

Box Elder County Land Use Management & Development Code

Article 5: Regulations of General Applicability

Chapter 5-1 - Regulations Applicable To All Zones

Box Elder Zoning Ordinance as Adopted October 2007

- 5-1-010. Purpose.
- 5-1-020. Scope.
- 5-1-030. Definitions.
- 5-1-040. Curbs, gutters, sidewalks, street paving, etc. condition building permit approval.
- 5-1-050. Conditional use permit required for Restricted Lots.
- 5-1-060. Substandard lots at time of Code passage. **(Ordinance 303)**
- 5-1-070. Lot standards and street frontage.
- 5-1-080. Every dwelling to be on a lot – Exceptions.
- 5-1-090. Lots and dwellings fronting on private streets – Special provisions.
- 5-1-100. Yard space for one building only.
- 5-1-110. Yards to be unobstructed – Exceptions.
- 5-1-120. Exceptions to height limitations.
- 5-1-130. Additional height allowed.
- 5-1-140. Minimum height of dwellings.
- 5-1-150. Maximum height and floor area of accessory buildings **(Ordinance 345)**
- 5-1-160. Area of accessory buildings.
- 5-1-170. Water and sewerage requirements.
- 5-1-180. Clear view of intersecting streets.
- 5-1-190. Fences may be required.
- 5-1-200. Maximum height of fences, walls, and hedges.
- 5-1-210. Sale or lease of required space.
- 5-1-220. Construction subject to geologic or flood hazards.
- 5-1-230. Location of gasoline pumps.
- 5-1-240. Property divided by zoning district boundaries.
- 5-1-250. Utility extensions authorized only to permitted structures and buildings.
- 5-1-260. Utilities responsible for excavations.
- 5-1-270. Property owned by other government units – effect of land use and development ordinances.
- 5-1-280. Effect of General Plan on front yard requirements.
- 5-1-290. Home Occupation.
- 5-1-300. Conservation of values. **(Ordinance 249)**
- 5-1-310. Corner Lots.
- 5-1-320. Flag Lots.
- 5-1-330. Large Scale Utility Line Installations **(Ordinance 300)**
- 5-1-340. Box Elder County Minimum Road Standards **(Ordinance 330; 379)**
- 5-1-350. Cannabis Production Establishments. **(Ordinance 500)**
- 5-1-360. Annexation Policy. **(Ordinance 573)**
- 5-1-370. Multiple Family Dwellings. **(Ordinance 588)**

Reg. of General Applicability: Regulations Applicable To All Zones 5-1-1

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Box Elder County Land Use Management & Development Code

Article 5: Regulations of General Applicability

5-1-380. Swimming Pools. (Ordinance 606)

5-1-010. Purpose.

This Chapter establishes several miscellaneous land development regulations, which are applicable throughout the County regardless of zone and shall apply to all zoned and un-zoned areas of unincorporated Box Elder County.

5-1-020. Scope.

The requirements of this Chapter shall apply in addition to the development and use standards set forth in other chapters of this Code, including base zones, special purpose and overlay zones, development regulations of general applicability, and regulations for specific uses. 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. Provided however, that the requirements of this Chapter shall prevail over conflicting provisions of any other requirement in this Code unless a different standard is expressly authorized.

5-1-030. Definitions.

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

5-1-040. Curbs, Gutters, Sidewalks, Street Paving, etc. - Condition Building Permit Approval.

The installation of curb, gutter, sidewalks, street paving, drainage culverts, and covered or fenced irrigation ditches of a type approved by the County Commission shall be required on any existing or proposed street adjoining a lot on which a building is to be established. Such curbs, gutters, sidewalks, paving, drainage culverts, and safety features for irrigation ditches and canals, etc., are required as a condition of building permit approval, when Box Elder County adopts a policy that such street is to be improved according to a given plan adopted by Box Elder County.

5-1-050 Conditional Use Permit Required for Restricted Lots.

Reg. of General Applicability: Regulations Applicable To All Zones 5-1-2

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Box Elder County Land Use Management & Development Code

Article 5: Regulations of General Applicability

No building permits shall be issued for construction of any building or structure to be located on a restricted lot unless a valid Conditional Use Permit for the same has previously been issued pursuant to this Code.

