buildings on the block where 50 percent or more of the frontage is developed; however, in no case —	
3-3-080-16.2a	Shall be less than	25
3-3-080-16.2b	Or be required to be more than	30
3-3-080-16.3 <u>4.2</u>	Accessory buildings may have the same minimum front yard depth as main buildings if they have the same side yard required for main buildings; otherwise they shall be set back the following number of feet from the rear of the main building	8
3-3-080-16.4 <u>3</u>	On corner lots, main buildings shall have two front yards, and one rear yard, and one side yard	A
3-3-080-17.0 <u>5</u>	REAR YARD REGULATIONS	
3-3-080-17 <u>5.1</u>	The minimum depth in feet for the front rear yard in the districts regulated by this Chapter shall be	25

3-3-080- 17 5.2	Accessory buildings may have a minimum setback in feet listed of 1 foot provided that all drainage from them stays on the lot and there is at least 10 feet distance to another accessory building on an adjacent lot	A 1
		R-1-8
3-3-080- 17 5.3	Provided that on corner lots which rear on a side yard of another lot, accessory buildings in all such districts shall be located in feet to such side yard not closer than 10 feet to such side yard	A 10
3-3-080- 18 06	SIDE YARD REGULATIONS	
3-3-080- 18 6.1	The M minimum side yard in feet for any dwelling in districts regulated by this Chapter shall be	8
3-3-080- 18 6.2	And T he total width of the two required side yards in feet shall be no less than	18
3-3-080-18.3	Except that in no case shall the total width of the two side yards be less than the height of the building	A
3-3-080-18.4	Other main buildings shall have a minimum side yard in feet of	15
3-3-080-18.4.1	And the total width of the two required side yards in feet of no less than	35

<p>3-3-080-18.5.6.3</p>	<p>The minimum side yard in feet for a private garage accessory buildings shall be</p> <p><u>Accessory buildings located 6 feet to the rear of the main buildings may have a minimum side yard of 1 foot if the walls of the building have a minimum tested fire resistance of 1 hour and are located at 10 feet from a residence on an adjoining lot.</u></p> <p><u>No accessory building shall be located within 10 feet of a dwelling on an adjacent lot.</u></p>	<p>6</p>
<p>3-3-080-18.5.1</p>	<p>(except that private garage and other accessory buildings located 6 feet to the rear of the main buildings may have a minimum side yard of 1 foot if the walls of the building have a minimum tested fire resistance of 1 hour and are located at least 10 feet from a residence on an adjoining lot)</p>	<p>A</p>
<p>3-3-080-18.5.2</p>	<p>Provided that no private garage or other accessory buildings shall be located in feet closer to a dwelling on an adjacent lot than 10 feet</p>	<p>A</p>
		<p>R-1-8</p>
<p>3-3-080-18.6</p>	<p>On corner lots, main buildings shall have two front yards and one rear yard, and one side yard</p>	<p>A</p>

3-3-080-18.6.1	The side yard in feet shall be not less than	8
3-3-080-19.07	HEIGHT REGULATIONS	
3-3-080-19.7.1	The M _{in} imum height for all buildings and structures in districts regulated by this Chapter shall be 35 feet or 2 ½ stories	A 35 feet or 2 ½ stories
3-3-080-20.08	COVERAGE REGULATIONS	
3-3-080-20.8.1	The M _{in} imum coverage in percent for any lot in the districts regulated by this Chapter shall be	35
3-3-080-21.9	DEPTH REGULATIONS	
3-3-080-21.9.1	The M _{in} imum depth of a lot in feet in districts regulated by this Chapter, except as may be modified by conditional use permit, shall be	100

3-3-080-22.0	<p style="text-align: center;">IMPROVEMENTS REQUIRED TO BE COMPLETED OR IN PROGRESS BEFORE A BUILDING PERMIT MAY BE ISSUED</p> <p>(Improvements are to be in compliance with the standards adopted by Box Elder County. Improvement prefaced with an [*] are applicable only to subdivisions.)</p>	
3-3-080-22.1	Street Grading	A
3-3-080-22.2	Street Base	A
3-3-080-22.3*	Street Paving	A
3-3-080-22.4*	Curb and Gutter	A
3-3-080-22.5*	Sidewalk	A
3-3-080-22.6	Surface Drainage Facilities	A
3-3-080-22.7	Wastewater Disposal Facilities	A
3-3-080-22.8	Culinary Water facilities	A
3-3-080-22.9	Fire fighting facilities	A
3-3-080-22.10*	Street Name Signs	A
3-3-080-22.11*	Street Monuments	A
3-3-080-22.12*	Survey Monuments Boxes	A
3-3-080-22.13*	Street Lights	A
3-3-080-22.14	Address Numbers	A
3-3-080-22.15	Public Utilities (Power, gas, telephone, cable TV, etc)	A

Chapter 3-5 – South Willard Neighborhood Commercial (SW-NC)

Sections.

