

Box Elder County Land Use Management & Development Code

Article 2 – Administration and Enforcement

Chapter 2-2 – Administrative and Development Review Procedures

Sections.

- 2-2-110.** Administrative Conditional Use Permit.
- 2-2-1~~2~~20. Site Plan Review. (Updated Ordinance 308)
- 2-2-1~~2~~30. Variances.
- 2-2-1~~3~~40. Building Permit.
- 2-2-1~~4~~50. Nonconformities.

2-2-110. Administrative Conditional Use Permit.

- A. **Purpose.** This section sets forth procedures for considering and approving Administrative Conditional Use Permits.
- B. **Authority.** The Zoning Administrator or a designee is authorized to issue Administrative Conditional Use Permits as provided in this section.
- C. **Initiation.** A property owner may request an Administrative Conditional Use Permit as provided in this section. An Agent of a property owner shall provide a notarized authorization.
- D. **Procedure.** An application for an Administrative Conditional Use Permit shall be considered and processed as provided in this subsection.
 - I. **A complete application shall be submitted to the office of 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 the least the following information:**
 - a. **The name, address and telephone number of the applicant and the applicant's agent, if any;**
 - b. **The address and parcel identification of the subject property.**
 - c. **The Zone, Zone boundaries and present use of the subject property;**
 - d. **A description of the proposed Administrative Conditional Use;**
 - e. **A plot plan showing the following:**
 - 1) **Applicant's name;**
 - 2) **Site address;**

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- a. The proposed use will not be detrimental to the health, safety, or general welfare of persons residing or working in the community, or injurious to property or improvements in the community, existing surrounding uses, buildings and structures;
 - b. The proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood and the community;
 - c. The proposed use at the particular location is compatible with the intent, function and policies established in the general plan, this Code and the particular zoning district in which the use is proposed.
4. The Zoning Administrator may request additional information as may be reasonably needed to determine whether the requirements of this subsection can be met.
5. The following factors should be reviewed and considered in determining whether an Administrative Conditional Use Permit application should be approved, approved with conditions, or denied:
- a. The proposed use will comply with the regulations and conditions specific in this code for such use.
 - b. Conditions relating to safety of persons and property:
 - 1) The impact of the proposed facility or use on the health, safety, and welfare of the County, the area, and persons owning or leasing property in the area;
 - 2) The safeguards provided or proposed to minimize other adverse effects from the proposed facility or use on persons or property in the area;
 - 3) Building elevations and grading plans which will prevent or minimize flood water damage, where property may be subject to flooding;
 - 4) Increased setback distances from lot lines where the Zoning Administrator determines it to be necessary to ensure the public safety;
 - 5) Appropriate design, construction, and location of structures, buildings, and facilities in relation to any earthquake fault or other seismic hazard, which may exist on or near the property, and limitations and/or restrictions to use and/or location of use due to site conditions, including but not limited to wetlands, flood plains or landslide area.
 - c. Conditions relating to the compatibility of the use:
 - 1) The suitability of the specific property for the proposed use;
 - 2) The development or lack of development adjacent to the proposed site and the harmony of the proposed use with existing uses in the vicinity;
 - 3) Whether or not the proposed use or facility may be injurious to potential or existing development in the vicinity;

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- a. The use for which a permit was granted has ceased for one (1) year or more;
- b. The holder or user of a permit has failed to comply with the conditions of approval or any County, State, or Federal law governing the conduct of the use;
- c. The holder or user of the permit has failed to construct or maintain the site as shown on the approved site plan or map; or
- d. The operation of the use or the character of the site has been found to be a nuisance or a public nuisance by a Court of competent jurisdiction in any civil or criminal proceeding.

2. No Administrative Conditional Use Permit shall be revoked against the wishes of the holder or user of the permit without first giving such person an opportunity to appear before the Zoning Administrator and show cause as to why the permit should not be amended or revoked. Revocation of a permit shall not limit the County's ability to initiate or complete other legal proceedings against the holder or user of the permit.

J. Expiration. A conditional use permit shall expire and have no further force or effect if the building, activity, construction or occupancy authorized by the permit is not commenced within one hundred eighty (180) days after approval, not substantially completed within two (2) years, or if abandoned.

2-2-120. Site Plan Review. (Ordinance 308)

2-2-1230. Variances.

2-2-1340. Building Permit.

2-2-1450. Nonconformities.