5-1-060. Substandard Lots at Time of Code Passage. (Ordinance 303)

Any lot legally held in separate ownership at the time of adoption of this Code, which lot is below the requirements for lot area or lot width or frontage for the district in which it is located and on which lot a dwelling would be permitted if the lot meets the area requirements of the Code, may be used for a single-family dwelling. The width of each of the side yards for such dwelling may be reduced to a width which is not less than the same percentage of the lot width as the required side yard would be of the required lot width, provided that in no case shall the smaller of the two yards be less than five (5) feet; nor shall the total width of the two yards be less than thirteen (13) feet; provided however, that when this Code replaces a previously adopted zoning ordinance, if a lot was legally created under the provisions of that ordinance, it shall be classified as a legal non-conforming lot under this Code.

5-1-070. Lot Standards and Street Frontage.

Except as otherwise provided in this Code, every lot presently existing or hereafter created shall have such area, width, and depth as required by this Code for the district in which such lot is located and shall have frontage upon a public street or upon a private street or right-of-way, before a building permit may be issued. In un-zoned areas the regulations shall be:

WIDTH/FRONTAGE REGULATIONS	
The minimum width/frontage of any lot at the street right-of-way line in feet shall be	100 feet
FRONT YARD REGULATIONS	
The minimum depth in feet for the front yard for main buildings and accessory buildings shall be	30 feet
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 feet

Reg. of General Applicability: Regulations Applicable To All Zones 5-1-3

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Box Elder County Land Use Management & Development Code

Article 5: Regulations of General Applicability

Where the proposed minimum right-of-way is more than 66 feet,	the setback in feet shall be $\frac{1}{2}$ proposed right-of-way, plus 30 feet
REAR YARD REGULATIONS	
The minimum depth in feet for the rear yard for main buildings shall be	30 feet
Accessory buildings, *Minimum setback reduced to 5 feet so long as they do not encroach on a public utility easement.	5* feet
SIDE YARD REGULATIONS	
The minimum side yard in feet for any main building shall be	15 feet
Accessory buildings, *Minimum setback reduced to 5 feet so long as they do not encroach on a public utility easement.	5* feet

5-1-080. Every Dwelling to be on a Lot – Exceptions.

Every dwelling structure shall be located and maintained on a separate lot having no less than the minimum area, width, depth and frontage required by this Code for the district in which the dwelling structure is located, except that farm or ranch dwellings, group dwellings, and other multi-structure dwelling complexes under single ownership and management, which are permitted by this Code and have approval from the Planning Commission, may occupy a single lot.

5-1-090. Lots and Dwellings Fronting on Private Streets - Special Provisions.

Lots with frontage only on private streets shall be allowed by conditional use permit procedure only, unless being created through the subdivision process, and shall be subject to all applicable requirements of this Code.

5-1-100. Yard Space for One Building Only.

No required yard or other open space around an existing building or which is hereafter provided around any building for the purpose of complying with the provisions of this Code shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot where on a building is to be erected or established.

Reg. of General Applicability: Regulations Applicable To All Zones 5-1-4

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Box Elder County Land Use Management & Development Code

Article 5: Regulations of General Applicability

5-1-110. Yards to be Unobstructed – Exceptions.

Every part of a required yard shall be open to the sky, unobstructed except for permitted accessory buildings in a rear yard, the ordinary architectural projections of skylight, sills, belt courses, cornices, chimneys, flues, and other ornamental features which project into a yard not more than two and one half (2 ½) feet, and open or lattice-enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers projecting into yard not more than five (5) feet.

5-1-120. Exceptions to Height Limitations.

Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless, radio, or television masts, theater lofts, silos, energy generation and conservation apparatus, or similar structures may be erected above the height limits herein prescribed. Nonetheless no space above the height limit shall be allowed for purposes of providing additional floor space, nor shall such increased height be in violation of any other ordinances or regulations of Box Elder County.

5-1-130. Additional Height Allowed.

Public buildings and utility buildings, when authorized in a district, may be erected to a height greater than the district height limit by conditional use permit.

5-1-140. Minimum Height of Dwellings.

No dwelling shall be erected to a height less than one (1) story above grade, except in a planned unit development.

5-1-150. Maximum Height and Floor Area of Accessory Buildings. (Ordinance 345)

No building which is accessory to a one-family, two-family, three-family, or four-family dwelling shall be erected to a height greater than twenty-five (25) feet, nor be higher, nor contain greater square foot floor area than the principal building to which it is accessory. The accessory building shall comply with the setback distances required by this Code for the district in which such lot is located.

Box Elder County Land Use Management & Development Code

Article 5: Regulations of General Applicability

5-1-160. Area of Accessory Buildings.

No accessory building or group of accessory buildings in any residential district shall cover more than twenty-five (25) percent of the rear yard.