- 3-5-010. Purpose.
- 3-5-020. Scope.
- 3-5-030. Definitions.
- 3-5-040. Uses Allowed.
- 3-5-050. Use Regulations.
- 3-5-060. Maximum Zoning and Lot Size.
- 3-5-070. Regulations of General Applicability. (~~Ordinance #361~~)
- 3-5-080. Regulations for Specific Uses.
- 3-5-090. Regulations for Uses.

3-5-010. Purpose.

To provide areas in appropriate locations along Fruit Way (U.S. Highway 89) where individualized, small-scale convenience buying outlets may be established to serve and are compatible with surrounding residential neighborhoods. The regulations of this district are designed to allow the development of various types of uses necessary to meet day-to-day needs of area residents.

3-5-020. Scope.

The provisions of this Chapter shall apply to any real property located in a South Willard Neighborhood Commercial zone as shown on the Official Zoning Map.

3-5-030. Definitions.

Certain words and phrases in this Chapter, including uses, are defined in Chapter 1-3 of this Code.

3-5-040. Uses Allowed.

- C. **Allowed, Permitted and Conditional Uses.** Allowed, P~~ermitted~~ and conditional uses allowed in South Willard Neighborhood Commercial Zone shall be as set forth pursuant to Section 3-5-080 in ~~on the Table of Uses Allowed~~ this Chapter. Allowed uses (any land use not requiring approval by a land use authority) are indicated by an “A” in the appropriate column. Uses that may be P~~ermitted~~ and conditional uses by a permitted use review issued by the zoning administrator are indicated by a “P” or “C,” respectively in the appropriate column. Uses that may be permitted by a conditional use permit are indicated by a “C” in the appropriate column. Uses that may be permitted by a conditional use permit issued by the zoning administrator are indicated by a “C1” in the appropriate column. If a use is not allowed in a given district, it is either not named in the use list or it is indicated in the appropriate column by a dash, “-.” ~~If a regulation applies in a given district, it is indicated in the appropriate column by a numeral to show the linear or square feet required, or by the letter “A.” If the regulation does not apply, it is indicated in the appropriate column by a dash, “-.”~~
- D. **Accessory Uses.** Permitted and conditional uses set forth pursuant to Section 3-2-080 in ~~on the Table of Uses Allowed~~ this Chapter shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such uses.
1. Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the same zone except as otherwise expressly provided in this Code.
 2. No accessory use, building, or structure shall be allowed on a lot or parcel unless a permitted or conditional use has been and is currently established.

3-5-050. Use Regulations.

No building, structure or real property shall be used and no building or structure shall hereafter be erected, structurally or substantially altered, or enlarged except as set forth in this Chapter. Such requirements shall not be construed to prohibit or limit other applicable provisions of this Code or other laws.

3-5-060. Maximum Zoning and Lot Size.

- A. **Maximum zoning size.** The maximum size of a South Willard Neighborhood Commercial Zone is one (1) acre.
- B. **Maximum lot size.** The maximum size of a South Willard Neighborhood Commercial lot is one (1) acre.

3-5-070. Regulations of General Applicability.

The use and development of real property in the **South Willard Neighborhood Commercial** ~~agricultural, mixed use, or rural residential~~ zones shall conform to regulations of general applicability as set forth in the following chapters of this Code.

- E. Regulations Applicable to All Zones. See Chapter 5-1-+ of this Code.
- F. Off-Street Parking and Loading. See Chapter 5-2-+ of this Code.
- G. Signs. See Chapter 5-3-+ of this Code.
- H. Sensitive Lands. See Chapter 4-2-+ of this Code.

3-5-080. Regulations for Specific Uses.

