

BOX ELDER COUNTY PLANNING COMMISSION MINUTES FEBRUARY 17, 2022

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:

Roll Call

Mellonee Wilding
Jared Holmgren
Kevin McGaha
Michael Udy
Steven Zollinger
Bonnie Robinson
Laurie Munns

Chairman
Vice-Chair
Member
Excused
Member
Member
Member

the following Staff was present:

Scott Lyons Excused
Marcus Wager County Planner
Destin Christiansen County Planner
Steve Hadfield County Attorney
Jeff Scott Commissioner
Diane Fuhriman Executive Secretary

Chairman Mellonee Wilding called the meeting to order at 7:00 p.m.

The Invocation was offered by Commissioner Bonnie Robinson.
Pledge was led by Commissioner Laurie Munns.

The following citizens were present & signed the attendance sheet

See Attachment No. 1 – Attendance Sheet.

The Minutes of the January 20, 2022 meeting were made available to the Planning Commissioners prior to this meeting and upon review a **Motion** was made by Commissioner Laurie Munns to approve the minutes as written. The motion was seconded by Commissioner Jared Holmgren and passed unanimously.

UNFINISHED BUSINESS -NONE

PUBLIC HEARINGS

ORDINANCE TEXT AMENDMENT, Z22-001, Request for a text amendment to remove Chapter 3-8-1, Master Planned Community Zone, from the Box Elder County Land Use Management & Development Code. ACTION

Staff explained the Box Elder County Planning Commission had directed staff to request consideration that a text amendment be made to remove Chapter 3-8-1, the Master Planned Community Zone from the Box Elder County Land Use Management & Development Code.

Staff read the standards for reviewing zoning text amendments as they apply to this request as follows:

A. Whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan; The General Plan 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, the Planning Commission needs to decide if this amendment would be harmonious.

C. The extent to which the proposed amendment may adversely affect adjacent property; The proposed amendment would likely have little effect on adjacent property. Whether the affect is adverse is possibly subjective and up to adjacent property owners. 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 would likely reduce the effect on the facilities in the area of development.

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

Hearing no comments, a motion was made by Commissioner Laurie Munns to close the public hearing on the Ordinance Text Amendment Z22-001. The motion was seconded by Commissioner Bonnie Robinson and passed unanimously.

ACTION

Staff explained county code allows for text amendments subject to review procedures and approval by the County Commission with a recommendation from the Planning Commission. The Planning Commission needs to determine if this application meets the standards in Section 2-2-080 outlined above.

Staff reminded the Planning Commission a text amendment application was received earlier requesting to reduce the minimum acreage needed from 100 to 50 acres. That request has since gone before the County Commission and was approved. Staff does not have any applications that would be vested under that approval.

Commissioner Mellonee Wilding asked if the Planning Commission forwards a recommendation of approval to the County Commission for the removal of the Master Planned Community Zone from county code, and the County Commission agrees and approve it, would that nullify the prior approval of reduced acreage? Staff replied it would.

Commissioner Bonnie Robinson thanked staff for moving quickly on this text amendment and for doing such an efficient job.

Commissioner Mellonee Wilding stated if there are going to be Master Planned Communities, it means there will be city services. The state has paved the way to be able to annex into a city willing to extend their services. The county would not be prohibiting anyone from developing, it just needs to be done under the umbrella of a city. She does not see any reason to have those communities serviced by the county when they have the ability to annex into the city.

MOTION: A Motion was made by Commissioner Bonnie Robinson to forward a recommendation of approval to the County Commission for Ordinance Text Amendment Z22-001, a request for a text amendment to remove Chapter 3-8-1, Master Planned Community Zone, from the Box Elder County Land Use Management & Development Code and adopting the conditions and findings of staff. The motion was seconded by Commissioner Jared Holmgren and passed unanimously.

CONDITIONS:

1. Compliance with Article 5 of the Box Elder County Land Use Management & Development Code.
2. Compliance with Article 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.

