

ORDINANCE NO. 2015-16

AN ORDINANCE ADOPTING CHAPTER 18.45 I-2 INDUSTRIAL ZONE OF THE HEBER CITY MUNICIPAL CODE.

BE IT ORDAINED by the City Council of Heber City, Utah, that Chapter 18.45 I-2 Industrial Zone of the Heber City Municipal Code is to read as follows:

Chapter 18.45 I-2 Industrial Zone

Section 18.45.010 Objectives--Characteristics.

A. The I-2 industrial zone has been established for the primary purpose of providing a location for the creation of jobs 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-2 industrial zone.

Section 18.45.020 Permitted Primary-Uses.

The following buildings, structures and uses of land shall be permitted in the I-2 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. Fences, walls and hedges;
- F. Manufacturing, compounding, processing, packaging, fabrication, storage 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, dust, odor, etc.;

G. Retail commercial uses and cafes; however, no retail commercial transaction nor business may be conducted within a storage shed.

H. Water wells, utility transmission lines, dams, pumping plants, power plants, sewage treatment plants subject to review and approval of the State Division of Health;

I. Research Services - (including laboratories, scientific, medical, chemical, applied physics, mechanical, electronic, biological, genetic or other similar experimental research, product development or testing facilities);

J. Office, business, professional or research;

K. Printing, publishing and allied industries;

L. Marketing, Telemarketing, and Advertising Services;

M. Communications - including radio and television broadcasting, telephone company offices, recording and sound studios, motion picture studio;

N. Data Processing Services;

O. Recycling facilities when enclosed by a security fence and screened with sight obscuring fencing and/or evergreen landscaping along public street right of ways;

P. Automotive & Equipment Repair;

Q. Hotels, subject to Planning Commission approval of height, proximity, and use restrictions;

R. Other uses similar to the foregoing uses which are ruled by the Planning Commission to be in harmony with the intent of this zone.

Section 18.45.025 Permitted Secondary Uses.

The following buildings, structures and uses of land shall be permitted in the I-2 Industrial Zone upon compliance with requirements as set forth in this Section. Secondary uses must accompany a primary use on the same lot or within the same building. The existence of secondary uses shall not limit the operation or extent of permitted primary uses within the I-2 Zone.

- A. An Accessory Apartment for the use of employees only. Such apartment shall be for temporary use such as inclement weather or late working situations. The apartment shall not be used as a rental or for long-term use for employees, owners, or anyone else.
- B. Nursery, day care, or preschools in support of a primary

activity;

Section 18.45.027 Prohibited Uses.

- A. Commercial storage sheds; a commercial storage shed is typically identified by the use of the facility(s) by a third party other than the onsite business or property owner, typically through a lease or rental agreement;
- B. Uses whose primary purpose is the storage of goods and materials with no permanent employees;

Section 18.45.030 Area Requirements.

- A. There is no minimum lot area requirement and no maximum building size in the I-2 Industrial Zone.
- B. Each project approved under this section must be fully located within the I-2 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-2 Zone.

Retail establishments shall not exceed 60,000 square feet of gross floor area within the I-2 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.

Section 18.45.040 Setback Requirements.

In the I-2 zone, all buildings shall be set back at least twenty (20) feet from any public street right-of-way line. A ten (10) foot wide landscaped berm is required along all public street right-of-way frontages. In the event of competing set back requirements as a result of building code restrictions, the most restrictive shall govern.

Section 18.45.050 Height and Size Requirements.

All buildings in the I-2 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-2 Industrial Zone except as approved 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.

- 1) Airport land zone height restrictions.
- 2) Proximity to residential zones.
- 3) Access to solar, air, and light for nearby properties.
- 4) Building design (roof height step downs, eaves).
- 5) Roof design.
- 6) Aesthetics.
- 7) Compatibility with adjoining properties.

No building that receives a conditional use permit shall be approved over 60 feet in height.

Section 18.45.060 Special Provisions.

A. Trees shall be planted along all street frontages. Trees should be planted at least one for every fifty (50) feet of street frontage.

B. All storage doors, entrances into storage and warehousing, and parking in storage and warehouse developments shall be accessed from internal private streets and driveways.

C. All storage and warehouse developments shall be fenced in a manner which will provide adequate security and a deterrent from public access.

D. Buildings and Structures shall use natural colors.

E. All outdoor lighting shall be shielded to direct light and glare only onto the premises.

F. All required off-street parking shall be hard-surfaced; loading zones, outdoor storage areas, and a portion of the employee parking may be compacted gravel, provided those areas are: (1) not located adjacent to the primary public entrance to the building; and (2) located or screened in such a manner to minimize visibility of the area as viewed from the public street and adjoining properties.

G. Properties shall be kept in a clean and orderly manner.

Section 18.45.065 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 an eight (8) foot tall sight 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:

- 1) Compatibility with adjoining properties.
- 2) The future use of the land as identified on the city's general plan.
- 3) Intensity of industrial use.
- 4) Proximity of residential units.
- 5) Additional landscaping and screening.
- 6) Fences and setbacks being used.

Section 18.45.070 Supplementary Requirements.

See also supplementary requirements and procedures applicable within the I-2 Industrial Zone.

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 4th day of June, 2015.

ADOPTED and PASSED by the City Council of Heber City, Utah this 4th day of June, 2015, by the following vote:

	AYE	NAY
Council Member Robert L. Patterson	_____	_____ <i>Excused</i>
Council Member Jeffery M. Bradshaw	<u>X</u>	_____
Council Member Erik Rowland	_____	<u>X</u>
Council Member Heidi Franco	<u>X</u>	_____
Council Member Kelleen L. Potter	<u>X</u>	_____

APPROVED:



Mayor Alan McDonald

ATTEST:



RECORDER

Date of First Recording: June 10, 2015