BOX ELDER COUNTY ZONING RESTRICTIONS		
CODE SECTION	<p>“P” = Permitted Uses</p> <p>“C” = Conditional Uses</p> <p>“C1” = Administrative Conditional Use</p> <p>“A” = Applies Allowed Use</p> <p>“-“ = Not permitted</p>	SW-NC
3-5-0780-1	AGRICULTURAL	
3-5-0780-1.1	Fruit Stands	P
3-5-0780-1.2	Agriculture The tilling of the soil, raising of crops, horticulture and gardening	PA

3-5-0780-2	RESIDENTIAL	
3-5-0780-2.1	Retirement homes, assisted care facilities, nursing homes	C
3-5-0780-2.2	Religious quarters	C
3-5-0780-3	RETAIL	
3-5-0780-3.1	Eating places (food consumed on premises)	C
3-5-0780-3.2	Garden Supplies	C
3-5-0780-3.3	Grocery stores (not to exceed 20,000 sq. ft of retail space)	C
3-5-0780-3.4	Mail services (store with services, not processing center)	P
3-5-0780-4	SERVICES (Ordinance 361)	
3-5-0780-4.1	Animal Clinic/veterinary hospital (Ordinance 361)	C
3-5-0780-4.2	Apparel repair, alteration and cleaning pick-up services, shoe repair services, tailor	P
3-5-0780-4.3	Art/cultural uses (e.g., Art studios, Dance studios)	C
3-5-0780-4.4	Beauty and barber shops	P
3-5-0780-4.5	Day Care	C
3-5-0780-4.65	Home occupations	PC1
3-5-0780-4.76	Medical/dental offices	C
3-5-0780-4.87	Photographic studio	C
3-5-0780-4.98	Professional health care offices	C
3-5-0780-4.109	Schools (commercial)	C
3-5-0780-4.110	Small Butcher shop (meat processing) (Ordinance #361)	C

3-5-0780-4.12 1	Small Taxidermy (Ordinance #361)	C
3-5-0780-4.13 2	Professional Offices	C
3-5-0780-5	PUBLIC AND QUASI-PUBLIC	
3-5-0780-5.1	Libraries	P
3-5-0780-5.2	Public buildings and facilities	P
3-5-0780-6	RECREATION AND OPEN SPACE	
3-5-0780-6.1	Parks, both general recreation, and leisure and ornamental	P
3-5-0780-6.2	Recreation center	C
3-5-0780-7	RELIGIOUS & WELFARE SERVICES	
3-5-0780-7.1	Churches, synagogues and temples, welfare and charitable services	C

3-5-0890. Regulations for Specific Uses.

To the extent that use and development of real property includes any matter encompassed by a regulation for a specific use as set forth in this Code, such regulation shall apply in addition to the requirements of this Chapter and shall prevail over any conflicting provision of this Chapter.

3-5-0890-1	HEIGHT REGULATIONS
	The Maximum Height for all buildings & Structures in districts regulated by this Chapter shall Be:
	In Feet 35
	In Number of Stories 2 ½

In Structures with more than 2 ½ stories Fire Protection Design, Evacuation Facilities, and Automatic Fire Sprinkling Systems will be Required to mitigate the additional potential Of Loss of Life and/or Property.

~~3-5-080-2~~

AREA, WIDTH, FRONTAGE, YARD & COVERAGE REGULATIONS

~~3-5-080-2.1~~

~~The Minimum depth and/or length for yards in the Districts regulated by this Chapter shall Be:~~

Front yard for Manufacturing Distribution Structures	25
Front Yard	25
Side Yards	10
Except as determined by Conditional Use Permit	A

~~3-5-080-2.1~~
~~2~~

~~The Minimum Depth and/or length for Yards in the Districts Regulated by this Chapter shall be:~~

Front Yard for Manufacturing & Distributing Structures	-
Front Yard	25
Rear Yard	20
Side Yard	10
Except as Determined by Conditional Use Permit	A

~~3-5-080-2.3~~

~~Minimum Setback Distance Between Structures and:~~

Surface Water that is Down Gradient From Proposed Structure Site	-
Any Other Surface Water	-