ORDINANCE TEXT AMENDMENT, Z22-002, Request for a text amendment to change Chapter 5-3, Signs, of the Box Elder County Land Use Management & Development Code.
ACTION

Staff stated this request is to update Chapter 5-3 Signs, of county code. The amendment would take out the ability for electronic signs to be in all zones and to further clarify the chapter to be more concise. In the last legislative session there was a bill allowing any billboard to be converted to a digital billboard if code allowed on-premise signs to be digitized, but not off-premise. The US Supreme Court is also currently making a decision on allowing billboards to be converted to digital. Staff is trying to be consistent and stay ahead of whatever decision is made by not allowing electronic signs in any sign zone.

Staff reviewed Section 2-2-080 of county code as it applies to this request as follows:

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.

The public hearing was then opened for comments.

Hearing no comments, a motion was made by Commissioner Bonnie Robinson to close the public hearing on the Ordinance Text Amendment, Z22-002. The motion was seconded by Commissioner Jared Holmgren and passed unanimously.

ACTION

Staff recommended the Planning Commission recommends forwarding a recommendation of approval to the County Commission along with the conditions listed in the staff report.

MOTION: A Motion was made by Commissioner Laurie Munns to forward a recommendation of approval to the County Commission for application Z22-002, an ordinance text amendment to change Chapter 5-3, Signs of the Box Elder County Land Use Management & Development Code, and adopting the conditions and findings of staff. The motion was seconded by Commissioner Kevin McGaha and passed unanimously.

CONDITIONS:

1. Compliance with Article 5 of the Box Elder County Land Use Management & Development Code.
2. Compliance with Article 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.

(See Attachment No. 2 – Proposed Text Amendment.)

NEW BUSINESS

AGRICULTURE PROTECTION AREA, AP22-01, Request to create a new agricultural protection area on multiple parcels around the Brigham City area of Unincorporated Box Elder County. ACTION

Commissioner Bonnie Robinson recused herself as she is a property owner in this request.

Staff explained the applicants are requesting to establish an Agriculture Protection Area on approximately 339.11 acres located on multiple parcels in the West Brigham City area. The surrounding land use is Rural Residential and Agricultural. The surrounding zones are A-20 and RR-5.

Staff read the approval standards for reviewing the creation of an Agricultural Protection Area as they apply to this request as follows:

A. The effect of the creation of the proposed area on the planning policies and objectives of the county; At this time, the County has nothing in place promoting or restricting the creation of Agriculture Protection Areas. The one aspect of Agriculture Protection Areas that affects county planning is that the county cannot change the zoning of or a zoning regulation affecting land within a protection area without written approval from all landowners within the protection area that is affected by the change.

B. Analyzes and evaluates the proposal by applying the criteria contained in Section 17-41-305;

- a. Whether or not the land is currently being used for agriculture production;** The proposed parcels are currently being used for agriculture production; however, one parcel (03-109-0044) contains a residence.
- b. Whether or not the land is zoned for agricultural use;** The proposed parcels are zoned for A-20 (agriculture-20 acres) and RR-5 (rural residential-5 acres).
- c. Whether or not the land is viable for agricultural production;** The proposed parcels are viable for agricultural production.
- d. The extent and nature of existing or proposed farm improvements;** 100% of the acreage is currently being used for agricultural production aside from the residence on parcel #03-109-0044.
- e. In the case of an agriculture protection area, anticipated trends in agricultural and technological conditions applicable to the use of the land in question.** This is something Planning Commissioners familiar with agricultural production may be more familiar with.

C. Recommends any modifications to the land to be included in the proposed agricultural protection area; Recommend removing parcels 03-003-0057, 03-003-0058, 03-109-0073, 03-109-0082, and 03-109-0084 from the proposed protection area as the parcels reside within Brigham City limits and the County does not have jurisdiction.

D. Analyzes and evaluates any objections to the proposal; To our knowledge no objections to the proposal have been submitted.