5-1-170. Water and Sewerage Requirements.

In all cases where a proposed building or proposed use will involve the use of sewage facilities, and a connection to a public sewer system as defined by the Utah State Division of Health is not available; and in all cases where a connection to a public water system approved by the Utah State Division of Health is not available: the sewage disposal system and the domestic water supply shall comply with requirements adopted by Box Elder County, and the application for a building permit shall be accompanied by evidence of the physical presence, legal right to and availability of culinary water acceptable to Box Elder County and showing the actual physical presence, legal right and availability of a sewer system for the proposed building or use.

5-1-180. Clear View of Intersecting Streets.

In all districts which require a front yard, no obstruction to view in excess of two (2) feet in height shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points forty (40) feet from the intersection of the street lines, except pedestal type identification signs and pumps at gasoline service stations, and a reasonable number of trees pruned so as to permit unobstructed vision to automobile drivers. Additional clear view area may be required by the Box Elder County Roads Department based on guidance from the latest version of the American Association of State Highway and Transportation Officials (AASHTO) publication, "A Policy On The Geometric Design Of Highways and Streets".

5-1-190. Fences May Be Required.

When approved by the County Commission, the Planning Commission may require the erection of fences as a prerequisite to approval of any project or to the granting of any building permit where, in the opinion of said Commission, this is necessary to protect life and property, or to prevent conflict of uses. Such fences shall be of a type and size necessary, in the opinion of the Planning Commission, to accomplish the above-stated purpose.

5-1-200. Maximum Height of Fences, Walls, and Hedges.

- A. Fences, walls, and hedges may be erected or allowed to the permitted building height in the district when located within the required buildable area.

Box Elder County Land Use Management & Development Code

Article 5: Regulations of General Applicability

- B. Front Yard: Fences, walls, and hedges which are view-obscuring may be built to a maximum height of three feet (3') in any required front yard perimeter. Non view-obscuring fences or walls may be erected to a maximum height of four feet (4') within the front yard.
- C. Rear Yard, Side Yard (Interior Lot): Fences, walls, and hedges may not exceed 6 feet in height within any required rear yard or interior side yard.
- D. Corner Lots: Fences, walls, and hedges not more than six (6') feet in height may be constructed along the perimeter of any required side yard adjacent to a public street on a corner lot, provided it does not obstruct clear view of intersecting streets as defined in section 5-1-180 of this chapter and once an excavation permit has been obtained from the Box Elder County Roads Department.
- E. For the purpose of this section, single shrub planting shall not constitute a hedge if the closest distance between the foliage of any two (2) plants is and remains at least five (5) feet.
- F. Where a fence, wall, or hedge is located along a property line separating two (2) lots and there is a difference in the grade of the properties on the two sides of the property line, the fence, wall, or hedge may be erected or allowed to the maximum height permitted on either side of the property line.
- G. There shall be no fence nor hedge within three (3) feet of any fire hydrant.

5-1-210. Sale or Lease of Required Space.

No space needed to meet the width, yard, area, coverage, parking or other requirements of this Code for lot or building may be sold or leased away from such lot or building.

5-1-220. Construction Subject to Geologic and Flood Hazards.

- A. Whenever development or construction is or may be subject to geologic or flood hazards, the Planning Commission may require the applicant to submit a geologic and soils survey report prepared by a qualified professional team.
- B. When such report indicates a lot to be subject to unusual potential or actual geological or flood hazards, the applicant shall meet the special conditions required by the Planning Commission to reduce or eliminate such hazard, or if such conditions cannot be met or will not be met, the application for a building or conditional use permit shall be denied.

5-1-230. Location of Gasoline Pumps.

Reg. of General Applicability: Regulations Applicable To All Zones 5-1-7

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Box Elder County Land Use Management & Development Code

Article 5: Regulations of General Applicability

Gasoline pumps shall be set back no less than eighteen (18) feet from any street line (property line) to which the pump island is perpendicular, and twelve (12) feet from any street line to which the pump island is parallel, and not less than ten (10) feet from any residential or agricultural district boundary line. If the pump island is set at an angle on the property, it shall be so located that the automobiles stopped for service will not extend over the property line.

5-1-240. Property Divided by Zoning District Boundaries.

Where a zoning district boundary cuts through a lot existing at the time of adoption of this Code, the use regulations governing the portion of the lot located within the zone that has the majority of the property shall govern the use and development of the entire lot, unless a variance has been granted by the Hearing Officer in accordance with the limitations of Chapter 2-2 of this Code --- Hearing Officer. Legally existing non-conforming uses and buildings on the lot, and lots that can be legally subdivided into two or more legal conforming lots are exempt.