	Residential Zoning Districts	-
--	------------------------------	---

3-5-080-3	IMPROVEMENTS REQUIRED TO BE COMPLETED OR IN PROGRESS BEFORE A BUILDING PERMIT MAY BE ISSUES. (Improvements are to be in compliance with the standards adopted by Box Elder County. Improvement prefaced with an [*] are applicable only to subdivisions or planned unit developments.)	
3-5-080-3.1	Street Grading	A
3-5-080-3.2	Street Base	A
3-5-080-3.3	Street Paving	A
3-5-080-3.4	Curb & Gutter	A
3-5-080-3.5	Sidewalk	A
3-5-080-3.6	Fire Fighting Facilities	A
3-5-080-3.7	Street Name & Traffic Signs	A
3-5-080-3.8	Street Monuments	A
3-5-080-3.9	Survey Monument Boxes	A
3-5-080-3.10	Street Lights	A
3-5-080-3.11	Address Numbers	A
3-5-080-3.12	Public Utilities – Power, Gas, Telephone, Cable TV, etc.	A

CHAPTER 3-7 Rural Residential District RR-20 and Residential District R-1-20

Sections.

- 3-7-010. Purpose.
- 3-7-020. Scope.
- 3-7-030. Definitions.
- 3-7-040. Uses Allowed. (~~Ord. 305~~)
- 3-7-050. Use Regulations.
- 3-7-060. Regulations of General Applicability.
- 3-7-070. Regulations for Specific Uses. (~~Ord. 305; 325; 376~~)
- 3-7-080. Regulations for Uses. (~~Ord. 320; 325; 355~~)

3-7-010. Purpose.

Residential zones provide a wide range of residential land uses at various densities. These zones are intended to protect the stability of neighborhoods and encourage, collectively, different kinds of compatible residential development. These zones also are intended to promote and preserve in appropriate areas conditions favorable to large-lot family life, maintaining a rural atmosphere, the keeping of limited numbers of animals and fowl; and reducing requirements for public utilities, services and infrastructure.

3-7-020. Scope.

The provisions of this Chapter shall apply to any real property located in a ~~mixed-use, agricultural,~~ residential (R-1-20) or rural residential (RR-20) zone as shown on the Official Zoning Map.

3-7-030. Definitions.

Certain words and phrases in this Chapter, including uses, are defined in Chapter 1-3 of this Code.

3-7-040. Uses Allowed.

- C. **Allowed, Permitted and Conditional Uses.** Allowed, Ppermitted and conditional uses allowed in the residential zone shall be as set forth ~~on the Table of Uses Allowed~~ pursuant to Section 3-3-070 in this Chapter. Allowed uses (any land use not requiring approval by a land use authority) are indicated by an "A" in the appropriate column. Uses that may be Ppermitted and conditional uses by a permitted use review issued by the zoning administrator are indicated by a "P" or "C," respectively in the appropriate column. Uses that may be permitted by a conditional use permit are indicated by a "C" in the appropriate column. Uses that may be permitted by a conditional use permit issued by the zoning administrator are indicated by a "C1" in the appropriate column. If a use is not allowed in a given district, it is either not named in the use list or it is indicated in the appropriate column by a dash, "-." ~~If a regulation applies in a given district, it is indicated in the appropriate column by a numeral to show the linear or square feet required, or by the letter "A." If the regulation does not apply, it is indicated in the appropriate column by a dash, "-."~~
- D. **Accessory Uses.** Permitted and conditional uses set forth pursuant to Section 3-2-070 in ~~on the Table of Uses Allowed~~ this Chapter shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such uses.
1. Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the same zone except as otherwise expressly provided in this Code.
 2. No accessory use, building, or structure shall be allowed on a lot or parcel unless a permitted or conditional use has been and is currently established.

3-7-050. Use Regulations.

No building, structure or real property shall be used and no building or structure shall hereafter be erected, structurally or substantially altered, or enlarged except as set forth in this Chapter. Such requirements shall not be construed to prohibit or limit other applicable provisions of this Code or other laws.

3-7-060. Regulations of General Applicability.

The use and development of real property in ~~agricultural, mixed-use;~~ residential (R-1-20) or rural residential (RR-20) zones shall conform to regulations of general applicability as set forth in the following chapters of this Code.

- E. Regulations Applicable to All Zones. See Chapter 5-1 of this Code.
- F. Off-Street Parking and Loading. See Chapter 5-2 of this Code.
- G. Signs. See Chapter 5-3 of this Code.
- H. Sensitive Lands. See Chapter 4-2 of this Code.

