

# BOX ELDER COUNTY PLANNING COMMISSION MINUTES FEBRUARY 15, 2024

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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:

<i>Roll Call</i>		<i>the following Staff was present:</i>	
Mellonee Wilding	Excused	Scott Lyons	Com. Dev Director
Jared Holmgren	Vice-Chair	Marcus Wager	County Planner
Lonnie Jensen	Member	Destin Christiansen	County Planner
Steven Zollinger	Member	Stephen Hadfield	County Attorney
Bonnie Robinson	Member	Boyd Bingham	Co. Commissioner
Jed Pugsley	Member	Diane Fuhriman	Executive Secretary
Jennifer Jacobsen	Member		
Vance Smith	Excused		

Vice-Chairman Jared Holmgren called the meeting to order at 7:00 p.m.

The Invocation was offered by Commissioner Bonnie Robinson.

Pledge was led by Commissioner Lonnie Jensen.

### **The following citizens were present & signed the attendance sheet**

See Attachment No. 1 – Attendance Sheet.

The Minutes of the January 18, 2024 meeting were made available to the Planning Commissioners prior to this meeting and upon review a **Motion** was made by Commissioner Jed Pugsley to approve the minutes as written. The motion was seconded by Commissioner Lonnie Jensen and passed unanimously.

### **UNFINISHED BUSINESS**

#### **CONDITIONAL USE PERMIT, CUP23-001, Request for a Conditional Use Permit for a Recreational Vehicle Park located at approximately 20755 North 6000 West in the Plymouth area of Unincorporated Box Elder County. ACTION**

Staff explained this application has been before the Planning Commission twice before. Both times the applicant requested the item to be tabled. Staff contacted the applicant and was told they would like the item tabled through the first quarter. The applicant also asked if they will then have to resubmit entirely for review, approval, with updated and requested plans”?

Staff stated there is a 2-year period before the item will be automatically denied.

When this came before the Planning Commission, the Commission required the following:

1. Updated drawings and renderings of the area.
2. Show a minimum 36-inch sidewalk width around the exterior of the private road (where the entrances to the RV pads are).
3. Obtain Utility letter for all utilities.
4. Compliance with all comments from County Staff.
5. Compliance with Section 2-2-100 and Chapter 3-6 of the Box Elder County Land Use Management & Development Code.
6. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
7. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

Staff said no updated plans have been submitted.

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to deny application number CUP23-001, a Conditional Use Permit for a Recreational Vehicle Park, based on no action on the part of the applicant for more than 6 months. The motion was seconded by **Commissioner Jennifer Jacobsen** and unanimously carried.

**ZONING MAP AMENDMENT, Z23-017, Request for a zone change of 8 acres from A-20 (Agriculture 20 acres) to C-G (General Commercial) and 12.925 acres from A-20 Agriculture 20 acres) to RR-10 (Rural Residential 10 acres) located at approximately 8205 South 1500 West in the South Willard area of Unincorporated Box Elder County. ACTION**

Staff stated a public hearing was held on January 18, 2024 for this zoning map amendment. There were no public objections, just concerns of residential growth shared by one individual. The applicant inquired about the possibility of some type of special permit. Where the General Plan highlights agriculture for this area of South Willard, it was briefly discussed that a zoning agreement could change the zoning to C-G, but limit the allowed uses to just what he is proposing. The Planning Commission tabled the matter in January to look into zoning agreement possibilities.

Staff explained decisions regarding a legislative application shall be based on the “reasonably debatable” standard, as follows:

- The decision-making authority shall determine what action, in its judgment, will reasonably promote the public interest, conserve the values of other properties, avoid incompatible development, encourage appropriate use and development, and promote the general welfare.
- In making such determination, the decision-making authority may consider the following: (1) Testimony presented at a public hearing or meeting; and (2) personal knowledge of various conditions and activities bearing on the issue at hand, including, but not limited to, the location of businesses, schools, roads and traffic conditions; growth in population and housing; the capacity of utilities; the zoning of surrounding property; and the effect that a particular proposal may have on such conditions and activities, the values of other properties, and upon the general orderly development of the County.
- The decision-making body should state on the record the basis for its decision.

Staff read Box Elder County Land Use Management & Development Code section 2-2-080-E which outlines the standards for review for zoning map amendments.

**A. Whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan;** The County's General Plan for the South Willard area states "existing commercial uses along US 89 should be retained, but new commercial growth should mostly occur near the interchange, where mixed uses could be introduced. Since orchards are not found west of I-15, 20-acre agricultural zoning should be retained to provide for crops and grazing." The County can adopt policies to encourage that to happen but must continue to recognize private property rights and coordinate with the incorporated communities.

**B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;** The area consists mainly of agricultural uses with some residential homes to the north to include a couple of home businesses as well as a livestock auction facility. The Planning Commission needs to decide if a C-G (or Restricted C-G) zone and RR-10 zone could be considered harmonious.

**C. The extent to which the proposed amendment may adversely affect adjacent property;** and Only one individual from the previous public hearing addressed the Planning Commission expressing concerns about residential growth, not necessarily the proposed use of the applicant.

**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.** Access to the proposed property is via 1500 West (a gravel road). It is unknown what the adequacy of the road and facilities would be in this area for the proposed zone changes and any future use(s).

