

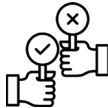


LAND USE: NON-CONFORMING USES / NON-COMPLYING STRUCTURES APPLICATION PACKET

Thank you for your interest in submitting an application for determination of nonconforming uses / noncomplying structures. The following packet will provide general information regarding this determination process.

For questions regarding any of the information listed in this packet please contact us at cvtown@gmail.com or give us a call at (435) 893-9178.

PURPOSE AND INTENT OF PROCESS	References: 17.4
1. The Land Use Authority as outlined in Section 17.3.3 of the Town's Code shall determine the existence, expansion, or modification of a non-conforming use or non-complying structure as provided in Chapter 17.4 of the Town's Code. 2. The property owner shall have the burden of establishing the legal existence of a non-conforming use or non-complying structure by providing a preponderance of evidence that a lot, structure or other circumstance which does not conform to the provisions of Title 17 - Land Use of the Town's Code was legally established. a. A preponderance of evidence shall be defined as evidence which is more credible and convincing than the evidence offered in opposition to it. b. Evidence offered to prove a lot, structure, use, or other circumstance was legally established may include, but is not limited to: i. The date when the circumstance was created; ii. Copies of applicable zoning, subdivision, building, or other code regulations or provisions in effect at the time of creation; iii. Documents showing where the non-conforming use or non-complying structure or other circumstance was authorized (i.e., building permits, letters, and meeting minutes of governmental bodies where the non-conforming use, non-complying structure or other circumstance was discussed and/or authorized); iv. Property inspection reports which indicate the degree that the non-conforming use, non-complying structure, other circumstance complied with applicable codes in effect at the time of creation; and v. Affidavits of persons with personal knowledge of the circumstances surrounding the creation of the non-conforming use, non-complying structure, or other circumstance. 3. If a determination of the non-conforming or non-complying status of a property is desired, the property owner or the property owner's designee shall first make an application to the Town, along with any applicable fees as outlined in the Town's fee schedule. Such application shall include the property owner or designee's preponderance of evidence supporting the non-conforming use, non-complying structure.	References: 17.4
REQUIREMENTS	References: 17.4
(1) 8 ½ X 11 Paper Copy shall be submitted which includes:	
☐	Information, as determined by the Applicant, which clearly supports the non-conforming use, non-complying structure, or other circumstance.

REVIEW PROCESS		References: 17.4	
 APPLICATION RECEIVED / DETERMINATION OF COMPLETE APPLICATION Application is pre-screened by Town to ensure submittal requirements are met and fees are paid. Note: <i>If deemed incomplete, a list of missing information to submit will be provided to the applicant.</i>	 REVIEW BY REVIEWING BODY Application is sent to Reviewing Body outlined in Section 17.3.3 for review. Note: <i>Applicant will receive a written copy of comments.</i>	 REVIEW BY RECOMMENDING BODY Public notice is given and the application and Reviewing Body comments are forwarded to the Recommending Body for review. The Recommending Body then review/recommends to the Land Use Authority approval, approval with modifications, or denial.	 REVIEW/DECISION BY LAND USE AUTHORITY Public notice is given. The Land Use Authority holds a public meeting to review the Recommending Body's recommendation before making a final decision.
IMPORTANT NOTES		References: 17.4	
1. If a property owner is unable to demonstrate that a non-conforming lot or use, non-complying structure, or other non-conforming circumstance was legally established, it shall be deemed illegal and shall be abated or brought into conformance with the applicable provisions of this title. a. Abatement or compliance shall be achieved within thirty (30) days, unless the work which must be undertaken to achieve compliance cannot be accomplished in that time period. In such case the property owner or the property owner's designee shall enter into a legally binding agreement wherein the owner or owner's designee shall agree to an established schedule aimed to achieve conformity as soon as reasonably practicable. Such agreement shall be in a form as agreed to by the Town's Attorney. 2. Any party claiming that a non-conforming use or non-complying structure has been abandoned shall have the burden of establishing the abandonment.			
APPEAL OF DECISIONS			
Any person adversely affected by the final decision of the Land Use Authority may appeal that decision to the District Court as provided in 10-20-1109 of Utah State Code (as amended).			
CONSULTATION			
If you have questions regarding the Town's application process or its regulations, please contact the Town at cvtown@gmail.com or give us a call at (435) 893-9178.			