3-7-070. Regulations for Specific Uses. (Ordinance 325 / 2-17-2010)

BOX ELDER COUNTY ZONING RESTRICTIONS				
CODE SECTION	"P" = Permitted Uses "C" = Conditional Uses "C1" = Administrative Conditional Use "A" = Applies Allowed Use "- " = Not permitted	CURRENT ESTABLISHED RESIDENTIAL ZONING DISTRICTS		
			RR 20	R1 20
3-7-070-1.0	ACCESSORY USES			
3-7-070-1.1	Accessory buildings and uses customarily incidental to agricultural uses, provided, however, that such accessory buildings are a minimum of 20 feet from any dwelling.	PA	PA	
3-7-070-1.2	Accessory buildings and uses customarily incidental to permitted uses other than those listed above.	P	P	
3-7-070-1.3	Accessory buildings and uses customarily incidental to conditional uses.	€	€	
3-7-070-1.42	Swimming Pool	P	P	
		RR-20	R-1-20	

3-7-070-1.53	Temporary buildings for uses incidental to construction work, including living quarters for guard or night watchman, which buildings must be removed upon completion or abandonment of the construction work. Mobile homes for temporary living quarters and such other temporary uses found appropriate to the Planning Commission and approved by the County Commission.	C	C
3-7-070-2.0	SPECIAL USES		
3-7-070-2.1	Child day care or nursery	C	C
3-7-070-23.0	RESIDENTIAL RR-20 R-1-20		
3-7-070-32.1	Single-family dwelling	PA	PA
3-7-070-32.2	Home Occupation	C1	C1
3-7-070-32.3	Residential facilities for the elderly and persons with disabilities	C	C
3-7-070-32.4	Household pets	PA	PA
3-7-070-32.5	Subdivisions	P	P
3-7-070-3.6			
3-7-070-32.67	Accessory Dwelling Unit (Ordinance 376)	C1	C1
3-7-070-32.78	Internal Accessory Dwelling Unit	P	P
		RR-20	R-1-20

3-7-070- 32.87	Residential Wind Tower (Ordinance 305) Approval Standards are as follows: 9. 1.5 acre lot. 10. Tower height - including any vertical projection above the tower - shall not exceed the distance measured from the base of the tower to the nearest property line. 11. Clearance of Blades – shall not extend within 20’ of ground. 12. Automatic Over Speed Controls – must meet design limits of residential wind energy system. 13. Sound shall not exceed 60 dBA. 14. Must be a certified Residential Wind Turbine (or submit a description of the safety features of the turbine prepared by a registered mechanical engineer). 15. Applicant must show proof they have notified utility company. 16. Compliance with building code, and Federal Aviation Administration regulations, and National Electric Code.	-	C
3-7-070- 43.0	AGRICULTURE RR-20 R-1-20		
3-7-070- 43.1	Agriculture, including grazing and pasturing of animals, the tilling of soil, the raising of crops, horticulture and gardening	PA	PA
3-7-070- 43.2	<u>Animals and Fowl for Recreation and</u> Family Food Production	PA	PA
3-7-070- 43.3	Fruit/vegetable stand	C	C

3-7-070-4.4	Animals and Fowl for Recreation and Family Food Production	P	P
3-7-070-54.0	PUBLIC USES		
3-7-070-54.1	Public or quasi-public facilities	C	C
3-7-070-54.2	Essential service facilities	C	C
3-7-070-54.3	Private schools (with a curriculum corresponding to public schools);	C	C
3-7-070-54.4	Cemeteries	C	C
3-7-070-54.5	Churches	C	C
3-7-070-54.6	Dams and reservoirs/Retention ponds	C	C
3-7-070-54.7	Radio and television transmitting stations or towers (including repeating towers)	C	C
3-7-070-54.8	Recreation trails	C	C
3-7-070-54.9	Railroad and utility lines rights-of-way and substations, etc.	C	C

3-7-080. Regulations for Uses. (~~Ordinance 325 / 2-17-2010~~)

		RR-20 & R-1-20
3-7-080-1	AREA REGULATIONS (Ordinance 325)	
3-7-080-1.1	The minimum lot area in square feet for any Main use shall be.	20,000 sq. ft.
3-7-080-2.0	WIDTH REGULATIONS	