E. Includes a recommendation to the applicable legislative body either to accept, accept and modify, or reject the proposal. This recommendation must come from the Planning Commission to the County Commission. Following your motion, staff will prepare a recommendation to the County Commission on your behalf

MOTION: A Motion was made by Commissioner Jared Holmgren to forward a recommendation to the County Commission to accept the proposal to create a new Agricultural Protection Area excluding those parcels located in Brigham City. The motion was seconded by Commissioner Kevin McGaha and unanimously carried.

BEAR HOLLOW EVENT CENTER SITE PLAN, SP21-010, Request for approval of an events center located at approximately 15010 North Bear Hollow Dr. in the Collinston area of Unincorporated Box Elder County. ACTION

Staff said this request was tabled last month in order to receive updated drawings. The applicant is requesting site plan approval for an event center including hard surface parking and sidewalks on approximately 51 acres located at approximately 15010 Bear Hollow Drive, Collinston area on Parcel: 06-035-0045. The surrounding land use is Agriculture and the surrounding zones are Un-zoned and A-20. County code allows for an event center as a commercial use in un-zoned areas and the Site Plan meets the standards for approval for permitted uses.

Staff recommends approval subject to certain conditions.

MOTION: A Motion was made by Commissioner Kevin McGaha to approve SP21-010, a request for approval of a Site Plan for an event center located in Bear Hollow and adopting the conditions and findings of staff. The motion was seconded by Commissioner Jared Holmgren and unanimously carried.

CONDITIONS:

1. Compliance with all review comments from Box Elder County Staff.
2. Compliance with Section 2-2-090 of the Box Elder County Land Use Management & Development Code.
3. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
4. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

SURPLUS PROPERTY DISPOSAL FOR COUNTY PROPERTY IN BRIGHAM CITY. ACTION

Staff explained the Box Elder County Commission and Brigham City have proposed an exchange of property. Box Elder County has acquired the building at 100 S. and 100 E. (previously AFCU) and will be using it as the new DMV. North of the building is some parking on the same parcel. There is another 0.26 acre parcel to the north that is paved and improved as a parking lot and is

owned by Brigham City RDA. Box Elder County owns a 0.41 acre and a 0.66 acre unimproved parcel on Forest Street at 975 West and 893 West. Estimates show that the exchange is fair economically, in addition to the benefit based on public policy to provide a benefit to the County and its residents. The County Commission has directed staff to begin the surplus property disposal process as per county policy.

County Policy:

Box Elder County Policy #2000-01 requires all surplus property disposal of real estate to be reviewed by the Planning Commission to ensure they comply with the General Plan, Land Use Management and Development Code and any other applicable ordinances. The Planning Commission shall submit their recommendation within 15 days of the date of decision

Staff has found the County General Plan does not address county owned land within other jurisdictions; the Land Use Code also does not address county owned land within other jurisdictions. Staff recommends the Planning Commission discuss the topic and forward a recommendation to the County Commission.

Commissioner Mellonee Wilding asked if there is a benefit to the county; what would make this a good decision?

Commissioner Bonnie Robinson said one of the parcels on Forest Street is going to be landlocked with the new overpass. Staff explained where the new overpass will be located and thinks there will be an access road to the side of the overpass.

County Attorney Stephen Hadfield stated the Planning Commission's role is not to forward a recommendation of approval or denial to the County Commission but to ensure it does not violate the County's General Plan and Land Use Code. Based on the General Plan and Land Use Code not addressing county owned land within other jurisdictions, it becomes a non-issue; there is nothing to violate.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to forward a recommendation of approval regarding application number SPD22-01, surplus property disposal exchange of county owned parcels 03-105-0061 and 03-105-0063 for Brigham City owned parcel 03-121-0151, and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Laurie Munns** and unanimously carried.

WORKING REPORTS

Home Occupations/Home Businesses

Prior to this meeting staff made available to the Planning Commission the existing Section 5-1-290-Home Occupation and the proposed Section 5-1-290. The intent is to gather their thoughts, information, and any questions they may have.