5-1-250. Utility Extensions Authorized Only to Permitted Structures and Buildings.

No sewer service line, water service line, electrical, nor gas utility line shall be installed by a public or private company to a building, structure, or use which does not comply with the provisions of this Code or other local regulations.

5-1-260. Utilities Responsible for Excavations.

It is the intent of this Code to hold franchised utilities responsible for all excavations, back-filling and paving. To this end all such work, whether done by a private or public entity shall be commenced only pursuant to the issuance of a permit. Cuts and fills shall be constructed according to standards established by Box Elder County.

5-1-270. Property Owned by Other Government Units – Effect of Land Use and Development Ordinances.

- A. Each county, municipality, school district, special district, and political subdivision of the state shall conform to any applicable land use ordinances of the County when installing, constructing, operating, or otherwise using any area, land, or building situated within the unincorporated portion of the County.
- B. In addition to any other remedies provided by law, when the County's land use ordinance is violated or about to be violated by another political subdivision, the

Box Elder County Land Use Management & Development Code

Article 5: Regulations of General Applicability

County may institute an injunction, mandamus, abatement, or other appropriate action or proceeding to prevent, enjoin, abate, or remove the improper installation, improvement, or use.

- C. A school district is subject to the County's land use ordinances as required by state statute, except that the County may not:
1. impose requirements for landscaping, fencing, aesthetic considerations, construction methods or materials, building codes, building use for educational purposes, or the placement or use of temporary classroom facilities on school property;
 2. require a school district to participate in the cost of any roadway or sidewalk not reasonably necessary for the safety of school children, and not located on or contiguous to school property, unless the roadway or sidewalk is required to connect an otherwise isolated school site to an existing roadway;
 3. require a school district to pay fees not authorized by state statute;
 4. provide for inspection of school construction or assess a fee or other charges for inspection, unless the school district is unable to provide for inspection by an inspector, other than the project architect or contractor, who is qualified under criteria established by the state superintendent;
 5. require a school district to pay any impact fee for any improvement project that is not reasonably related to the impact of the project upon the need which the improvement is to address; or
 6. impose regulations upon the location of a project except as necessary to avoid unreasonable risks to health or safety.

5-1-280. Effect of General Plan on Front Yard Requirements.

Wherever a lot is adjacent to a mapped street in or on the adopted Official Map of Box Elder County General Plan, there shall be a front yard provided which is measured from planned edge of the future right-of-way.

5-1-290. Home Occupation.

- A. An Administrative Conditional Use Permit may be approved by the Zoning Administrator for a home occupation, i.e., an occupation of a person or family where they reside and which occupation is clearly incidental and secondary to the use of the
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Reg. of General Applicability: Regulations Applicable To All Zones 5-1-9

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Box Elder County Land Use Management & Development Code

Article 5: Regulations of General Applicability

structure for dwelling and residential purposes, and does not change the residential character of the dwelling or the neighborhood, and in connection with which there is no display and/or stock of merchandise.

B. *Definitions.*

1. “Home Occupation” shall mean any business activity, other than those listed below, which is conducted entirely within a dwelling or attached garage and is clearly incidental, secondary and in addition to the use of the structure for dwelling purposes. The purpose of the home occupation section is to allow the use of a portion of a home by one of its residents for business purposes, while establishing standards to ensure that the business use of the home will not adversely impact the residential character of the neighborhood in which the home occupation is located.

Unless otherwise prohibited herein, a home occupation is allowed as specified in respective zones provided it maintains compliance with the requirements and standards listed in this section.

C. *Prohibited uses.* The following uses are prohibited as home occupations:

1. Ambulance service;
2. Animal and veterinary clinic;
3. Any use involving the storage or sale of inflammable, explosive, or hazardous materials;
4. Body piercing, body art, or tattoo parlor;
5. Clinic or hospital;
6. Junkyards;
7. Lawn mower or small engine repair;
8. Major appliance repair or sales (washer, dryers, refrigerators, etc.);
9. Mortuaries or crematoriums;
10. Motor vehicle, boat, or recreational vehicle repair or sales (to include auto body repair);
11. Personal or commercial storage;
12. Restaurant;
13. Sexually oriented business.
14. Towing operations;
15. Trucking or heavy equipment operations; or
16. Welding, iron works, foundries.