3-7-080-2.1	The minimum width in feet for any lot in the districts regulated by this chapter shall be	100 feet
3-7-080-3.0	FRONTAGE REGULATIONS (Ordinance 325; 355)	
3-7-080-3.1	The minimum width of any lot at the street right-of-way line in feet in the districts regulated by this Chapter shall be	100 feet
3-7-080-3.2	The minimum width along the radius for cul-de-sac lots in feet shall be	50 feet
3-7-080-4.0	FRONT YARD REGULATIONS	
3-7-080-4.1	The minimum depth in feet for the front yard for main buildings and accessory buildings shall be	30 feet
3-7-080-4.2	Where the existing minimum right-of-way on which the lot front is less than 66 feet, the setback shall be measured from the center line and in feet shall be no less than	66 feet
3-7-080-4.3	Where the proposed minimum right-of-way is more than 66 feet;	the setback in feet shall be ½ proposed right-of-way; plus 30 feet
3-7-080-5.0	REAR YARD REGULATIONS -RR-20 & R-1-20	
3-7-080-5.1	The minimum depth in feet for the rear yard for main buildings shall be	30 feet
3-7-080-5.2	Accessory buildings, (Ordinance 381) *Minimum setback reduced to 3 feet so long as they do not encroach on a public utility easement.	3* feet
3-7-080-6.0	SIDE YARD REGULATIONS (Ordinance 320;—9-22-09)	

3-7-080-6.1	The minimum side yard in feet for any main building shall be	15 feet
3-7-080-6.2	Accessory buildings, (Ordinance 381) *Minimum setback reduced to 3 feet so long as they do not encroach on a public utility easement.	3* feet
3-7-080-7.0	HEIGHT REGULATIONS	
3-7-080-7.1	The maximum height for all buildings and structures shall be	35 feet or 2 ½ stories
3-7-080-8.0	COVERAGE REGULATIONS	
3-7-080-8.1	The maximum coverage in percent for any lot shall be	40%
3-7-080-9.0	IMPROVEMENTS REQUIRED TO BE COMPLETED OR IN PROGRESS BEFORE A BUILDING PERMIT MAY BE ISSUED	
	(Improvements are to be in compliance with the standards adopted by Box Elder County. Improvement prefaced with an [*] are applicable only to subdivisions or planned unit developments.)	
3-7-080-9.1	Street Grading	A
3-7-080-9.2A	Street Base	A
3-7-080-9.2B	Street Dust Treatment (oil or similar treatment)	A
3-7-080-9.3	Street Paving	A
3-7-080-9.4	Curb and Gutter	A
3-7-080-9.5	Sidewalk	A

3-7-080-9.6	Surface Drainage Facilities	A
3-7-080-9.7	Wastewater Disposal Facilities	A
3-7-080-9.8	Culinary Water facilities	A
3-7-080-9.9	Firefighting facilities	A
3-7-080-9.10	Street Name Signs	A
3-7-080-9.11	Street Monuments	A
3-7-080-9.12	Survey Monuments Boxes	A
3-7-080-9.13	Shade Trees (along public streets)	A
3-7-080-9.14	Sidewalks	A
3-7-080-9.15	Street Lights	A
3-7-080-9.16	Address Numbers	A
3-7-080-9.17	Public Utilities (Power, gas, telephone, cable TV, etc.)	A

ORDINANCE NO. 609

AN ORDINANCE OF BOX ELDER COUNTY AMENDING TEXT IN CHAPTER 2-2, ADMINISTRATIVE & DEVELOPMENT REVIEW PROCEDURES, BY ADDING SECTION 2-2-220, LOT LINE ADJUSTMENT, OF THE BOX ELDER COUNTY LAND USE MANAGEMENT & DEVELOPMENT CODE.

WHEREAS, a proposal has been made to amend text in Chapter 2-2, Administrative & Development Review Procedures, by adding Section 2-2-220, Lot Line Adjustment, in the Box Elder County Land Use Management & Development Code; and

WHEREAS, the Box Elder County Planning Commission scheduled a public hearing on the proposal to amend the text of the Box Elder County Land Use Management & Development code and provided a Class B notice in accordance with Section 2-2-050(B) of the Box Elder County Land Use Management and Development Code and Section 63G-30-102 of the Utah Code ; and

WHEREAS, the Box Elder County Planning Commission, after appropriate notice, held a public hearing on November 21, 2024 to allow the general public to comment on this proposed text amendment; and