Staff recommends a recommendation of denial to the County Commission based on their findings which includes, the General Plan for the South Willard area calls for agriculture to remain on the west side of the freeway; commercial growth for the South Willard area is directed to be closer to the I-15/Highway 89 interchange; zoning agreements should be used when their flexibility is the only legal way to say yes to a very desirable development opportunity and should enhance, not undermine, the existing zoning and General Plan; a zoning agreement will not provide any benefit to the county in this application where the same benefits could be had in existing commercial zones.

**Commissioner Bonnie Robinson** is concerned with setting a precedence regarding zoning agreements. She also has concerns with the road and the zone not fitting with the General Plan. There are places where commercial zones are more grouped together. There is no infrastructure in the area requested and she sees no benefit to the county.

**Commissioner Jennifer Jacobsen** said there are other areas in the county where commercial zones meet the applicant's needs. Since other areas do exist, the county would not be shutting the door on the request.

**Commissioner Jed Pugsley** and **Commissioner Steven Zollinger** share the same concerns.



**MOTION:** A Motion was made by **Commissioner Steven Zollinger** to forward a recommendation of denial to the County Commission for application number Z23-017, a zoning map amendment from A-20 (Agricultural - 20 acres) to the C-G (General Commercial District) zone and the RR-10 (Rural Residential - 10 acres) zone based the zoning does not fit in with the County General Plan, inadequate services and roadways and the Planning Commission not wanting to set a precedence of setting special circumstances in zones for individual's needs. The motion was seconded by **Commissioner Jennifer Jacobsen** and unanimously carried.

## **PUBLIC HEARINGS**

### **ORDINANCE TEXT AMENDMENT, Z24-001, Request for a text amendment to Chapter 5-3, Signs, of the Box Elder County Land Use Management & Development Code. ACTION**

Staff stated the applicant is requesting a text amendment to amend Sections in Chapter 5-3, Signs of the Box Elder Land Use Management and Development Code. This is to update the Sign Chapter taking out the ability for electronic signs in all sign zones and to clarify sections of this chapter. In the last legislative session there was a bill that would allow any billboard to be converted to a digital billboard if a code allowed them on premise but not off premise. The United States Supreme Court is currently making a decision on billboards that also has to do with allowing them to be converted to digital if digital signs are permitted on premise but not off premise. To be consistent with both on premise and off premise signs, we are proposing to not allow them in any sign zone. In February 2022 we brought a text amendment for this same purpose, but found that we were not clear enough in the verbiage in the Chapter. This text amendment will clear up any confusion.

Staff read the standards for reviewing zoning 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 General Plan doesn't specifically address signage, but does address land uses that may rely upon signage. For those land uses it states "Box Elder County understands that future development is most likely to occur in areas where adequate services are available. The County does not support extending services through or into areas that have not been identified for future development. With respect to responsible land use planning and efficient resource use, it is the County's preference that growth and development take place within existing communities or in unincorporated areas within which adequate services are or may be made available."

**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.

Staff reviewed the changes to Chapter 5-3 with the Planning Commission.

*(See attachment No. 2 – Chapter 5-3 – Sign Regulations.)*

The public hearing was then opened for comments. There were no comments.

Hearing no comments, a motion was made by **Commissioner Bonnie Robinson** to close the public hearing on Ordinance Text Amendment Z24-001. The motion was seconded by **Commissioner Jed Pugsley** and passed unanimously.

### **ACTION**

**MOTION:** A Motion was made by **Commissioner Jed Pugsley** to forward a recommendation of approval to the County Commission for application Z24-001 an ordinance text amendment to Chapter 5-3, Signs, with any spelling errors corrected, and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Lonnie Jensen** 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.

### **NEW BUSINESS**

#### **CONDITIONAL USE PERMIT, CUP24-001, Request for a Conditional Use Permit for an Accessory Dwelling Unit located at approximately 15450 North 5250 West in the Riverside area of Unincorporated Box Elder County. ACTION**

Staff said the applicant is requesting a Conditional Use Permit for an Accessory Dwelling Unit. They seek to build an approximate 898 square foot accessory dwelling unit. Their existing home is approximately 2378 square feet. No other accessory dwelling unit exists on the property. The surrounding land uses are Rural Residential and Agriculture; the surrounding zoning is Unzoned.

Staff explained all applicable county departments have reviewed the application. The applicant has stated they may want to obtain a variance to not have to hook onto the same water meter and gas meter. The Planning Commission has no authority to grant a variance but can approve the request subject to following the county code.

**MOTION:** A Motion was made by **Commissioner Jed Pugsley** to approve application CUP24-001, a request for a Conditional Use Permit for an Accessory Dwelling Unit located at approximately 15450 North 5250 West in the Riverside area of Unincorporated Box Elder County and adopting the conditions and exhibits of staff. The motion was seconded by **Commissioner Bonnie Robinson** and unanimously carried.

**CONDITIONS:**

1. Compliance with Article 5 of the Box Elder Land Use Management & Development Code.
2. Compliance with Section 2-2-100, Conditional Use Permit and Chapter 5-6, Accessory Dwelling Units, 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 licenses, permits, etc.

**TEMPORARY USE PERMIT, TUP24-001 Request for a Temporary Use Permit to demonstrate the viability of direct lithium extraction technology located at approximately Rozel Flats Road in the West Promontory area of Unincorporated Box Elder County.**  
**ACTION**

Staff said the applicant is requesting a Temporary Use Permit for a one (1) year period to demonstrate the technical viability of direct lithium extraction technology. The project would be constructed in the spring, be in operation during the summer, and decommissioned in the fall. The project is located on the opposite side of Promontory. There is a county road accessing the parcel. The applicant has been working with state departments, there are still items they need to fulfill.

