



COMMUNITY DEVELOPMENT
152 East 100 North Vernal, Utah
435-781-5336

APPLICATION FOR NONCONFORMING USE/STRUCTURE CERTIFICATE

There are some uses which may be nonconforming (the use was allowed and permitted when it began, but does not meet the current zoning regulations.) These nonconforming situations may have a right to remain and be used as originally approved, provided the use has not been discontinued for longer than one year.
Uintah County issues Nonconforming Use Certificates in order for current and future owners to be assured that the current use may continue.

A Nonconforming Use Certificate is the County's acknowledgment that the use was legal at its time of construction and is allowed to remain. If the use is vacated for a period of a year or longer, any nonconforming right is lost. Therefore, verification must be given that the use has been continuous since first allowed or approved.

Owner of Property _____ Phone Number _____

Agent (if applicable) _____ Phone Number _____

Mailing Address _____ City _____

Property Address _____ City _____

Tax ID (Parcel) Number _____ Email _____

Requested Use of Property _____

Description of Nonconformity _____

*****Attach additional information outlined on next page.*****

Has the building or site been vacant for more than one year? Yes No

If "yes" please explain reason for vacancy _____

Has the building or site been converted to the present use after its original construction? Yes No

If "yes" please provide the date it was converted in your supplemental information.

Application Certification:

I certify under penalty of perjury that this application and all information submitted as a part of this application is true, complete, and accurate to the best of my knowledge. I also acknowledge that I have reviewed the Uintah County Code regarding this application and that items and checklists contained in this application are basic and minimum requirements only and that other requirements may be imposed that are unique to individual projects or uses. I agree also to comply with any and all applicable County Ordinances in effect at this time. Should any of the information or representations submitted in connection with this application be incorrect or untrue, I understand that Uintah County may rescind any approval, or take any other legal or appropriate action. I also agree to allow the Staff or appointed agent(s) of the County to enter the subject property to make any necessary inspections thereof.

Owner or Authorized Agent Signature _____ Application Date _____

Office Use Only

Application # _____

Date Determined Complete _____

Date Received _____

Date of Inspection _____

Fee \$0 _____

Inspected By _____

Receipt # _____

Decision _____

Date Paid _____

Date of Decision _____

Nonconforming Use Information Sheet

A non-conforming use is a use or structure which lawfully existed prior to the adoption of an ordinance that prohibits the use or structure. In more common terms, the non-conforming use or structure has been “grandfathered” because of the length of time it has existed. The continuation of a non-conforming use is based on the general principal that zoning laws cannot be applied retroactively unless there is an imminent health or safety concern. The effect of establishing non-conforming use status is that ordinances passed after the use was legally established do not pertain to the use. A legal non-conforming use may continue until such time as the use is either abandoned or changed. These uses are protected by Uintah County ordinance and State Statute.

Zoning Administrator Authority

The zoning administrator is authorized as the Land Use Authority with the responsibility to determine the existence of any legal nonconforming use, a legal noncomplying structure, or other legal nonconformity.

Review Standards

The zoning administrator shall review the application and shall determine, from the evidence presented by the applicant, who shall have the burden of proof of establishing the existence of a legal nonconforming use, legal noncomplying structure, lot, sign, or other legal nonconformity, as provided by the Act. If the zoning administrator finds that sufficient evidence is presented to clearly establish that the use, structure, lot, sign, or other nonconformity legally existed on the date of adoption of the county ordinance that rendered illegal the use, structure, lot, sign or other nonconformity and the use, structure, lot, sign or other nonconformity complied with all prior enactments of this title, the county's other land use ordinances, including the subdivision ordinance, the zoning administrator shall approve the determination of legal nonconforming use, noncomplying structure, or other nonconformity application.

Application Requirements

Complete the application form. In preparing your application be as detailed and specific as possible. Incomplete or inadequate information may result in your case being delayed or possibly denied. The zoning administrator will not grant nonconforming status simply because an applicant has filled out an application and has requested it. The burden of proving that the use existed legally prior to the current ordinance and the extent of that use rests entirely upon you as the applicant. If you fail to meet that burden, the zoning administrator cannot approve your application.

To complete the application you will also need the following:

- Evidence and/or testimony verifying the existence of the use prior to the adoption of the ordinances which made your use improper. Date the building was constructed. Date the use was established. Community Development staff can assist you in researching the date the current ordinance came into effect.
- Site plan drawn to scale is suggested if applicable. Where such a plan would be helpful and applicable to the application, the plan should include actual lot dimensions, size and locations of all existing structures, uses, parking areas, storage areas and improvements including fences, driveways and storage sheds with distances between all improvements and property lines.
- A document verifying proof of ownership. The current property owner must be the applicant but may designate an agent to act in their behalf. Proof of ownership can include a County Recorder's printout indicating ownership with corresponding parcel number, a warranty Deed or a tax notice.
- Any other information that could be used to establish that the building, use or other nonconformity existed and was in compliance before the current land use regulation.

Please remember that the information you submit will be the basis for review and decision by the zoning administrator. Be as complete as possible. If you have any questions, please ask for assistance by calling us at 435-781-5336.

Review Process

Staff Review

Once the complete application has been submitted, the Community Development department will review the request. The Planning Division may conduct its own investigation to insure the information is accurate, and there are no questions about the nonconformity. The department may require further information from the applicant if there are questions about the nonconformity, or if there is conflicting or missing information.

Determination

After the request has been reviewed and all information provided to make a decision, the zoning administrator shall either issue a Nonconforming Certificate or deny the request and give written reasons for the denial.

Appeals

A person, including the applicant adversely affected by a decision of the zoning administrator may, within thirty (30) calendar days of the date of the decision, file an appeal application to the Board of County Commissioners, with Community Development Department. For information on appeals please refer to County Code Chapter 17.13.