D. *Exemptions.* The following activities are exempted from regulation under this section:

1. Garage or yard sales; provided the sale is held for not more than three (3) consecutive days, and no more than two (2) times per year at the same location, and no consignment goods are offered for sale;

Box Elder County Land Use Management & Development Code

Article 5: Regulations of General Applicability

2. Temporary social gathering sales that do not exceed one (1) day, such as candle parties, book parties, etc. not to exceed four (4) occurrences per year.

E. *Requirements.* A home occupation shall comply with the following requirements:

1. An application for a land use permit with a site plan depicting the site boundaries and relevant buildings or facilities on-site shall be required in order to verify zoning requirements.
2. The property owner's written authorization shall be submitted as part of the application for the home occupation.
3. The home occupation shall obtain an annual business license.

F. *Standards.* A home occupation shall comply with the following standards:

1. The primary use of the dwelling must be residential. The extent of a home occupation shall be incidental and secondary to the use of the property for residential purposes.
2. The person(s) operating the business must reside in the dwelling on a full-time basis (at least nine months per year). Up to two additional persons may be employed by the home occupation provided the residence is on a lot with a minimum of one (1) acre in area.
3. The home occupation shall retain the general character and appearance of a residential dwelling and not change the general character of the neighborhood except for approved signage and parking. No exterior remodeling shall take place that would change the residential appearance of the home.
4. Interior structural alterations made to the home are allowed only if they are consistent with its primary use as a dwelling.
5. Except as specified herein, the home occupation shall only be allowed inside a dwelling unit or in an on-site accessory building. The home occupation shall not use any space in a yard or any space on the premises outside of the dwelling or accessory building. This does not apply to the following:
 - a. A child day care or preschool, or an adult day care may use outdoor facilities for outdoor recreation or leisure.
 - b. Instructional activities may be conducted outdoors provided that the instruction is limited to lessons and lesson-related equipment, materials, or objects in such a manner that maintains compliance with subsection F(3) of this section. Instructional activities shall not include recitals, competitions, tournaments, shows, or performances that may draw spectators. Instructional activities conducted outdoors or in an accessory building shall not involve any of the following:
 - 1) Manufacturing, industrial processes, or the use of heavy equipment or machinery;
 - 2) Commercial scale assembly or creation of goods or materials;

Box Elder County Land Use Management & Development Code

Article 5: Regulations of General Applicability

- 3) Commercial scale construction or contractor activities; or
- 4) Outdoor storage.
6. Customers shall be allowed at the residence only if scheduled on an appointment basis, and are only allowed between the hours of seven a.m. (7 AM) and nine p.m. (9 PM). The hours of operation for day-care and preschool centers shall not begin any earlier than six a.m. (6 AM), or operate later than ten p.m. (10 PM) seven days a week. Group lessons or sessions shall not exceed six people at a time.
7. When day-care and preschool centers for 4 or more children under the age of 14 for more than 4 hours a day are approved as a home occupation, the following conditions will also be required:
 - a. A license shall be issued by the Utah Department of Workforce Services for the same, and all regulations and conditions imposed by that agency observed.
 - b. Copies of all required State licenses will be attached to the application.
 - c. Outside yard space will be fenced for the protection of the children (contain them safely).
8. Home occupations with visiting clientele will be subject to the following standards:
 - a. No more than one home occupation with visiting clientele shall be permitted on any property.
 - b. No home occupation with visiting clientele shall be allowed in multifamily dwelling units.
9. The storage or display of supplies, inventory, equipment, or materials in any portion of the yard is prohibited.
10. The home occupation shall not substantially increase the demand for public services in excess of those usually and customarily provided for residential uses. It shall not substantially increase foot and vehicular traffic, parking, noises, lighting, glare, vibration, odors, smoke, dust or airborne particulate matter, heat, fumes, refuse, interference with radio and/or television reception, or anything else that is uncommon to the established character of the neighborhood to such a degree as to constitute a nuisance to the residents of the immediate area.
11. The home occupation shall not create noise in excess of 60 decibels as measured from the property line.
12. Outdoor lighting used for the home occupation shall be downward directional and one hundred percent (100%) shielded from view from adjacent properties.
13. In addition to the parking spaces required for the residents of the dwelling, parking for customers and for any employee(s), if allowed under subsection F(6) above, must be provided in the driveway or garage.