Staff read section 2-2-160 outlining the standards for reviewing for Temporary Use Permits.

- a. Will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working within the vicinity, or injurious to property, improvements or the public in general;
- b. Will not substantially interrupt the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area, nor block traffic lanes or hinder traffic during peak commuter hours on weekdays on any primary arterial street or principal commuter route designated by the County;
- c. Will not conflict with construction or development in the public right-of-way or at public facilities;
- d. Will not unduly interfere with the movement of police, fire, ambulance, or other emergency vehicles on the streets, nor require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the County;
- e. Will not conflict with nor be incompatible with the permitted uses and regulations of the zone within which the temporary use is located; and
- f. Is in compliance with regulations, conditions and licensing requirements of applicable provisions of the Box Elder County ordinances

Staff stated the Fire Marshal and Roads Superintendent have reviewed and approved the proposed project. The Planning Staff has also reviewed the project and feels it meets the standards set forth in the Box Elder County Land Use Management & Development Code. Staff is aware the applicant is working with the State Department of Natural Resources and Forestry Fire and State Lands to complete the appropriate permits and easements at the state level. Staff is aware those permits are incomplete at this time.



**MOTION:** A Motion was made by **Commissioner Jennifer Jacobsen** to approve application TUP24-001, a Temporary Use Permit for a temporary pilot-scale lithium extraction facility and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Bonnie Robinson** and unanimously carried.

**CONDITIONS**

1. Compliance with Article 5 of the Box Elder County Land Use Management & Development Code.
2. Compliance with Article 2-2-160, Temporary Use Permit, 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 required licenses, permits, easements, etc.

**MARBLE COMPLEX, SP24-001, Request for Site Plan approval for an additional building at an existing commercial site located at approximately 11175 West 11200 North in the Tremonton area of Unincorporated Box Elder County. ACTION**

Staff said the applicant is requesting site plan approval for an additional building at an existing commercial site. The proposed building would consist of a daycare, sports court, and an apartment. The site is on approximately 1.92 acres located at 11175 West 11200 North in the Bothwell area of Box Elder County.

Staff explained the applicant has asked to have this item tabled until the March 2024 Planning Commission Meeting as they are working on items with the Fire Marshal and the Bear River Canal Company.

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to table application SP24-001 up to 6 months as per applicant request. The motion was seconded by **Commissioner Steven Zollinger** and unanimously carried.

**WORKING REPORTS - NONE**

**PUBLIC COMMENTS - NONE**

Dean Lester, Friends of the Bear River Bird Refuge, is here to speak about light pollution and the effect it has on the 10 million birds migrating through the refuge. He wants to maintain the rural nature of the county as much as possible. One way to do this is to develop zoning codes for minimum light trespass on the citizens. Mr. Lester cited Eagle Mountain having the same concern maintaining their rural nature and adopted a chapter to their code regarding outdoor lighting standards. Light does affect people as well as the birds and the only way to affect what your neighbor is going to do is by ordinance or regulation. He feels many of the county parking lots are over lit with high intensity lights. His intention is to make an application to the county for article 5 of county code. Mr. Lester asked for the Planning Commission's blessing to work with the Community Development department. He feels this would be a real benefit to the county.

**ADJOURN**

**MOTION:** A Motion was made by Commissioner Bonnie Robinson to adjourn commission meeting. The motion was seconded by Commissioner Jed Pugsley and meeting adjourned at 8:09 p.m.

