

COPY

1957

COUNTY PLANNING COMMISSION ORDINANCE

An ordinance in pursuance of authority granted in Title 17, Chapter 27, of the Utah Code Annotated 1953, as amended, creating a planning commission within Box Elder County, Utah, defining the duties and powers of said planning commission, providing for the adoption of a zoning ordinance, providing for the approval of subdivisions, and providing penalties for the violation of any of the provisions of this ordinance.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF BOX ELDER, STATE OF UTAH, ORDAINS AS FOLLOWS:

Section 1. Planning Commission Created.

There is hereby created a planning commission within and for Box Elder County to be known as the County Planning Commission. Said commission shall consist of seven members, one member of which shall be ex officio a member of the Board of Commissioners of Box Elder County. Each of the appointive members of the planning commission shall be a resident of the county and owner of real property and at least four of them shall hold no other public office or position. Members shall be selected without respect to political affiliations and shall serve without respect to political affiliations and shall serve without compensation, except for reasonable expenses. The terms of the appointed members of the Commission shall be three years and until their respective successors have been appointed and qualified, except that the terms of the members of the first appointed Commission shall be one, two and three years -- two to be appointed for one year, two to be appointed for two years, and two to be appointed for three years. Thereafter the terms for each appointed member shall be for three years.

Vacancies of appointed members occurring otherwise than through the expiration of terms shall be filled by appointment by the Chairman of the Board of County Commissioners with the consent of the other members. The term of the County Commissioner shall correspond to his term of office as a member of the Board of County Commissioners.

The planning commission shall elect one of its members to serve as chairman, whose term shall be for one year. It shall also adopt rules and regulations governing its procedure and shall keep a public record of its proceedings.

The Commission shall have the power and authority to employ experts and a staff and to pay such expenses as may be deemed reasonable and necessary for carrying out the powers hereinafter set forth by, but not in excess of such sums as may be appropriated by the Board of County Commissioners and which may be placed at the disposal of the commission through gift or otherwise.

Section 2. Commission to Make and Adopt Master Plan.

It shall be the function of the County Planning Commission after holding public hearings to make and adopt a master plan for the physical development of the unincorporated territory of the county. Any such plan may include the planning of incorporated areas, provided, however, that the plan shall not be offered unless adopted by the municipal planning commission thereof. The master plan may include the general location, character, and extent of streets or roads, bridges, parks, playgrounds, airports, and other public ways, grounds, building, and spaces; the general location and extent of public utilities; the acceptance, widening, removal, extension, relocation, abandonment, or change of use of any of the foregoing; the general character, location, and extent of community centers, townsites, and other housing developments; the general location and extent of forests and open development areas for purposes of conservation and water supply, sanitation, and drainage facilities, or the protection of urban development.

Section 3. General Purposes in Making Master Plan.

In the preparation of a county master plan, a County Planning Commission shall make careful and comprehensive surveys and studies of the existing conditions and probable future growth of the territory within its jurisdiction. The county master plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the county which will, in accordance with present and future needs and resources best promote the health, safety, morals, order, convenience, prosperity, or the general welfare of the inhabitants, as well as efficiency and economy in the process of development, including, among other things, such distribution of population and of the uses of land for urbanization, trade,

industry, habitation, recreation, agriculture, arboretum, and other purposes as will tend to create conditions favorable to health, safety, transportation, prosperity, civic activities, and recreation, educational, and cultural opportunities; will tend to reduce the wastes of physical, financial, or human resources which result from either excessive congestion or excessive scattering of population; and will tend toward an efficient and economical utilization, conservation, and production of the supply of food and water and of drainage, sanitary, and other facilities and resources.

Section 4. Method of Adopting Master Plan.

The County Planning Commission may adopt the county master plan as a whole by a single resolution, or, as the work of making the whole master plan progresses, may from time to time adopt a part or parts thereof, any such part to correspond generally with one or more of the functional subdivisions of the subject-matter which may be included in the plan. The commission may from time to time amend, extend, or add to the plan, or carry any part of it into greater detail. The adoption of the plan or any part, amendment, extension, or addition shall be by resolution carried by the affirmative votes of not less than a majority of the entire membership of the planning commission and after a full hearing shall have been had thereon after notice of such hearing shall have been given once each week for four successive weeks in a newspaper having general circulation in, and most likely to give notice to the residents of, the locality which would be affected thereby. The resolution shall refer expressly to the plans and descriptive matter by the identifying signature of the chairman of the commission. The master plan shall be available for public inspection in the office of the planning commission at all reasonable times, but its purpose and effect shall be solely to aid the planning commission in the performance of its duties.

Section 5. Public Construction to Be Approved by Planning Commission.

As a means of giving stability to the plan from and after the time when the Board of County Commissioners shall have adopted an official map of the county or any part thereof in accordance with procedures as

set forth in Title 17-27-7, Utah Code Annotated, 1953, thenceforth no public road, park, ground, building, structure, or public utility shall be constructed nor shall any street be acquired or vacated unless the location and extent thereof shall conform to said official map or, if not shown on said map, shall have been submitted to the planning commission for its review and recommendation. In case of disapproval of said Planning Commission, the Board of County Commissioners shall have power to overrule the Planning Commission by a vote of not less than a majority of its entire membership. Failure of the Planning Commission to act within thirty days from the date of official submission to it shall be deemed approval, unless a longer period be granted by the County Commission.

Section 6. Commission to Make and Certify Zoning Plan or Plans.

It shall be the function and duty of the County Planning Commission to make and certify to the Board of County Commissioners a plan for zoning all or any part of the county. The Planning Commission may prepare a single plan covering the entire county or separate and successive plans covering only part or parts of the county.