(See Attachment No. 3 – Home Occupation.)

Staff said one of the prohibited uses in other counties is tanning salons and asked County Attorney Stephen Hadfield what would be the basis for prohibiting tanning salons. Attorney Hadfield sees no specific reason; it would be no different than if it was a hair salon.

Commissioner Kevin McGaha said a few years ago there was concern at the state level about kids being exposed to UV rays, which could be a reason for prohibiting tanning salons.

Commissioner Bonnie Robinson likes the idea of having smaller lots verses bigger lots. Attorney Hadfield stated there may be an issue if a same business is making a difference based on lot size, it could create a constitutional claim.

Commissioner Mellonee Wilding thinks a Home Occupation/Home Business should look more like a home than a business. If it looks like a business and has employees, it needs to be in a business area. She feels it is unfair some people rent a building and hire employees and some people can make the second floor of their home an office and employ family.

Staff clarified that currently in county code there are both terms of Home Occupations and Home Business. The intent of the proposal would be to eliminate the Home Business as well as the associated definitions and only allow Home Occupations. Anything more than that would then be a commercial operation and would need to re-zone or move to a commercial zone to operate.


Commissioner Mellonee Wilding stated if someone builds a building it is no longer a Home Occupation as defined in county code. A discussion ensued on if an outbuilding is secondary and in addition to, the use of the home. In the proposal, staff has allowed the use of an external building as long as they are not displaying merchandise outside or manufacturing. They would also be able to use an outbuilding like a tough shed for storage etc.

Staff said there is still time for the Commissioners to give feedback on the proposal so they can bring any changes back at a future meeting.

PUBLIC COMMENTS - NONE

ADJOURN

MOTION: A Motion was made by Commissioner Laurie Munns to adjourn commission meeting. The motion was seconded by Commissioner Bonnie Robinson and meeting adjourned at 8:07 p.m.


Mellonee Wilding, Chairman
Box Elder County Planning Commission

PLANNING COMMISSION MEETING

THURSDAY February 17, 2022

[illegible]

Attachment No. 2

Proposed Text Amendment:

Chapter 5-3 - Signs Regulations

~~Box Elder Zoning Ordinance 358 as Adopted: April 4, 2012~~

- ~~5-3-010.~~ ~~Title.~~
- 5-3-0210. Purpose.
- 5-3-0320. Definitions.
- 5-3-0430. Interpretation.
- 5-3-0540. Severability.
- 5-3-0650. General Regulations.
- 5-3-0760. Signs Not Regulated By This Chapter.
- 5-3-0870. Inspections.
- 5-3-0980. Enforcement.
- 5-3-1090. Violations & Penalties.
- 5-3-1100. Sign Permit & Permit Fee Required.
- 5-3-120. Non-Conforming Signs.
- 5-3-1230. Maintenance & Repair.
- 5-3-1340. Sign Overlay Zoning Districts.
- 5-3-1450. Codes & Symbols.
- 5-3-1560. Sign Types, Effects, Dimensions, Numbers, and Locations by Overlay District.

~~5-3-010.~~ ~~Title.~~

~~The regulations contained in this Chapter shall be known by and may be cited as “Sign Regulations” of Box Elder County and its Land Use Management and Development Code.~~

5-3-0210. 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.

~~The purpose of the sign regulations set forth in this Code shall be to balance public and private interests by establishing parameters regarding the display, erection, use, and maintenance of signage within Box Elder County in order to:~~

~~A. Promote the creation of an attractive visual environment that encourages a healthy economy by:~~

- ~~1. Permitting businesses to inform, identify, and communicate effectively;~~
- ~~2. Directing the general public through the use of signs;~~
- ~~3. Recognizing the various commercial communication requirements of all sectors of the business community; and~~
- ~~4. Encouraging the innovative use of design.~~

~~B. Preserve and improve the appearance of Box Elder County as a place in which to live and to work and as an attraction to non-residents who come to visit or trade by:~~