Box Elder County Land Use Management & Development Code

Article 5: Regulations of General Applicability

14. No vehicle larger than a passenger car, van, or one-ton pickup truck is allowed to be brought to, parked on, or stored on the property in conjunction with a home occupation.
15. The storage or parking on the premises of tractor trailers, semi-trucks, or other heavy equipment used for an off-premises business shall not exceed more than two 80,000 pound or less semi-trucks with trailers (Class 8 GVWR or less) and requires a minimum acreage size of 2 acres. All trucks and trailers used as part of the home occupation shall be licensed and registered, and parked in accordance with this land use code.
16. Only those tools, equipment, or electric apparatus that are commonly used as accessories to or in conjunction with residential uses are allowed to be used as part of the home occupation.
17. Barber or beautician services shall be limited to two stations per residence.
18. Tanning salons shall be limited to two tanning beds per residence.
19. The condition of the dwelling and landscaped areas shall be well maintained.
20. The home occupation shall maintain compliance with all applicable local, state, and federal regulations.

G. *Home occupation sign.* Any sign must comply with Chapter 5-3 of the Box Elder County Land Use Management and Development Code.

H. *Inspections.* Inspection during reasonable hours by county officials may occur as necessary to assure compliance with these regulations.

I. *Regulations and Enforcement.*

1. An application for a home occupation shall be submitted to the Planning and Zoning Department of Box Elder County for review and shall be accompanied by the application fee. Upon finding that the applicant understands and agrees to comply with the standards set forth in Section 5-1-290(F), the application shall be approved.
2. All home occupations are required to obtain a Box Elder County business license. The business license shall be renewed each year that the business is in operation.
3. Violations of the standards set forth in Section 5-1-290(F) shall be subject to the penalties outlined in Chapter 2-4 of this code. In addition, a business license revocation hearing may be scheduled at the discretion of the Box Elder County zoning administrator for any home occupation found to be in violation of the home occupation standards or of any other county ordinance.
4. The business owner is responsible for complying with all applicable health, fire, building and safety codes.

Box Elder County Land Use Management & Development Code

Article 5: Regulations of General Applicability

5. All home occupations shall be reviewed for compliance with the provisions of this section.
6. A change of business ownership and/or relocation to a new address is considered a new business and requires separate approval.

5-1-300. Conservation of Values.

The appearance and condition of premises has a significant effect on property values, wholesomeness of surroundings and moral values. Accordingly, the following regulations shall apply:

- A. The outside surface of buildings which are constructed of wood shall be coated with paint or other wood preservative before such building is occupied or used.
- B. Whenever a front yard is required, such yard shall be planted and maintained in lawn and shrubbery except for walks and driveways.
- C. Trash, weeds or other material liable to contribute to a fire hazard, infestation by rodent or insects, shall not be allowed to remain on any lot outside of approved containers in Box Elder County, and no junk, debris, abandoned or dismantled vehicles, or similar refuse material shall be stored or allowed to remain outdoors except in an MD or MG district by conditional use permit.
- D. View obscuring fences shall be installed by the property owner to block the view from the public right-of-way, or from neighboring properties whenever uses of land are found by the Planning Commission to be offensive, detracting, obnoxious, visually polluting or otherwise visually devaluing to the Community.

5-1-310. Corner Lots. On a corner lot, there are two front yards.

5-1-320. Flag Lots (Ordinance 249)

All flag lots shall be approved as a special provision to Box Elder County Land Use and Development Code by the Planning Commission in accordance with the following provisions:

1. All flag lots shall be approved as a special provision to the Land Use and Development Code by the Planning Commission. The Planning Commission may grant approval only if 1) The applicant makes written application for a flag lot on a form approved by the Planning Commission and pays the required fees at the time the application is submitted, 2) there are special circumstances attached to the property that do not generally apply to other properties in the same area and, 3) the Planning Commission specifically finds that all of the following conditions are met as to the proposed flag lot:

Reg. of General Applicability: Regulations Applicable To All Zones 5-1-14

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Box Elder County Land Use Management & Development Code