Said zoning plan or plans shall include the text of the ordinance and maps and shall represent the recommendations of the Planning Commission for the regulation by districts or zones of the location, height, bulk, size of buildings and other structures, percentage of lots which may be occupied, the size of lots and open spaces, the density and distribution of population, the location and use of buildings and structures for trade, industry, residence, recreation, public activities and other purpose, and the uses of land for trade, industry, recreation and other purposes.

All such regulations shall be uniform for each class or kind of building or structure throughout any zone, but the regulations in any one zone may differ from those in other zones.

Such regulations shall be designed to encourage and facilitate the orderly growth of the county, to encourage the most appropriate use of land, to secure economy in governmental expenditures, to secure safety from fire and other dangers, protect the tax base, foster agriculture and other industry, to protect both urban and non-urban development to

the end that the health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants of the State of Utah may be enhanced and improved thereby.

Section 7. Adoption of Zoning Ordinance.

After receiving the certification of the zoning plan from the County Planning Commission, the Board of County Commissioners may regulate within the territory covered by the plan the location, height, bulk, and size of buildings and structures, the percentage of lots which may be occupied, the size of courts and other open spaces, the use of buildings and structures, and the use of land for trade, industry, residence, recreation, and other purposes and may require and provide for the issuance of building permits as a condition precedent to the right to construct or alter any building or structure. Before adopting any zoning plan and/or each successive plan, however, the Board of County Commissioners shall hold a public hearing thereon, notice of the time and place of which shall be given by four publications in a newspaper having general circulation in the County, giving at least thirty days' notice. Such notice shall state the place at which the text and map may be examined before the date of the hearing, as well as the time and place of the hearing. No substantial change from the text or map as certified by the Planning Commission shall be made unless change is first submitted to the County Planning Commission for its approval or suggestions.

Section 8. Planning Commission to Approve Amendments.

From and after the time when a zoning ordinance shall have been adopted covering the whole or any part of the unincorporated area of Box Elder County, thenceforth, any amendment or addition thereto shall not be made or become effective unless the same shall have been proposed by or be first submitted to the Planning Commission for its approval, disapproval, or suggestions.

If disapproved by the Planning Commission, such amendment, to become effective, must receive the favorable vote of not less than a majority of the entire membership of the Board of County Commissioners.

Before finally adopting any amendment, the Board of County

Commissioners shall hold a public hearing thereon, at least thirty days' notice of the time and place of which shall be given by at least one publication in a newspaper of general circulation in the County.

Section 9. Enforcement.

The Board of County Commissioners shall provide for the enforcement of zoning regulations by the withholding of building permits and for such purpose shall establish and fill a position of County Building Inspector or shall authorize an administrative official of the County to assume the functions of such position in addition to his customary functions.

From and after the adoption of a zoning ordinance and the establishment of the position of Building Inspector and the filling of the same, it shall be unlawful to erect, construct, reconstruct, alter, or change the use of any building within the territory covered by the zoning ordinance without obtaining a building permit. No permit shall be issued unless the plans and purpose of the proposed erection, construction, alteration, or use fully conform to all zoning regulations in effect.

Section 10. Zoning Ordinance to Be Filed.

Upon the adoption of any zoning ordinance, regulation or amendment thereto, the Board of County Commissioners shall file a certified copy of such ordinance, including the map, in the office of the County Recorder and County Clerk, and the County Clerk and Recorder shall index such ordinances as nearly as possible in the same manner as instruments pertaining to land titles are indexed.

Section 11. Commission to Prepare and Adopt Subdivision Regulations.

The Planning Commission shall prepare regulations governing the subdivision of land within the County, the purpose and effect of which shall be to guide the Commission in the performance of its duties and to advise the public regarding the requirements requisite to the approval of plats.

All plans of streets or highways for public use, and all plans and plats of land laid out in subdivision or building lots, and the streets, highways, alleys, or other portions of the same intended to be dedicated

to public use, or the use of purchasers or owners of lots fronting thereon or adjacent thereto, located within the County limits, except those located within any city or town within the County, shall be submitted to the County Planning Commission before they shall be recorded. It shall not be lawful to record any such plan or plat in the office of the County Recorder unless the same shall bear thereon by endorsement or otherwise the approval of the commission. The approval of the plan or plat by the commission shall not be deemed an acceptance of the proposed dedication by the public. Such acceptance, if any, shall be given by action of the Board of County Commissioners. The owners and purchasers of such lots shall be presumed conclusively to have notice of public plans, maps, and reports of such commission affecting such property within the County.

Section 12. Definitions.

"Subdivision" shall mean the division of a tract, a lot, or parcel of land into three or more lots, plots, sites, or other divisions of land for sale or of building development, except for bona fide agricultural, commercial, manufacturing, or industrial purposes.

Section. 13. Penalty.

Violations of any of the provisions of this ordinance shall, upon conviction, be punishable as a misdemeanor.

Section 14. Any ordinance or parts of ordinances in conflict herewith are hereby repealed.

Section 15. Effective Date.

This ordinance shall take effect sixteen (16) days after passage.

PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF BOX ELDER COUNTY, this 18th day of November, 1957.

<u>Lewis S. Wight</u>	<u>Voting "Aye"</u>
<u>E. Emery Wight</u>	<u>Voting "Aye"</u>
<u>F. Leland Seely</u>	<u>Voting "Aye"</u>

BOARD OF COUNTY COMMISSIONERS

ATTEST:

K. B. Olsen  
County Clerk

(SEAL)