- ~~1. Protecting public and private investment in buildings and open spaces;~~
- ~~2. Safeguarding and enhancing property values;~~
- ~~3. Integrating signs that are harmonious to the buildings and sites which they occupy;~~

- ~~4. Encouraging the appropriate design, scale, and placement of signs; and~~
- ~~5. Limiting or forbidding signs which interfere with solar access of adjacent properties.~~

~~C. To foster public safety along public and private streets within the community by:~~

- ~~1. Assuring that all signs are in safe and appropriate locations;~~
- ~~2. Minimizing potential hazards to motorists and pedestrians;~~
- ~~3. Reducing driver inattentiveness; and~~
- ~~4. Promoting renovation and proper maintenance of signage.~~

~~D. To have administrative review procedures that are the minimum necessary to:~~

- ~~1. Guarantee equal treatment under the law through accurate record keeping and consistent enforcement;~~
- ~~2. Balance the community's objectives and regulatory requirements with the reasonable advertising and way-finding needs of businesses;~~
- ~~3. Provide flexibility as to the number and placement of signs so the regulations are more responsive to business needs while maintaining the community's standards; and~~
- ~~4. Allow for consistent enforcement of the Sign Regulations.~~

5-3-0320. 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 hundred eighty (180) consecutive days~~ 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.

~~**Animated:** A sign with parts or sections which revolve or move or which has flashing or intermittent lights, but not including electronic message signs.~~

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.

~~**Flashing:** A sign which contains or is illuminated by lights which are intermittently cut on or off, change intensity or otherwise create the illusion of flashing or movement.~~

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.

~~**Low Profile 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.~~

~~**Marquee:** A permanent roof like shelter extending from part or all of a building face and constructed of some durable material which may or may not project over a public right of way.~~

Marquee Sign: ~~Any sign attached to or made an integral part of a marquee.~~ A permanent roof like shelter extending from part or all of a building face and constructed of some durable material.

~~**Message Center:** A display consisting of an array of light sources, panels or disks which are electronically activated.~~

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.

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 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.

5-3-0430 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.

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

5-3-0540. 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.

5-3-0650. 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.
~~No sign shall be placed on public property or within a public right-of-way except when expressly licensed by the County Commission, and if applicable the Utah Department of Transportation.~~
- 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. ~~Unless otherwise specified in this Chapter, any sign herein allowed may use manual or automatic changeable copy.~~ 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 ~~County~~ 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.
- F. An illuminated sign shall direct their light downward and be installed so that the light source cannot be seen by adjacent properties.

5-3-0760. 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.

5-3-0870. 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 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.

5-3-0980. 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
- 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 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.

5-3-1020. 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.

5-3-1100. 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 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 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.

5-3-1120. 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; 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 ~~six (6) months~~ **one (1) year** and is diligently pursued to completion.

5-3-1230. 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 damaged 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.

5-3-1340. Sign Overlay Zoning Districts.

There are hereby created four overlay zoning districts (S-1, S-2, S-3, & S-4) to regulate the sign type, sign effects ~~and copy content~~, 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/homebusiness 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 Zones ~~S-3 and S-4~~ falls within a buffer 200 feet from the centerline of the interstate highway they front on.

5-3-1450. 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, “-.”