	LAND USE: NON-CONFORMING USES / NON-COMPLYING STRUCTURES APPLICATION PACKET	
IMPORTANT INFORMATION		
 CONSULTATION Available prior to submission. For questions, e-mail us at: cvtown@gmail.com	 SUBMISSION Submit complete application to the Town at: 50 W Center St, Central Valley, UT 84754	 REQUIRED FEES <i>Note: Actual Costs Incurred</i>
APPLICANT INFORMATION		
Project/Plat Name:		
Address Of Subject Property:		
Name Of Applicant(s):	Phone:	
	()	
Mailing Address:	E-Mail Address:	
Applicant's Interest In Subject Property: (<i>Note: *Requires Owner's Consent</i>)	If Other, Please Describe:	
☐ Owner ☐ Engineer* ☐ Contractor* ☐ Other*		
Brief Description Of Determination Sought:		
Type Of Determination: ☐ Nonconforming Use ☐ Noncomplying Structure ☐ Other: _____		
OFFICE USE		
Received By:	Date Received:	
Findings / Determinations Date:	Findings / Determinations (If Any):	
DISCLAIMER: PLEASE NOTE THAT ADDITIONAL INFORMATION MAY BE REQUIRED BY TOWN STAFF TO ENSURE ADEQUATE INFORMATION FOR STAFF ANALYSIS. ALL INFORMATION REQUIRED FOR STAFF ANALYSIS WILL BE COPIED AND MADE PUBLIC, INCLUDING PROFESSIONAL ARCHITECTURAL OR ENGINEERED DRAWINGS FOR THE PURPOSE OF PUBLIC REVIEW BY ANY INTERESTED PARTIES.		

ACKNOWLEDGEMENT OF APPLICANT'S RESPONSIBILITY

1. This is to certify that I am making an application for the described action by the Town and that I am responsible for complying with all Town requirements with regard to this request. This application will be processed under the name provided below.
2. By signing this application, I am acknowledging that I have read and understood the instructions provided for processing this application. The documents and/or information I have submitted are true and correct to the best of my knowledge. I understand that the documents provided to the Town are considered public records and may be made available to the public.
3. I understand that my application will not be processed until the application is deemed complete by the Zoning Administrator. I acknowledge that a complete application includes all of the required submittal requirements and that the provided documents must comply with all applicable requirements for the specific action being requested.
4. I understand that a staff report will be made available for my review prior to any public hearings or public meetings. This report will be on file and available at the Town's Offices and will be e-mailed to me once it has been finalized.

Name Of Applicant:**E-Mail Address:****Signature:****Date:****LEGAL PROPERTY OWNER'S CONSENT**

Note: If the applicant is not the legal owner of the subject property, written consent from the property owner must be provided. Properties with a single fee title owner may show consent by filling out the information below or by providing an affidavit.

Affirmation Of Sufficient Interest: I hereby affirm that I am the fee title owner of the below described property or that I have written authorization from the owner to pursue the described action.

Name Of Legal Property Owner:**Legal Description/Parcel Number:****Mailing Address:****E-Mail Address:****Signature:****Date:**

1. If a corporation is fee titleholder, attach a copy of the resolution of the Board of Directors authorizing the action.
2. If a joint venture or partnership is the fee titleholder, attach a copy of the agreement authorizing action on behalf of the joint venture or partnership.
3. If a Home Owner's Association is the applicant, then the representative/president must attach a notarized letter stating they have notified the owners of the proposed application. A vote should be taken prior to submittal and a statement of the outcome provided to the Town along with the statement that the vote meets the requirements set forth in the CC&Rs.

DISCLAIMER: BE ADVISED THAT KNOWINGLY MAKING A FALSE, WRITTEN STATEMENT TO A GOVERNMENT ENTITY IS A CRIME UNDER UTAH STATE CODE CHAPTER 76-8, PART 5 (AS AMENDED). THE TOWN WILL REFER FOR PROSECUTION ANY KNOWINGLY FALSE REPRESENTATIONS MADE PERTAINING TO THE APPLICANT'S INTEREST IN THE PROPERTY THAT IS THE SUBJECT OF THIS APPLICATION.