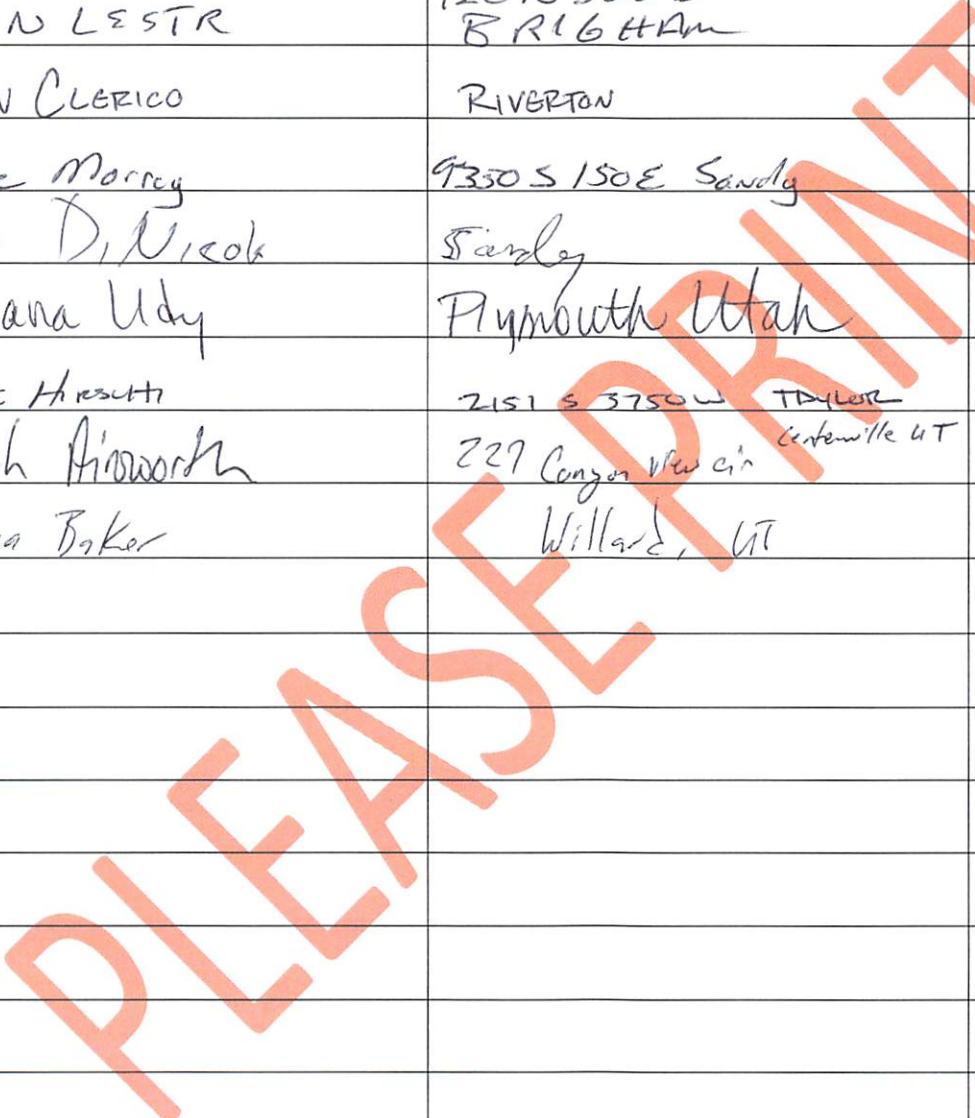
  
Mellonee Wilding, Chairman  
Box Elder County Planning Commission



# PLANNING COMMISSION MEETING

Thursday February 15, 2024

NAME	ADDRESS	AGENDA ITEM
DEAN LESTR	120 N 300 E BRIGHAM	PUBLIC COMMISSION
RYAN CLERICO	RIVERTON	WATERLEAF
Steve Morrey	9350 S 150 E Sandly	Waterleaf
Tony DiNicola	Sandly	Waterleaf
Diana Udy	Plymouth Utah	Conditional use permit Recreation Vehicle Park
Kyle Hirsuti	2151 S 3750 W TAYLOR Centerville UT	WATERLEAF
Zach Hinworth	227 Canyon View Cir	ZA
Diana Baker	Willard, UT	N/A



# Box Elder County Land Use Management & Development Code

## Article 5: Regulations of General Applicability

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### **Chapter 5-3 - Sign Regulations**

- 5-3-010. Purpose.
- 5-3-020. Definitions.
- 5-3-030. Interpretation.
- 5-3-040. Severability.
- 5-3-050. General Regulations.
- 5-3-060. Signs Not Regulated By This Chapter.
- 5-3-070. Inspections.
- 5-3-080. Enforcement.
- 5-3-090. Violations & Penalties.
- 5-3-100. Sign Permit & Permit Fee Required.
- 5-3-110. Non-Conforming Signs.
- 5-3-120. Maintenance & Repair.
- 5-3-130. Sign Overlay Zoning Districts.
- 5-3-140. Codes & Symbols.
- 5-3-150. Sign Types, Effects, Dimensions, Numbers, and Locations by Overlay District.

#### **5-3-010. Purpose.**

The purpose of this chapter is to eliminate excessive and confusing sign displays that create potential hazards to motorists, pedestrians, property, to improve appearance and views within the major transportation corridors by setting requirements for the location, type, number of, size, height, and lighting of signs and to preserve and improve the aesthetic values, economic prosperity, and visual qualities of Box Elder County.

#### **5-3-020. Definitions.**

**A Frame Sign:** A sign constructed of wood, plastic, or metal, having a solid surface for written advertising with two sides not exceeding 6 square feet on a side attached at the top to allow the sign to stand in an upright position weighted or anchored sufficiently at the bottom to prevent blow overs and to be movable at will.

**Abandoned Sign:** A sign which, for a period of at least one (1) year or longer no longer advertises or identifies a legal business establishment, an existing product or activity, or accurate information.

**Alterations:** A change or rearrangement in the structural parts or design whether by extending on a side, by increasing in area or height, or by relocating or change in position.

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**Awning Sign:** A sign which is integral with or placed on a translucent awning or other “fabric” covering a framework and which is backlit.

**Billboard:** A freestanding sign that identifies or communicates a commercial or non-commercial message regarding an activity, service, product, or matter that is not conducted on or related to the lot or parcel where the sign is located.

**Canopy Sign:** A sign which is mounted on and supported by a canopy and may be found either above the canopy or hanging beneath the canopy, but in all cases mounted perpendicular to the building.

**Changeable Copy:** A sign on which text or copy is changed manually ~~or electronically~~, but not including poster panels or painted bulletins.

**County Road:** Any roads built or maintained in whole or in part by Box Elder County or with the aid of Box Elder County funds.

**Fascia Sign:** A sign which is erected on or above the roof line of a building and which is wholly or partially supported by the building.

**Freestanding Sign:** A sign which is supported by one or more upright columns, poles, or braces, in or upon the ground.

**Identification:** A sign displayed to indicate the name or nature of a building, or of a use.

**Illuminated Sign:** A sign equipped with artificial lighting devices for the purpose of improving the sign’s visibility. This definition shall include internally and externally lighted signs.