WHEREAS, after providing for public comment from the general public, the Box Elder County Planning Commission has found and determined that the proposed text amendment is in conformity with the General Plan of Box Elder County, that the uses allowed by the proposed change are harmonious with the overall character of the existing development in the vicinity of the property, that it will not adversely affect adjacent properties, that the facilities and services intended to serve property are adequate, and will provide for the health, safety, and general welfare of the public and protect the environment; and

WHEREAS, based upon these findings, the Box Elder County Planning Commission has recommended that the Box Elder County Commission amend the text as has been requested; and

WHEREAS, the Box Elder County Commission, after appropriate notice, held a public meeting on December 4, 2024, to review and discuss this proposed amendment; and

WHEREAS, after reviewing and discussing, the Board of County Commissioners of Box Elder County, Utah finds that the amendment to the text as set forth in Exhibit B is in conformity with the General Plan of Box Elder County, that the uses allowed by the proposed change are harmonious with the overall character of the existing development in the vicinity of the property, that it will not adversely affect adjacent properties, that the facilities and services intended to serve property are adequate, and that it will be in the best interest of and promote the health, safety and general welfare of the residents of Box Elder County;

NOW THEREFORE, the County legislative body of Box Elder County ordains as follows:

SECTION 1: Ordinance Text Amendment. The text amendment to Chapter 2-2, Administrative & Development Review Procedures, by adding Section 2-2-220, Lot Line Adjustment, in the Box Elder County Land Use Management & Development Code is hereby amended to read in its entirety as set forth in Exhibit A.

SECTION 2: Effective Date. This ordinance shall become effective fifteen (15) days after its passage.

PASSED, ADOPTED AND A SYNOPSIS ORDERED PUBLISHED this _____ day of _____, 2024, by the Board of County Commissioners of Box Elder County, Utah,

Commissioner Bingham	Voting _____
Commissioner Summers	Voting _____
Commissioner Perry	Voting _____

Box Elder County Commission Chair

Attest:

Marla Young
Box Elder County Clerk

State of Utah)
).ss)
County of Box Elder)

On this _____ day of _____, 2024, personally appeared before me, the undersigned notary public, _____, whose identity is personally known to me (or proved on the basis of satisfactory evidence) and who by me duly sworn (or affirm), did say he is the **Commission Chairman for Box Elder County** and said document was signed by him in behalf of said Corporation and acknowledged to me that said Corporation executed the same.

My Commission Expires: _____

Notary Public

EXHIBIT A

Chapter 2-2 - Administrative and Development Review Procedures

Sections.

2-2-220. Lot Line Adjustment.

2-2-220. Lot Line Adjustment.

- A. **Purpose.** This section sets forth procedures for reviewing lot line adjustments to determine compliance with applicable requirements of this Code and State Code.
- B. **Authority.** The Zoning Administrator is authorized to review and approve applications for lot line adjustments as set forth in this section.
- C. **Initiation.** A property owner or a lessee may request a lot line adjustment review as provided in this section. An agent or lessee of a property owner shall provide an affidavit of authorization.
- D. **Procedure.** Lot line adjustment applications shall be considered and processed as provided in this subsection.
 - 1. A complete application shall be submitted to the Zoning Administrator in a form established by the Administrator along with any fee established by the County's schedule of fees. The application shall include at least the following information:
 - a. The name, address and telephone number of the applicant or the applicant's agent, if any;
 - b. The address and parcel identification number of the subject property;
 - c. The zone of the subject property;
 - d. All legal descriptions for the lot line adjustment;
 - e. Other information needed to demonstrate the lot line adjustment conforms to applicable provisions of this Code and State Code.
 - 2. After an application is determined to be complete, the Zoning Administrator shall approve, approve with conditions, or deny the application pursuant to the standards set forth in Section 2-2-090(E) below. Any conditions of approval shall be limited to conditions needed to conform the lot line adjustment to approval standards.
 - 3. After making a decision, the Zoning Administrator shall give the applicant written notice of the decision.
 - 4. A record of all lot line adjustments shall be maintained in the office of the Zoning Administrator.
- E. **Approval Standards.** The owner(s) of record of adjoining properties where one or more of the properties is a lot may exchange title to portions of those properties if the

exchange of title is approved by the land use authority as a lot line adjustment in accordance with this Code.

