

Box Elder County Land Use Management & Development Code

Article 1: General Provisions

Chapter 1-1 – Purpose and Applicability

Box Elder Zoning Ordinance as Adopted October 2007

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1-1-010. Short Title.

This Code shall be known as the *Box Elder County Land Development & Management Code* and may be so cited and pleaded.

1-1-020. Authority.

This Code is adopted pursuant to the *Utah Land Use Development and Management Act*, as set forth in *Utah Code Ann.* § 17-27a-101 *et seq.*, as amended; the general welfare power delegated to counties as set forth in *Utah Code Ann.* §17-50-302, as amended; and the police power authority of local government established by Utah common law. This Code constitutes the land use ordinance authorized by the *Utah Municipal Land Use Development and Management Act*.

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1-1-030. Purpose.

This Code is designed and enacted for the purpose of promoting the health, safety, welfare, and to promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of the present and future inhabitants and businesses of Box Elder County, State of Utah, including, among other things, the lessening of congestion in the streets, securing safety from fire and other dangers, protecting the tax base, securing economy in governmental expenditures, fostering the state's agricultural and other industries, protecting both urban and non-urban development, protecting and ensuring access to sunlight for solar energy devices, encouraging energy efficient patterns of development, providing adequate light and air, preventing the overcrowding of land, avoiding undue concentration of population, facilitating adequate provision for transportation, water, sewage, and other public requirements, providing for the classification of land uses and providing fundamental fairness in land use regulation. These land use regulations shall be made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the County.

1-1-040. Scope.

This Code shall apply to all property within the unincorporated areas of Box Elder County except property expressly exempted therefrom by the provisions of this Code or other lawful exemption.

1-1-050. Definitions.

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

1-1-060. Organization of Code.

This section describes the basic organizational scheme used in this Code and the types of regulations found herein. It is intended to be informational only. Failure to follow the format described in this section shall not be a basis for invalidating any action taken pursuant to this Code.

- A. Organizational Structure.** This Code consists of six Articles, as follows:
1. Article 1 - General Provisions.
 2. Article 2 - Administration and Enforcement.
 3. Article 3 - Base Zones.
 4. Article 4 - Special Purpose and Overlay Zones.
 5. Article 5 - Regulations of General Applicability.

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6. Article 6 – Subdivisions.

B. General Provisions. The General Provisions of Article 1 establish how this Code is applied; describe how planning documents, such as the General Plan, relate to this Code; and provide rules and definitions for interpreting and applying the provisions of this Code.

C. Administration and Enforcement. Administration and enforcement provisions in Article 2 describe the powers and duties of decision-making bodies and officials, procedures for considering land use applications, and standards for dealing with nonconforming circumstances. Enforcement provisions set forth remedies to correct violations of this Code.

D. Types of Zones. This Code establishes three types of zones (also called “zoning districts”): base zones, overlay zone, and special purpose zones.

1. The **base zone** provisions set forth in Article 3 establish regulations and development standards that govern land uses allowed in each base zone. Base zones are grouped into five general categories: agricultural, rural residential, residential, multi-use, public facility, commercial, and industrial/manufacturing zones.
2. The **overlay zone** provisions set forth in Article 4 establish regulations that address specific circumstances in certain geographic areas and which may traverse the boundaries of a number of base zones. Overlay zone regulations apply in addition to base zone regulations.
3. The **special purpose zone** provisions set forth in Article 5 establish regulations that apply only in limited instances or to special circumstances.

E. Types of Regulations. This Code includes the following kinds of regulations and development standards.

1. *Base zone regulations*, set forth in Article 3, specify land uses allowed as of right or allowed after issuance of a conditional use permit. These regulations may be modified by overlay regulation in Article 4 or special purpose zone regulations, set forth in Article 5, or augmented by regulations for specific uses. Base zone and overlay regulations are further augmented by Regulations of General Applicability set forth in Article 6.
2. *Development standards* set forth in Article 4 and 5 include fixed dimensional standards and performance standards. Development standards control the height, size, location and other particular aspects of structures and uses on sites intended for development. These standards also prescribe setback and buffering requirements

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between zones and between potentially incompatible uses. Fixed dimensional standards establish numerical maximum or minimum conditions, which govern development on a particular site. Performance standards establish certain standards, which must be met, but may allow flexibility as to the method of meeting the standard.