**Interstate Highway:** Roads that receive federal aid or are considered to be part of the National Highway System.

**Marquee Sign:** A permanent roof like shelter extending from part or all of a building face and constructed of some durable material.

**Mobile Sign:** A sign mounted on trailer or frame, lighted or unlighted, which is not permanently attached to a structure or the ground.

**Monument Sign:** A sign mounted directly, or in close proximity, to the ground, and not over six (6) feet in height from the top of any required landscaped berm to the top of the sign cabinet which is incorporated into some form of landscaping design scheme, planter box, or berm.

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***Reg. of General Applicability: Signs 5-3-2***

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**Non-conforming Sign:** A sign or sign structure which lawfully existed at the time an applicable zoning or other ordinance became effective, but which does not presently conform to all the requirements of this Code.

**Official business directional sign:** A sign erected and maintained by the state or an entity authorized by the state to indicate to the traveling public the route and distance to public accommodations or commercial services for the traveling public.

**Off-premises Sign:** Any sign, including a billboard or general outdoor advertising device, that advertises or directs attention to a business, commodity, service, activity, or matter conducted, sold, or offered elsewhere than on the same lot or parcel upon which such sign is located.

**On-premise Sign:** A sign which advertises products or services available on the premises where the sign is located.

**Portable and temporary signs:** A sign, with or without changeable copy, intended for temporary use which is not permanently affixed to the ground or a structure. To include A Frame Signs and Mobile Signs.

**Projecting Wall Sign:** A sign which is affixed to an exterior wall or building or structure and which projects more than 18 inches from the building or structure wall, and which does not extend above the parapet, eaves, or building facade of the building upon which it is placed.

**Roof Sign:** A sign which is erected on or above the roof line of a building and which is wholly or partially supported by the building.

**Rotating Sign:** A sign which revolves three hundred sixty (360) degrees with continuing motion.

**Sign:** Any object, device, display, or structure, or a part thereof, used to visually convey a commercial and/or noncommercial message and design for the purpose of directing, attracting attention, or making known the subject thereof, but not including the lawful display of merchandise.

**Sign Area:** For signs that have a frame or a separate background, the area of a sign that is used for writing, representation, emblem or other display purposes located within the area of the frame or separate background containing the display, excluding the structural supporting framework, bracing or wall provided such wall meets zoning ordinance regulations and is clearly incidental to the display itself. In computing sign area, only one side of a back-to-back or double face sign shall be computed when the signs are parallel or diverge from a common edge by an angle of not more than thirty degrees (30°). For signs that do not have a frame or a



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separate background, sign area shall be computed on the basis of the least rectangle, triangle or circle large enough to frame the display, including any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. When a low profile sign is mounted on a base rising a maximum of three feet and consisting of materials matching the predominant materials used in the construction of the principal building on the premise where the sign is located, the area of the base shall not be included in the calculation of sign area.

**Sign Height:** The distance in vertical feet from the elevation of the adjacent dedicated public street, at the edge of the pavement, to the highest point of the sign structure. For property with an elevation higher than the adjacent public street, the height shall be measured from ground level at base of sign to the highest point of the sign structure. The ground shall not be altered for the sole purpose of providing additional sign height.

**Snipe Sign:** A sign which is attached to a public utility pole, light fixture poles, canopy supports, or the supports for another sign.

**State Road:** Any roads built or maintained in whole or in part by the state or with the aid of state funds.

**Tourist-oriented directional sign:** A sign erected and maintained by the state or an entity authorized by the state to indicate to the traveling public the route and distance to points of scenic, historic, cultural, educational, religious, and recreational interest.

### **5-3-030. Interpretation.**

The requirements of this Chapter shall not be construed to prohibit or limit other applicable provisions of this Code, the Box Elder County ordinances, or other laws. However, the requirements of this Chapter shall prevail over conflicting provisions of any other requirement in this Code unless a different standard is expressly authorized.

In interpreting and applying the provisions of this Code, the sign regulations contained herein are declared to be the minimum standards allowable for the purpose set forth. The types of signs allowed by this Code shall be plenary and sign types not specifically allowed as set forth within the Code shall be prohibited. It is not intended by this Chapter to interfere with nor abrogate nor annul any easement, covenants, nor other agreements between private parties existing at the time of the effective date of this Code; provided, however, that where this Code imposes a greater restriction upon signs, and the location thereof requires or imposes other conditions than those required or imposed by other laws, ordinances, or restrictions, the provisions of this Code shall control.

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In matters of interpretation, the provisions of this chapter shall be interpreted by the Zoning Administrator or designee.

### **5-3-040. Severability.**

This Chapter is hereby declared severable. In the event that any provision in this Chapter is declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or the enforcement of either this Chapter as a whole or any parts not declared invalid or unconstitutional.

### **5-3-050. General Regulations.**

- A. Except as provided in this Code, no sign shall be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered, or have the text of the sign changed, except in conformity with the regulations herein specified for the use district in which it is located. No permit is required for the maintenance of a sign nor is a permit required to change copy on painted, printed, or changeable copy signs.
- B. All signs hereafter erected in Box Elder County shall comply with the current standards of the National Electrical Code, the Uniform Building Code, and all other ordinances of Box Elder County.
- C. Unless otherwise specified in this Chapter, all signs may be illuminated. However no sign may utilize:
  - 1. An exposed incandescent lamp with an external reflector without a sunscreen or comparable diffusion;
  - 2. Any exposed incandescent lamp in excess of 15 watts unless a screen is attached;
  - 3. Any revolving beacon light.
- D. If any provision of this chapter conflicts with any provision of other codes, then the more restrictive provision shall apply.
- E. No person may engage in the business of erecting, altering, relocating, constructing, or maintaining signs without a valid Utah contractor's license and a valid business license. All persons involved in the maintenance, installation, or relocation of signs near or upon the public right-of-way or property shall agree to hold harmless and indemnify Box Elder County, its officers, agents, and employees, against any and all claims of negligence resulting from such work insofar as this Code has not specifically directed the placement of a sign. Such persons shall also maintain insurance to indemnify Box Elder County against any form of liability to a minimum of \$1,000,000.00.

