

ORDINANCE NO. 2009-05

AN ORDINANCE **AMENDING** CHAPTER 18.44 OF THE HEBER CITY MUNICIPAL CODE, **I-1 Industrial Zone.**

BE IT ORDAINED by the City Council of Heber City, Utah, that Chapter 18.44 of the Heber City Municipal Code is **amended**, as follows:

18.44.010 Objective & Characteristics.

A. The I-1 Industrial Zone has been established for the primary purpose of providing a location where manufacturing, processing, warehousing and fabrication of goods and material can be carried on most appropriately and with minimum conflict or deleterious effects upon surrounding properties. Other objectives in establishing the zone are to promote the economic well-being of the people and to broaden the tax base.

B. This zone is characterized by a mixture of industrial, manufacturing and processing establishments with intermittent open land that is served by streets, power, water and other utilities and facilities or where such facilities can be readily provided.

C. In order to accomplish the objectives and purposes of this title and to stabilize and protect the essential characteristics of this zone, the regulations set out in this chapter shall apply in the I-1 Industrial Zone. (Ord. 199 §02.0933.01, 1973)

18.44.020 Permitted Uses.

The following buildings, structures and uses of land shall be permitted in the I-1 Industrial Zone upon compliance with requirements as set forth in this Section:

A. Accessory buildings and parking lots incidental and accessory to other permitted uses;

B. Agriculture, farm machinery storage sheds, vegetable and fruit packing and processing plants, and livestock raising;

C. Airport and associated activities;

D. Earthmoving and equipment storage, gas and oil storage facilities, public buildings and public utility buildings, craft shops, and accessory signs;

E. Caretakers' dwellings when incidental to the use located on the same lot or parcel of land as a principal use permitted in the zone. Caretaker dwellings allowed in the I-1 Industrial Zone shall not exceed 1100 square feet when such building is compatible with the use of the business, and is located within the same building and built in accordance with all Uniform Building Codes. They shall have access to a public road. Caretaker dwellings may be included as part of the building provided the occupancy separation required by the current building codes between the dwelling and the rest of the building does exceed a two (2) hour fire resistant construction;

- F. Fences, walls and hedges;
- G. Manufacturing, compounding, processing, packaging, fabrication and warehousing of goods and materials, except the processing of animal byproducts and livestock feed yards, and except steel manufacturing plants, oil refineries, wallboard manufacturing and similar establishments which emit offensive fumes, smoke, noise, odor, etc.;
- H. Retail commercial uses and cafes; however, no retail commercial transaction or business may be conducted within a storage shed.
- I. Scenic railroads and railroad maintenance yards;
- J. Water wells, utility transmission lines, dams, pumping plants, power plants, sewage treatment plants subject to review and approval of the State Division of Health;
- K. Commercial storage sheds; however, no commercial transaction or business may be conducted within any storage shed.
- L. Nursery schools, family day care, mini-day care, or day care centers as a secondary use that accompanies another permitted use on the premises and is subordinate to that permitted use if they meet the conditions set forth in Chapter 18.86.
- M. Other uses ruled by the Board of Adjustment to be similar to uses specifically permitted in the zone and which will harmonize with the objectives and characteristics of the I-1 industrial zone.

18.44.025 Conditional Use.

The following use of land shall be permitted in the I-1 Industrial Zone as a conditional use but only if in compliance with the requirements as set forth in this Ordinance and such other provisions of the Heber City Municipal Code as may be applicable.

- A. Public Facilities for Special Events. Public Facilities for Special Events is defined as follows: A parcel used for overnight parking and lodging using RV's, travel trailers, temporary housing units, in conjunction with governmentally sanctioned, or sponsored public events.

18.44.30 Area Requirements.

- A. There is no minimum lot area requirement and the maximum building size in the I-1 Industrial Zone is 150,000 square feet for non-retail buildings, except as may be dictated by off-street parking requirements, adequate circulation, setbacks, building codes landscaping requirements and property site utilization.
- B. Each project approved under this Section must be fully located within the I-1 Industrial Zone.
- C. Limitations of Buildings Used For Retail Business.
 - 1. Findings. The Heber City Council makes the following findings:
 - a. One main intention of the Heber City Council in limiting the gross floor area of buildings used for retail business is to incorporate those goals and directives of the Heber City General Plan, including but not limited to those specific directives and provisions which identify the importance of and intentions surrounding the City center addressed in said General Plan.