5-3-1560. 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
A	1	SIGN TYPE				
		ON-PREMISE SIGNS				
		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. Low-Profile Monument	P	P	-	-
		i. Awning (electric)	P	P	-	-
		j. Portable and Temporary	P	P	-	-
	2	OFF-PREMISE SIGNS				
		a. Free Standing	-	-	C1	-
		b. Roof	-	-	-	-
		c. Fascia	-	-	-	-
B	1	SIGN EFFECTS AND COPY CONTENT				
		ON-PREMISE SIGNS (BILLBOARDS EXCLUDED)				
		a. Identification	P	P	P	-
		b. Illuminated	P	P	P	-
		c. Rotating	-	P	C P	-
		d. Flashing	-	C	C	-
		e <u>d</u> . Changeable Copy	P	P	P	-
		f. Animated	-	C	C	-
	2	OFF-PREMISE SIGNS				
		a. Illuminated	-	-	C1	-
		b. Rotating	-	-	C	-
		c. Flashing	-	-	C	-
		d <u>b</u> . Changeable Copy	-	-	C1	-
		e. Animated	-	-	-	-
		f. Message Center	-	P	C	-
C		SIGN DIMENSIONS				
		1. Sign Height (in feet)	10	30	40	-
		2. Maximum Sign Area on Premise (total in square feet)		250	672	-
		Non-home occupation (per sign face)	40	150	-	-
		Home occupation (total in square feet) * The following applies to S-1 only:	*16	16	-	-

		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)				
		“P” = Permitted Uses “C” = Conditional Uses “A” = Applies “-” = Not permitted	S-1	S-2	S-3	
		3. Maximum Sign Area off Premise (in square feet) with minimum spacing of 2,000 feet. (Billboards)	-	-	672	-
D	1	NUMBER OF SIGNS				
		ON-PREMISE SIGNS				
		a. Free Standing	1	1	1	-
		b. Marquee	1	1	-	-
		c. Projecting Wall	1	1	-	-
		d. Roof	1	1	-	-
		e. Fascia	1	2	-	-
		f. Canopy	1	1	-	-
	2	OFF-PREMISE SIGNS				
		a. Free Standing	-	-	1	-
		b. Roof	-	-	-	-
E		LOCATION OF SIGNS				
		1. Minimum Setback from Public Right-of-Way (in feet)	10	10	10	-
		2. Minimum Distance Between Signs Off-Premise “billboards” minimum spacing in lineal feet	-	-	2000	-
		3. Maximum Overhang of Public Right of Way Limited to the thickness of sign with a maximum in feet of:	1	1	1	- -

NOTE - Signs are not permitted on public property or within the public right-of-way or above the public right-of-way ~~without express license from the County Commission or State Department of Transportation.~~

~~Also note that signs are not permitted in the residential districts except as expressly described in these regulations.~~

5-1-290. Home Occupation.

- A. Conditional Use Permit may be approved by the Planning Commission 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 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. The home occupation shall not involve the use of any accessory building, either attached or detached, which substantially changes the character of the dwelling or of the neighborhood.
- C. The Planning Commission's review of an application in arriving at affirmative findings to meet the above policies shall also include the following specific standards:
 - 1. No employees (members of the immediate family residing in the home are not considered employees).
 - 2. No unusual traffic (delivery trucks, commercial vehicles, heavy equipment etc.) is permitted either on or off-site which are not customarily observed in residential use.
 - 3. No parking except for customary automobiles and other traditional residential vehicles including vans and pickups.
 - 4. No parking lots for more than four (4) vehicles on the premises outside of the residential structure(s).
 - 5. All required parking will be accommodated on-site.
 - 6. Unusual waste, or amounts, residential or otherwise may not be generated.
 - 7. Unusual electronic interference may not be generated.
 - 8. Non-residential dust, odors, noise, and other contamination may not be generated
- D. When day-care and pre-school centers for four (4) or more children under the age of fourteen (14) for more than four (4) hours a day are approved as "home occupations" the following conditions will also be required:
 - 1. 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.
 - 2. Copies of all required State licenses will be attached to the application.
 - 3. Outside yard space will be fenced for the protection of the children (contain them safely).