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F. An Illuminated sign shall direct their light downward and be installed so that the light source cannot be seen by adjacent properties.

G. No electronic or digital signs are allowed in any sign zone within the unincorporated boundaries of Box Elder County, except gas station price signs.

### **5-3-060. Signs Not Regulated By This Chapter.**

These regulations pertain to all signs within Box Elder County, but shall not be construed to apply to:

- A. Official traffic or government signs installed for the benefit of the public, including official business directional signs and tourist-oriented directional signs;
- B. On-premise signs attached to windows or walls which are clearly of a temporary nature and which promote specific sales for short periods of time;
- C. Signs erected on private property and unaffiliated with any particular business being operated on that property which do not exceed twelve (12) square feet;
- D. Campaign election signs;
- E. Flags of any nation or flags of any government or non-commercial organization;

These provisions are not intended to regulate the copying of signs or the messages contained in the sign. This Chapter also does not regulate building design. Although not regulated by this Chapter the above signs may still require a building permit.

### **5-3-070. Inspections.**

The Building Official of Box Elder County shall have the following duties in regard to sign inspections:

- A. To make an initial inspection of any sign that requires a building permit upon the completion, erection, reconstruction or remodeling of the same and notification of said completion, erection, reconstruction or remodeling. This inspection shall be made to assure compliance with the provisions of these regulations, other ordinances of Box Elder County and conditions precedent to the issuance of a conditional use permit if applicable.
- B. To inspect each sign for which a complaint of non-compliance with local ordinances is

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made in writing to the building official.

- C. To make routine compliance checks of all signs to ensure conformance to these regulations, other ordinances of Box Elder County and conditions precedent to the issuance of a conditional use permit if applicable.

### **5-3-080. Enforcement.**

The Zoning Administrator of Box Elder County is hereby vested with the duty of enforcing the sign regulations of this Code and in the performance of such duty is empowered and directed:

- A. To issue sign permits to construct, alter, or repair signs which conform to the regulations of Box Elder County.
- B. To determine whether the construction, alteration, or maintenance of any sign is in conformance with regulations of Box Elder County and the conditions imposed precedent to the issuance of a conditional use permit, if applicable.
- C. To issue a notice of violation to any person having charge or control over the sign, and person who receives a direct pecuniary benefit from displaying the sign, or any person who is otherwise responsible for the erection, alteration, or maintenance of any sign found by the Zoning Administrator to be unsafe or dangerous, or in violation of the ordinances of Box Elder County.
- D. To institute any appropriate action or proceedings in any case where any sign is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or in any case where any sign is used in violation of any ordinance of Box Elder County, including, but not limited to the zoning ordinance, to accomplish the following purposes:
  - 1. To prevent such unlawful erection, construction, re-construction, alteration, repair, conversion, maintenance or use, and
  - 2. To restrain, correct, or abate such violation.
- E. To abate and remove any unsafe or dangerous sign which is not repaired or made safe within 5 business days after giving appropriate notice to the person having charge, control, or benefit of any such sign. In such an event, the person having charge, control, or benefit of such sign shall pay to Box Elder County the costs incurred in such removal within 30 calendar days after written notice is mailed to such person.
  - 1. Upon failure to pay the costs incurred in abating and removing an unsafe or dangerous sign, Box Elder County may, by action of its County Commission, place a lien against property owned by the person having charge, control or benefit of such sign to assure compliance with this provision. This provision for abatement and removal shall not apply to any sign for which a notice of



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violation is presently being appealed under the provisions of Chapter 2 of this Code.

2. This provision for abatement and removal shall not apply to any sign for which a notice of violation is presently being appealed under the provisions of Chapter 2 of this Code.
- F. To abate and remove any illegal sign other than unsafe or dangerous signs which is not made conforming within 60 business days after giving appropriate notice to the person having charge, control or benefit of any such sign. In such event, the person having charge, control or benefit of any such sign shall pay to Box Elder County the costs incurred in such removal within 30 calendar days after written notice is mailed to such person. Upon failure to pay the costs incurred in abating and removing an illegal sign, Box Elder County may, by action of its County Commission, place a lien against property owned by the person having charge, control or benefit of such sign to assure compliance with this provision. This provision for abatement and removal shall not apply to any sign for which a notice of violation is presently being appealed under the provisions of Chapter 2 of this Code.
- G. To abate and remove any non-maintained or abandoned sign which is not repaired or put into use within 10 business days after giving appropriate notice to the person having charge, control or benefit of any such sign. In such event, the person having charge, control or benefit of any such sign shall pay to Box Elder County the costs incurred in such removal within 30 calendar days after written notice is mailed to such person. Upon failure to pay the costs incurred in abating and removing a non-maintained or abandoned sign, Box Elder County may, by direction of its County Commission, place a lien against property owned by the person having charge, control or benefit of such sign to assure compliance with this provision. This provision for abatement and removal shall not apply to any sign for which a notice of violation is presently being appealed under the provisions of Chapter 2 of this Code.