- b. The Heber City Council adopted the Heber City General Plan to guide and direct future development and land use decisions in Heber City.
 - c. The Heber City General Plan evidences the community's goals and objectives for the future of Heber City, and identifies the old town as the heart of the community, and makes the development and preservation of the City center critical to the General Plan's vision for Heber City's future.
 - d. The Heber City General Plan contemplates building on Heber's strengths from the inside out, by focusing on the City center including the existing central business district.
2. Gross floor limitation, I-1 Industrial Zone.
Retail establishments shall not exceed 60,000 square feet of gross floor area within the I-1 Industrial Zone. No retail establishment shall be permitted to place any one building or any combination of buildings that exceed 60,000 square feet within said Zone. In no event shall any retail establishment, corporation, business, or entity have one or more buildings within less than 1,000 feet of each other, wherein the building or buildings would exceed a total of 60,000 square feet. Attempts to circumvent or exceed this maximum, 60,000 square feet, shall be strictly prohibited.
3. Definitions. The following definitions shall apply to this Section, 18.44.030:
- a. "Retail Establishments" means retail business or businesses, conducted in two or more buildings, where the retail business or businesses:
 - i. are engaged in the selling of similar or related goods, wares or merchandise, and operate under common ownership or management, or
 - ii. share check stands, storage facilities, a warehouse, or a distribution facility, or
 - iii. otherwise operate as associated, integrated or co-operative business enterprises under common ownership or management.
 - b. "Combination of Buildings" means two or more buildings that are within 1,000 feet of each other as measured from the outside exterior walls of two of the buildings.
 - c. "Common Ownership or Management" means owned, leased, possessed, managed or otherwise controlled, in any manner, directly or indirectly,
 - i. by the same individual(s) or entity(ies), including but not limited to corporation(s), partnership(s), limited liability company(ies) or trust(s), or
 - ii. by different individuals or entities, including but not limited to corporations, partnerships, limited liability companies or trusts where such individual(s) or entity(ies) have a controlling ownership or contractual right with the other individual(s) or entity(ies) with respect to the retail businesses, or where the same individual(s) or entity(ies) act in any manner as an employee, owner, partner, agent, stockholder, director, member, officer or trustee of the entity(ies).

- d. "Gross Floor Area" shall mean the sum of:
 - i. the total horizontal area, in square feet, of all floors of a building, as measured at outside the exterior walls and including all interior courtyards, and
 - ii. the total horizontal area, in square feet, of all portions of the site outside of the exterior walls of buildings used for the display, storage, or sale of any goods, wares or merchandise. For the purpose of this section an interior courtyard means a space bounded on three or more sides by walls but not a roof.
- e. "Retail Business" means a business engaged in the sale of goods to individual consumers, usually in small quantities, and not to be placed in inventory for resale. A retail business does not include: (a) health centers, governmental uses, community centers, theaters, or religious or fraternal uses, or (b) a business where retail sales are an incidental or accessory use to the primary use. This definition shall not include churches, public schools, hospitals, public civic centers or public recreational facilities, or other facilities owner by, or operated strictly for the benefit of, the public.(Ord 2005-05, 2005; Ord. 96-04B, 1996; Ord. 199 §02.0933.03, 1973)

18.44.040 Setback Requirements.

In the I-1 Zone, all buildings shall be set back at least fifty-five (55) feet from the center of any road or thirty (30) feet from the right-of-way line, whichever is the greater distance. On a corner lot the side setback shall be fifty-five (55) feet from the center of any road or thirty feet (30) from the right-of-way property line, whichever is the greater distance. A 10' wide landscaped berm is required along all public right-of-way frontages. In the event of competing set back requirements as a result of building code restrictions, the most restrictive shall govern.

18.44.050 Height and Size Requirements.

All building in the I-1 Industrial Zone shall be limited in height to thirty-five (35) feet. No buildings taller than thirty-five (35) feet shall be permitted in the I-1 Industrial Zone, except as recommended by the Planning Commission pursuant to approval as a conditional use and approved by the City Council.