Article 5: Regulations of General Applicability

- a. It is necessary, reasonable and feasible to allow the flag lot in the area;
 - b. Approval of a flag lot in the area will not substantially affect the general plan;
 - c. Approval of a flag lot in the area will not be contrary to the public interest;
 - d. The staff of the flag lot has a minimum width of thirty (30) feet
 - e. The staff of the flag lot has a maximum length of two hundred and fifty (250) feet
 - f. The flag lot, exclusive of the staff portion meets all of the zoning requirements of a lot in the area in which it is located; or be a minimum of ½ acre in lot size, whichever is greater.
 - g. The applicant for a flag lot has prepared plan showing the location of fire hydrants to serve the flag lot and that plan has been approved by the Fire Marshall.
2. Flag lots shall be approved only in subdivisions containing four (4) lots or fewer.
 3. The staff portion of a flag lot shall be used only for ingress/egress. The staff portion shall be landscaped to be in harmony with other adjacent property and shall be improved by the installation of an improved hard surface such as concrete, asphalt or compacted road base with a dust prevention treatment.
 4. All improvements to the flag lot, including installation of the hard surface and fire hydrants, shall be performed at the applicant's expense. No certificate of occupancy shall be issued for the proposed flag lot until the improvements are fully installed.
 5. The Planning Commission may impose such additional requirements or conditions on the proposed flag lot as it deems necessary.
 6. The Planning Commission may hold a public hearing on each flag lot application it receives. Notice of such hearings shall be given to property owners within a three-hundred (300) foot radius of the proposed flag lot. The costs of such notices shall be paid by the applicant.

5-1-330. LARGE SCALE UTILITY LINE INSTALLATIONS (Ordinance 300; 8-5-2008)

Reg. of General Applicability: Regulations Applicable To All Zones 5-1-15

(Updated 7-08; 8-8-08; 1-6-10, 3-23-10, 4-1-10, 8-10-10; 1-22-2014)

Box Elder County Land Use Management & Development Code

Article 5: Regulations of General Applicability

A. INTENT

The intent of this section is to allow the installation of major electric power, natural gas, and water transmission lines, and other public and private utility lines while meeting the responsibility to provide for the health, safety, and general welfare of the public and protect the environment.

B. SCOPE

Large-scale utility line installations shall be permitted only when in compliance with this ordinance and the regulations set forth in this section. The following are large-scale utility line installations:

1. Electric power transmission lines with a voltage greater than one hundred thirty eight [138] kV or more, or that cross a distance of 12 miles or more.
2. Gas transmission lines design pressure of six hundred [600] psi or more, or a pipe diameter of sixteen [16] inches or more, or that cross a distance of 12 miles or more.
3. Water transmission facilities with a capacity of fifty [50] second-feet or more, or that cross a distance of 12 miles or more, except those providing irrigation water to agricultural operations within Box Elder County limits.
4. Other utility installations such as, but not limited to, fiber optic, oil, telephone, cable television/internet service which are sized such that they could provide service to 1000 residences or more, or that are being constructed to provide services primarily outside of Box Elder County and crosses a distance of 12 miles or more.

C. CONDITIONAL USE PERMIT/ GENERAL PLAN AMENDMENT REQUIRED

In all areas of unincorporated Box Elder County, whether zoned or un-zoned, any proposed large-scale utility line installation which will not be located or co-located within 150 feet, for its entire length, of an existing utility line of equivalent size, height and capacity, can be approved as a conditional use only if the General Plan of Box Elder County has first been amended to identify the proposed location of the large-scale line as an approved public utility corridor. No such amendment to the Box Elder County General Plan shall be required if the proposed large-scale utility line installation will be located or co-located within 150 feet of an existing utility line of equivalent size, height and capacity for its entire length.

Reg. of General Applicability: Regulations Applicable To All Zones 5-1-16

(Updated 7-08; 8-8-08; 1-6-10, 3-23-10, 4-1-10, 8-10-10; 1-22-2014)

Box Elder County Land Use Management & Development Code

Article 5: Regulations of General Applicability

The general plan amendment application and conditional use permit application may be processed concurrently, provided the general plan amendment is adopted prior to the conditional use permit being issued. If the applications are processed concurrently and the general plan amendment is not adopted the conditional use permit fees will not be refunded and any conditional use approvals shall be void.

In the event an amendment to the General Plan of Box Elder County is required, the amendment shall be accomplished in accordance with the requirements of the Box Elder County Land Use Management & Development Code and any other requirements imposed by Utah law. The individual and/or entity seeking such amendment shall be responsible for the costs of consultants hired by the Box Elder County to review and manage the General Plan amendment process.

In the event an amendment to the General Plan of Box Elder County is not required, the individual and/or entity seeking approval of the proposed large-scale utility line shall conform to the Box Elder County Land Use and Management Code requirements for approval of a conditional use permit.

5-1-340. BOX ELDER COUNTY MINIMUM ROAD STANDARDS (Ordinance 330)

A. INTENT

The intent of this section is to provide a minimum standard for present and future development involving inhabited structures in the zoned and un-zoned areas of unincorporated Box Elder County and appropriately provide for the health, safety, and general welfare of the public and to protect the environment.