### **5-3-090. Violations & Penalties.**

Any violations of this Chapter shall be subject to the enforcement procedures and penalties set forth in Chapter 2-4 of this Code.

### **5-3-100. Sign Permit & Permit Fee Required.**

All signs hereafter erected within Box Elder County shall be erected, reconstructed, or remodeled only in accord with the authority authorized by the sign permit issued by the County, unless such sign is not regulated as listed in Section 5-3-060. Application for a sign permit shall be made to the Zoning Administrator and shall be accompanied by a fee to defray the expenses to the County incurred in the administration of this Chapter. Such fee shall be established by resolution of the County Commission. A sign permit shall be issued by the Zoning Administrator if the proposed sign is found by the Zoning Administrator to be in

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compliance with the provisions of this Code and other ordinances of the County. If the Zoning Administrator feels it is in the County's best interest that the sign should be presented to and reviewed by the Planning Commission that right is reserved. A building permit issued through the Box Elder County Building Official shall also be obtained when required.

A property owner may apply for a sign permit as provided in this section. An agent of a property owner shall provide a notarized authorization.

**A. Procedure.** An application for a sign permit 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 and the applicant's agent, if any;
  - b. A statement by the applicant demonstrating how the sign permit request meets the approval standards of Subsection 2-2-150(E) of this section;
  - c. A plot plan showing the following:
    - 1) Applicant's name;
    - 2) Site address;
    - 3) Property boundaries and dimensions;
    - 4) Layout of existing and proposed buildings, parking, landscaping, and utilities; and
    - 5) Adjoining property lines and uses within one hundred (100) feet of the subject property.
  - d. An elevation drawing showing:
    - 1) Type of sign;
    - 2) Sign location in relation to nearest property line;
    - 3) Sign face design;
    - 4) Sign height;
    - 5) Sign face area;
    - 6) Sign illumination details; and
    - 7) Reflective elements and materials.
2. After an application is determined to be complete, the Zoning Administrator shall approve, approve with conditions or deny the application within five (5) business days pursuant to the standards set forth in Section 5-3-110(B) below. Any conditions of approval shall be limited to conditions needed to conform the sign permit 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 sign permits shall be maintained in the office of the Zoning

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Administrator.

- B. Approval Standards.** The following standards shall apply to the issuance of a sign permit.
1. A sign shall conform to applicable provisions of Chapter 5-3 of this Code.
  2. All signs shall be inspected by a designated officer of the County immediately after installation. The permittee shall request inspection within five (5) business days after installation.
  3. Building, electrical, and other permits shall be required as provided in the applicable building codes adopted by the County.
- C. Appeal.** Any person adversely affected by a final decision of the Zoning Administrator regarding a sign permit may appeal that decision to the Board of Adjustment as provided in Section 2-2-180 of this Code.
- D. Effect of Approval.** Approval of a sign permit shall authorize an applicant to:
1. Construct the sign as indicated on the permit, if no building, electrical, or any other permits are required.
  2. If a building, electrical, or any other permits are required, such permits shall be obtained prior to construction.
- E. Amendment.** The procedure for amending any sign permit shall be the same as the original procedure set forth in this section.
- F. Expiration.** A sign permit shall expire and have no further force or effect if the sign authorized by the permit is not installed within one hundred eighty (180) days after approval.

### **5-3-110. Non-Conforming Signs.**

Non-conforming signs may adversely affect the public health, safety, and welfare. Additionally, such signs may adversely affect the aesthetic characteristics of Box Elder County and may adversely affect public safety due to the visual impact of said signs on motorists and the structural characteristics of such signs.

A non-conforming sign that is permanently affixed to the ground or to a building may continue to be used, except that the non-conforming sign:

- A. Shall not be replaced, except in conformity with the provisions of this ordinance;
- B. Shall not be enlarged, altered, or rebuilt except in conformance with this ordinance, but it may be repaired to the extent necessary to maintain it in a safe and sanitary condition;

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and

- C. Shall not be replaced, expanded or modified by another non-conforming sign, except that the substitution or interchange of poster panels, painted boards, or dismountable material on non-conforming signs shall be permitted.
- D. Repair, reconstruction, and maintenance of a sign shall only include those actions required to restore the advertising sign to its original structural and mechanical condition. Such actions shall not include increasing the size or height of the advertising sign, converting the advertising sign to a multiple message or adding any attachments to the advertising sign.
- E. A non-conforming sign damaged by fire, wind, earthquake, or other calamity may be restored as it existed previously and its use may be continued as long as the non-conforming sign had not been previously abandoned, and so long as restoration is started within one (1) year and is diligently pursued to completion.

### **5-3-120. Maintenance & Repair.**

All signs shall be maintained in good condition, in such a manner as to preserve the condition, aesthetics, and life of such signs. Moving parts shall be maintained in operable condition. Signs designed to be lighted shall be maintained with a full array of lighting as intended by the design of each such sign.

Any signs not meeting the following provisions shall be repaired or removed in accordance with the following provisions:

- A. The area on private property around the sign on which it is erected shall be properly maintained clear of brush, trees, and other obstacles so as to make signs readily visible.
- B. All burned-out bulbs or damages panels must be replaced within a reasonable time.
- C. All sign copy shall be maintained securely to the face and all missing copy must be replaced within a reasonable time.
- D. All signs shall be designed, constructed, installed, and maintained so that public and traffic safety are not compromised.