Upon application for a conditional use to exceed the thirty-five (35) foot height limitation for developments, the Planning Commission shall consider at a minimum, but shall not be limited to the following mitigating options and building restrictions as requirements for such conditional use permits.

- a. Airport landing zone height restrictions.
- b. Proximity to residential zones.
- c. Access to solar, air, and light for nearby properties.
- d. Building design (roof height step downs, eaves).
- e. Roof design
- f. Aesthetics.
- g. Compatibility with adjoining properties.

18.44.060 Special Provisions

- A. Trees shall be planted along all street frontages. The trees should be planted at least every twenty (20) feet.
- B. All developments shall have driveway access off of a public right of way. Open access frontages will not be permitted.
- C. All storage doors, entrances into storage and warehousing areas, and parking in storage and warehouse developments should be located on internal private streets, not located on a public street. Internal private streets, shall be constructed at a width sufficient to allow movement of all anticipated vehicles, including fire and other emergency vehicles. Each development of this type shall be reviewed by the Heber City Fire Marshall and must meet this requirement, as evidenced by a letter from the Fire Marshall. It is the responsibility of the applicant to demonstrate that adequate traffic flow can be accomplished.
- D. All storage and warehouse developments shall be fenced in a manner which will provide adequate security and a deterrent from public access. Fences shall be kept in good repair.
- E. Fencing in the front setback shall not be chain link. Materials should be compatible with the materials and colors used in the construction of the structures within the development. Fences shall be constructed from wood, stone, brick, wrought iron or other material used in the construction of the building or buildings within the development. Fences in the front set back shall be placed behind the 10-foot landscaped berm along the public right-of-way.
- F. The building elevation facing a public right of way shall have multi-pitched roof lines through the use of dormers and gables, or the like, whether real or false façade.
- G. Developments shall use natural materials and colors such as brick (not intended to be defined as cinder block), wood siding, stucco, or other attractive materials on at least 50% of the face of the building facing a public right of way.
- H. All outdoor lighting shall be shielded to direct light and glare only onto the premises.
- I. On-site vehicle circulation shall be provided by hard surfaced driveways having a minimum of twenty-five (25) feet in width.

18.44.065 Compatibility with Residential Zones.

When any industrial building or use adjoins any residential zone, a setback area containing a landscaped berm of at least four (4) foot tall and/or a six (6) foot site obscuring fence shall be erected as a buffer between all industrial and residential zones, as determined by the Planning Commission. In the event the Planning Commission elects to require a landscaped berm, such berm shall contain evergreen trees at least four (4) foot tall and deciduous trees having a caliper of at least three (3) inches. In determining whether to require a fence, berm or both, the Planning Commission shall consider at a minimum, but shall not be limited to the following factors:

- a. Compatibility with adjoining properties.
- b. The future use of the land.
- c. Intensity of industrial use.
- d. Proximity of residential units.
- e. Additional landscaping and screening.
- f. Fences and setbacks being used.

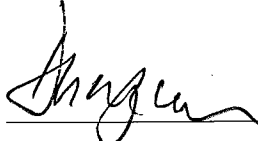
18.44.070 Supplementary Requirements.

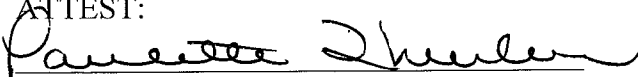
See also supplementary requirements and procedures applicable within the I-1 Industrial Zone. (Ord. 199 §02.0933.08, 1973)

This Ordinance shall take effect and be in force from and after (a) its adoption, (b) a copy has been deposited in the office of the City Recorder, and (c) a short summary of it has been published in the Wasatch Wave, but not prior to the 7th day of May, 2009.

ADOPTED and PASSED by the City Council of Heber City, Utah this 7th day of May, 2009, by the following vote:

	AYE	NAY
Councilmember Jeffery M. Bradshaw	<u>X</u>	_____
Councilmember Elizabeth Hokanson	<u>X</u>	_____
Councilmember Nile D. Horner	<u>X</u>	_____
Councilmember Robert L. Patterson	_____	<u>X</u>
Councilmember Eric Straddeck	<u>X</u>	_____

APPROVED: 
 Mayor David R. Phillips

ATTEST: 

RECORDER

(Seal)

Date of First Publishing:

5-13-09