B. SCOPE

The drawings of this Chapter shall serve as minimum standards to the development and use standards set forth in other chapters of this Code, including but not limited to base zones, special purpose and overlay zones, development regulations of general applicability, regulations for specific uses, and subdivisions. The drawings 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; provided, however, that the drawings of this Chapter shall prevail over conflicting provisions of any other requirement in this Code unless a different standard is expressly authorized.

C. MINIMUM STANDARD DRAWINGS (Ordinance 379 1-22-2014)

Reg. of General Applicability: Regulations Applicable To All Zones 5-1-17

(Updated 7-08; 8-8-08; 1-6-10, 3-23-10, 4-1-10, 8-10-10; 1-22-2014)

Box Elder County Land Use Management & Development Code

Article 5: Regulations of General Applicability

SEE EXHIBIT A

5-1-350. Cannabis Production Establishments. (Ordinance 500)

Cannabis Production Establishments must be state licensed and permitted and are restricted to the A-20 (Agricultural 20 acre) and M-G (General Industrial) zones only.

5-1-360. Annexation Policy. (Ordinance 573)

The Box Elder County Commission, Planning Commission, or Community Development Office shall not take action on any proposed Land Use Application or Legislative Application within unincorporated Box Elder County (except building permits that are not using municipal utilities) if the Land Use Application or Legislative Application is:

- a. Located within any municipal annexation policy plan as defined in Utah Code 10-2-401.5, or
- b. Located within ½ mile of any municipality incorporated boundary, if a municipality does not have an annexation policy plan boundary, or
- c. If a development, improvement, or building lot will be using any utility provided by a municipality.

If the proposed Land Use Application or Legislative Application meets any of the above criteria, the developer shall provide the applicable municipality(s) with a Notice of Intent to File a Petition (Utah Code 10-2-403 (2) (a) (i)) and thereafter work with the County Clerk to meet all the noticing requirements contained in Utah Code. Upon the County Clerk providing the applicable municipality with the certification of complying with the Notice of Intent to File a Petition, the developer shall petition the municipality for annexation. If the municipality(s) rejects the petition for annexation, the developer shall provide signed documentation to the Community Development office from the municipality(s) showing the municipality's rejection of an annexation petition. After such documentation is received, the Land Use Application or Legislative Application may move forward.

Any Land Use Application or Legislative Application using a municipality's utilities cannot have a higher density than that allowed by the municipality providing the utilities.

All applications shall be subject to the time limits set forth in Section 2-2-040(K), Substantial Action Required and Section 2-2-040(L), Expiration of Application of the Box Elder County Land Use Management & Development Code.

5-1-370. Multiple Family Dwellings. (Ordinance 588)

Reg. of General Applicability: Regulations Applicable To All Zones 5-1-18

(Updated 7-08; 8-8-08; 1-6-10, 3-23-10, 4-1-10, 8-10-10; 1-22-2014)

Box Elder County Land Use Management & Development Code

Article 5: Regulations of General Applicability

Multiple family dwellings as defined in Chapter 1-3 are not allowed in unincorporated Box Elder County.

5-1-380. Swimming Pools. (Ordinance 606)

This section shall apply to any commercial, public, or private swimming pool to be constructed within the unincorporated boundaries of Box Elder County.

- A. A swimming pool shall be permitted as an accessory use to the side or rear of a private dwelling or commercial/public facility provided the location of the swimming pool or accessory machinery shall not be less than ten (10) feet from any property line; however, if a zone requires a larger setback or if easement(s) exist the more restrictive requirement shall apply. Structures that enclose the pool accessory machinery are permitted with the same setbacks required for other accessory buildings in the zone in which they are located.
- B. Where a swimming pool is completely enclosed in a building, applicable setback requirements for accessory or main buildings shall apply for the zone in which the building is located.
- C. The location of the proposed swimming pool shall be approved by the Bear River Health Department.
- D. A swimming pool shall be completely enclosed by a substantial fence of six (6) feet in height or by a power safety cover meeting the requirements of the International Building Codes. The term “substantial fence” shall mean any fence that will not allow normal passage by any person except through an otherwise locked gate.
 - 1. Indoor pools are exempt from the fencing requirement but must meet the same standard as to controlling access. The walls of the building substitute for the fence or barrier.
 - 2. A fence or barrier that has an entrance to the facility must be equipped with a self-closing and self-latching gate or door.
- E. Lights used to illuminate the pool, facility, or its accessories shall be downward directed and designed so as to reflect light away from adjoining properties or premises and shall be in compliance with Chapter 5-9 (Outdoor Lighting Standards) of this code.