3. *Regulations of General Applicability* as set forth in Article 6 are regulations applicable to all zones.
4. *Subdivision standards* set forth in Article 7 includes standards for subdivision of land, plat requirements, approval of plats, dedication of streets and other public places, vacating or changing a subdivision plat, and recording of subdivisions.

1-1-070. Licenses and Permits to Conform.

- A. Conformance Required.** The provisions of this Code shall be construed as the minimum requirements necessary to promote public health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of the County. Each department, official, and employee of the County vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Code and shall issue no permit or license for a use, building, or purpose where the same would conflict with the provisions of this Code. Any permit or license issued in violation of this Code shall be null and void.
- B. Permits Required.** No building or structure shall be constructed, reconstructed, altered, or moved, nor shall the use or status of land be changed except after the issuance of valid permits which conform to the requirements of this Code, unless no permit is required by this Code or by the construction codes applicable to the County.
- C. Utility Service.** No electrical, sewer, telephone, water, or other utility line or septic tank shall be installed to serve any lot, parcel, building, or structure, or any portion thereof if such installation will violate the provisions of this Code.

1-1-080. Construction and Use to Conform to Plans.

Building and other permits and certificates of occupancy issued by the County authorize only the use, arrangement, and construction set forth in the approved plans and applications, and no other use, arrangement or construction. Use, arrangements, or construction at variance with that shown on approved plans and specifications shall be deemed a violation of this Code.

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1-1-090. Certificate of Occupancy.

A. Certificate of Occupancy Required.

1. No lot, parcel, or building shall be used or occupied until a certificate of occupancy has been issued pursuant to applicable provisions of building codes and regulations adopted by the County.
2. No certificate of occupancy shall be issued unless the building and the lot or parcel on which the building is located conform to applicable provisions of this Code and other building codes and regulations adopted by the County.

B. Unlawful to Use or Occupy. It is unlawful to use or occupy, or to permit the use or occupancy of any building or structure, unless a certificate of occupancy has been issued for such building or structure. It is unlawful to use or occupy, or to allow to be used or occupied, any building or structure with a use or occupancy that is different than provided in a certificate of occupancy.

C. Failure to Obtain Certificate of Occupancy. Failure to obtain a certificate of occupancy shall be a violation of this Code.

D. Nuisance. The use or occupancy of any building, structure, or premises for which a certificate of occupancy has not been issued is hereby declared to be a public nuisance and may be abated as such. It shall also be a public nuisance for any building, structure, or premises to be used or occupied in a manner different than authorized by a certificate of occupancy.

1-1-100. Conflicting Provisions.

This Code shall not nullify the more restrictive provisions of covenants, agreements, other ordinances or laws, but shall prevail notwithstanding such provisions, which are less restrictive. In cases where provisions within this Code conflict, a particular provision shall prevail over a general provision covering the same subject matter and the most restrictive provision shall apply over the less restrictive one unless the less restrictive provision specifically provides otherwise.

1-1-110. Omission Not a Waiver.

The omission to specify or enumerate in this Code those provisions of general law applicable to all counties shall not be construed as a waiver of the benefits of any such provisions.

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1-1-120. Severability of Parts of Code.

The chapters, parts, sections, paragraphs, sentences, clauses, and phrases of this Code are hereby declared to be severable. If any chapter, part, section, paragraph, sentence, clause, or phrase of this Code is declared invalid by a court of competent jurisdiction, or deleted through amendment or repeal, such invalidation or deletion shall not affect the remaining parts of this Code.