### **5-3-130. Sign Overlay Zoning Districts.**



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There are hereby created four overlay zoning districts (S-1, S-2, S-3, & S-4) to regulate the sign type, sign effects, sign dimensions, number of signs, and sign location in Box Elder County. The Sign Overlay Zoning Districts are as follows:

**S-1** – Signs generally fronting on County roads and some State roads. Mostly residential/home business and some small commercial.

**S-2** – Signs generally fronting on State roads and some County roads. Mostly commercial and some home business.

**S-3** – Signs fronting on an interstate highway.

**S-4** – No signs allowed in this zone.

\* Except where a property that is zoned commercial/manufacturing falls within the S-1 overlay zone it is reviewed according to S-2 overlay zone standards.

\* All “unzoned” areas shall comply with S-1 overlay zone, except where S-2 overlay zone regulations are approved as part of a Site Plan application.

\* Sign Zone S-3 falls within a buffer 200 feet from the centerline of the interstate highway they front on.

### 5-3-140. Codes & Symbols.

In the following section the sign type, sign effects and copy content, sign dimensions, number of signs, and sign location which are allowed in the various districts are shown as “permitted” indicated by a “P” in the appropriate column (headed by the overlay zoning district designation), or as “administrative conditional uses,” indicated by a “C1” in the appropriate column. If a regulation applies in a given district, it is indicated in the appropriate column by a number to show the linear or square feet required. If the regulation does not apply, or if it is not allowed in a given district, it is either not named in the use list or is indicated in the appropriate column by a dash, “-.”

### 5-3-150. Sign Types, Effects, Dimensions, Numbers, and Locations by Overlay District.

SIGN OVERLAY DISTRICT				
“P” = Permitted Uses “C” = Conditional Uses “A” = Applies “-“ = Not permitted				
	S-1	S-2	S-3	S-4
SIGN TYPE				
ON-PREMISE SIGNS				

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A	1	a. Free Standing	P	P	C1	-
		b. Marquee	P	P	-	-
		c. Projecting Wall	P	P	-	-
		d. Roof	P	P	-	-
		e. Fascia	P	P	-	-
		f. Canopy	P	P	-	-
		“P” = Permitted Uses “C” = Conditional Uses “A” = Applies “-“ = Not permitted	S-1	S-2	S-3	S-4
		g. Under Canopy	P	P	-	-
		h. Monument	P	P	-	-
		i. Awning	P	P	-	-
		j. Portable and Temporary	P	P	-	-
2	<b>OFF-PREMISE SIGNS</b>					
	a. Free Standing	-	-	C1	-	
B	1	<b>SIGN EFFECTS</b>				
		<b>ON-PREMISE SIGNS (BILLBOARDS EXCLUDED)</b>				
		a. Identification	P	P	P	-
		b. Illuminated	P	P	P	-
		c. Rotating	-	P	P	-
	d. Changeable Copy	P	P	P	-	
	2	<b>OFF-PREMISE SIGNS</b>				
		a. Illuminated	-	-	C1	-
	b. <del>Changeable Copy</del>	-	-	<del>C1</del>	-	
	<b>SIGN DIMENSIONS</b>					
1. Sign Height (in feet)		10	30	40	-	
2. Maximum Sign Area on Premise (total in square feet)			250	672	-	

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<b>C</b>		Non-home occupation (per sign face)	<b>40</b>	<b>150</b>	-	-
		Home occupation (total in square feet) * The following applies to S-1 only: Minimum = 2 square feet Maximum = 16 square feet 2 square feet for every ½ acre of land use zone (i.e. R-1-20 = 2 square feet, RR-2 = 8 square feet)	<b>*16</b>	<b>16</b>	-	-
		“P” = Permitted Uses “C” = Conditional Uses “A” = Applies “-” = Not permitted	<b>S-1</b>	<b>S-2</b>	<b>S-3</b>	
		<b>3. Maximum Sign Area off Premise (in square feet) with minimum spacing of 2,000 feet. (Billboards)</b>	-	-	<b>672</b>	-
<b>D</b>	<b>1</b>	<b>NUMBER OF SIGNS</b>				
		<b>ON-PREMISE SIGNS</b>				
		a. Free Standing	<b>1</b>	<b>1</b>	<b>1</b>	-
		b. Marquee	<b>1</b>	<b>1</b>	-	-
		c. Projecting Wall	<b>1</b>	<b>1</b>	-	-
		d. Roof	<b>1</b>	<b>1</b>	-	-
		e. Fascia	<b>1</b>	<b>2</b>	-	-
	f. Canopy	<b>1</b>	<b>1</b>	-	-	
	<b>2</b>	<b>OFF-PREMISE SIGNS</b>				
		a. Free Standing	-	-	<b>1</b>	-
b. Roof		-	-	-	-	
<b>E</b>	<b>LOCATION OF SIGNS</b>					
	<b>1. Minimum Setback from Public Right-of-Way (in feet)</b>	<b>10</b>	<b>10</b>	<b>10</b>	-	
	<b>2. Minimum Distance Between Signs Off-Premise “billboards” minimum spacing in lineal feet</b>	-	-	<b>2000</b>	-	

**NOTE** - Signs are not permitted on public property or within the public right-of-way or above the public right-of-way.