1. The land use authority shall approve a lot line adjustment if the exchange of title will not result in a violation of any land use ordinance.
2. If a lot line adjustment is approved, a notice of approval shall be recorded in the office of the county recorder which is approved by the land use authority and recites the legal descriptions of both the properties and the properties resulting from the exchange of title. A document of conveyance of title reflecting the approved change shall be recorded in the office of the county recorder.
3. A notice of approval that is recorded does not act as a conveyance of title to real property and is not required to record a document conveying title to real property.

F. **Appeal.** Any person adversely affected by a final decision of the Zoning Administrator regarding a lot line adjustment may appeal that decision to the Hearing Officer as provided in Section 2-2-190 of this Code.

G. **Effect of Approval.** Approval of a lot line adjustment shall authorize an applicant to engage in adjusting lot lines subject to any conditions of approval. Approval of a lot line adjustment shall not be deemed an approval of any conditional use permit, site plan or other permit. Approval of such permits shall be obtained in accordance with applicable provisions of this Code and to any other applicable requirements of Box Elder County Ordinances.

H. **Amendment.** The procedure for amending a lot line adjustment shall be the same as the original procedure set forth in this section.

I. **Expiration.** Except as otherwise provided in this Code, a lot line adjustment approval shall expire and have no further force or effect if the notice of approval and the document of conveyance are not recorded within thirty (30) days after approval.

EXHIBIT B

Chapter 2-2 - Administrative and Development Review Procedures

Sections.

2-2-220. Lot Line Adjustment.

2-2-220. Lot Line Adjustment.

- A. Purpose.** This section sets forth procedures for reviewing lot line adjustments to determine compliance with applicable requirements of this Code and State Code.
- B. Authority.** The Zoning Administrator is authorized to review and approve applications for lot line adjustments as set forth in this section.
- C. Initiation.** A property owner or a lessee may request a lot line adjustment review as provided in this section. An agent or lessee of a property owner shall provide an affidavit of authorization.
- D. Procedure.** Lot line adjustment applications shall be considered and processed as provided in this subsection.
1. A complete application shall be submitted to the Zoning Administrator in a form established by the Administrator along with any fee established by the County's schedule of fees. The application shall include at least the following information:
 - f. The name, address and telephone number of the applicant or the applicant's agent, if any;
 - g. The address and parcel identification number of the subject property;
 - h. The zone of the subject property;
 - i. All legal descriptions for the lot line adjustment;
 - j. Other information needed to demonstrate the lot line adjustment conforms to applicable provisions of this Code and State Code.
 2. After an application is determined to be complete, the Zoning Administrator shall approve, approve with conditions, or deny the application pursuant to the standards set forth in Section 2-2-090(E) below. Any conditions of approval shall be limited to conditions needed to conform the lot line adjustment to approval standards.
 3. After making a decision, the Zoning Administrator shall give the applicant written notice of the decision.
 4. A record of all lot line adjustments shall be maintained in the office of the Zoning Administrator.
- E. Approval Standards.** The owner(s) of record of adjoining properties where one or more of the properties is a lot may exchange title to portions of those properties if the

exchange of title is approved by the land use authority as a lot line adjustment in accordance with this Code.

4. The land use authority shall approve a lot line adjustment if the exchange of title will not result in a violation of any land use ordinance.
 5. If a lot line adjustment is approved, a notice of approval shall be recorded in the office of the county recorder which is approved by the land use authority and recites the legal descriptions of both the properties and the properties resulting from the exchange of title. A document of conveyance of title reflecting the approved change shall be recorded in the office of the county recorder.
 6. A notice of approval that is recorded does not act as a conveyance of title to real property and is not required to record a document conveying title to real property.
- F. **Appeal.** Any person adversely affected by a final decision of the Zoning Administrator regarding a lot line adjustment may appeal that decision to the Hearing Officer as provided in Section 2-2-190 of this Code.
- G. **Effect of Approval.** Approval of a lot line adjustment shall authorize an applicant to engage in adjusting lot lines subject to any conditions of approval. Approval of a lot line adjustment shall not be deemed an approval of any conditional use permit, site plan or other permit. Approval of such permits shall be obtained in accordance with applicable provisions of this Code and to any other applicable requirements of Box Elder County Ordinances.
- H. **Amendment.** The procedure for amending a lot line adjustment shall be the same as the original procedure set forth in this section.
- I. **Expiration.** Except as otherwise provided in this Code, a lot line adjustment approval shall expire and have no further force or effect if the notice of approval and the document of conveyance are not recorded within thirty (30) days after approval.