- E. When a foster care home for more than one school age child, older person, or preschool child is approved as a “home occupation,” the following conditions will also be required:
1. A social worker licensed by the State shall submit to the County Commission, in writing or shall appear in person, to explain how the applicant complies with all the applicable State regulations.
 2. The host family shall be a husband and wife legally married or otherwise found to be a suitable host for a foster child by the County Commission.
 3. The foster child or adult can be assimilated reasonably well into the family (socially).
 4. The residence occupied by the host family and those placed in foster care shall have adequate eating, sleeping, living and sanitary facilities for the foster care individuals, the host family and all natural and adopted children of the host family
 5. There will be reasonable privacy and freedom for the foster care individuals to allow normal living and social growth.
 6. The foster care home is reasonably located with respect to neighborhood and other public facilities.
 7. The County Commission shall make a determination that approving the application will not adversely impact the neighborhood.
 8. The number of foster care persons living in the home shall be limited to five (5) or less.
- F. A Conditional Use Permit may be approved administratively by the Zoning Administrator for certain Home Occupations such as, daycare, computer/office services, professional, or crafts etc. under the following conditions:
1. The occupation is clearly incidental and secondary to the use of the 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.
 2. The home occupation shall not involve the use of any accessory building, either attached or detached, which substantially changes the character of the dwelling or of the neighborhood.
 3. The Zoning Administrator’s review of an application in arriving at affirmative findings to meet the above policies shall also include the following specific standards:
 - a. No employees (members of the immediate family residing in the home are not considered employees).
 - b. No unusual traffic (delivery trucks, commercial vehicles, heavy equipment etc.) is permitted either on or off-site which are not customarily observed in residential use.

- c. No parking except for customary automobiles and other traditional residential vehicles including vans and pickups.
- d. No parking lots for more than 4 vehicles on the premises outside of the residential structure(s).
- e. All required parking will be accommodated on-site.
- f. Unusual waste, or amounts, residential or otherwise may not be generated.
- g. Unusual electronic interference may not be generated.
- h. Non-residential dust, odors, noise, and other contamination may not be generated.
- i. When day-care and pre-school centers for 4 or more children under the age of 14 for more than 4 hours a day are approved as a home occupations the following conditions will also be required:
 - 1) 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.
 - 2) Copies of all required State licenses will be attached to the application
 - 3) Outside yard space will be fenced for the protection of the children (contain them safely).

5-1-290. Home Occupation (Proposed).

A. 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.

B. 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. Restaurant;
12. Sexually oriented business.
13. Tanning salons (ask Steve);
14. Towing operations;
15. Trucking or heavy equipment operations; or
16. Welding, iron works, foundries.

C. 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;
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.

D. 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.

E. *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 carried on inside a dwelling unit. The home occupation shall not use any space in a yard or any space on the premises outside of the dwelling. 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 or in an accessory building provided that the instruction is limited to lessons and lesson-related equipment, materials, or objects in such a manner that maintains compliance with subsection E(3) of this section. 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;
 - 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. Any instructional activity, except child day-care or preschool, or adult day care, that is conducted outdoors or in an accessory building shall require a minimum lot size of **two (2)** acres. Instructional activities shall not include recitals, competitions, tournaments, shows, or performances that may draw spectators.
9. 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.
10. The storage or display of supplies, inventory, equipment, or materials in any portion of the yard is prohibited.
11. 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.
12. The home occupation shall not create noise in excess of 60 decibels as measured from the property line.
13. Outdoor lighting used for the home occupation shall be downward directional and one hundred percent (100%) shielded from view from adjacent properties.
14. 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 (6) above, must be provided in the driveway or garage.
15. 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.
16. There shall be no storage or parking on the premises or on the adjacent streets in the vicinity of the premises of tractor trailers, semi-trucks, or other heavy equipment used for an off-premises business for which the dwelling is being used as a home occupation office except that not more than one 14,000 pound or less truck (Class 3 GVWR or less) may be parked on-premises during off-work hours at night. A work trailer up to 22 feet in length may be parked at night as part of the home occupation business. 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.

17. 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.
18. Barber or beautician services shall be limited to two stations 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.

F. *Home occupation sign.* Any sign must comply with Chapter 5-3 of the Box Elder County Land Use Management and Development Code. **A land use permit is required for the sign. Any modification made to the permitted sign requires a new land use permit. No freestanding or banner signs shall be permitted.**

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

H. *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(E), 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(E) 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.
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.