

ORDINANCE AMENDING SECTION 5-10, INDUSTRIAL ZONE, AND SECTION 3-46-B, AIRPORTS - SCOPE, OF THE UTAH COUNTY LAND USE ORDINANCE

THE COUNTY LEGISLATIVE BODY OF UTAH COUNTY ORDAINS AS FOLLOWS:

Part I:

Utah County Land Use Ordinance, Section 5-10, I-1, Industrial Zone, is hereby amended to read as follows:

ENT 90369:2007 PG 1 of 9
RANDALL A. COVINGTON
UTAH COUNTY RECORDER
2007 Jun 21 1:32 pm FEE 0.00 BY CS
RECORDED FOR COMMUNITY DEVELOPMENT

5-10: I-1 INDUSTRIAL ZONE

A. DECLARATION OF LEGISLATIVE INTENT

The I-1 Industrial Zone has been established for the purpose of providing places where manufacturing, processing, warehousing, fabricating, sexually oriented businesses, and wholesaling of goods and materials can be carried on with minimum conflict or deleterious effects upon surrounding properties. Goods, materials and other products that are manufactured, fabricated or produced on the site in the I-1 Zone may be sold at that site, except that an approved sexually oriented business may retail items identified within Article 11-2 of the Utah County Code, when in compliance with currently adopted building and safety codes and chapter 3 of this ordinance. It is the intent of this zone to promote the economy and to broaden the tax base of Utah County.

This zone is characterized by a mixture of warehousing, manufacturing, and processing uses and establishments that are served by roads, power, water, sewerage and other utilities and facilities or where such facilities can be readily provided or installed by the developer. Open spaces not yet used for industry are characterized by agricultural use. This zone is not generally compatible with dwellings, so dwellings are limited to non-farm caretaker dwellings which are essential to the operation of a commercial storage unit facility.

It is hereby declared that the specific purposes and intent of the County Commission in establishing the I-1 Industrial Zone are:

1. To take advantage of the powers and more fully implement the basic purposes for planning and zoning set forth in Utah Code Annotated 1953, as amended, and to implement the plans provided for in said Code.
2. To promote industry by providing locations where conflicts between neighboring business establishments and nonindustrial land uses are reduced.
3. To promote the economy of Utah County.

4. To ensure the development of adequate public facilities to match the needs of industrial development.
5. To promote the economical utilization of water, drainage, sanitary and other facilities.
6. To implement the county's general plan.

The specific regulations necessary for the accomplishment of the purposes outlined above are hereinafter set forth.

B. PERMITTED USES

The following buildings, structures, and uses of land shall be permitted in the I-I Zone in compliance with the standards and requirements set forth in this ordinance:

1. Warehousing and storage in enclosed buildings and commercial storage units.
2. Buildings, facilities, and storage yards used in the manufacture of goods, materials, and other products.
3. Rock crushers, screens, shredders and other earth and plant sorting, mixing and grading equipment.
4. Buildings, facilities, and storage yards used to mix asphalt, mix concrete or fabricate concrete products.
5. Yards, buildings, equipment and facilities for the recycling of concrete, asphalt, other earth products and plant materials.
6. Automobile wrecking and salvage yards, subject to the requirements of section 3-41 of this ordinance.
7. Yards for the outdoor storage of licensed vehicles, heavy equipment, portable structures, contracting equipment, lumber, or earth materials (rock, coal, sand, etc.).
8. Buildings and facilities for the assembly, storage or repair of vehicles and equipment within the enclosed building.
9. Petroleum storage tanks, facilities, and storage yards (does not include the refining of petroleum and related products).
10. Buildings, facilities, and storage yards for the sorting, processing, packaging, freezing, canning and storage of farm products.
11. Mines, gravel pits, sand pits, clay pits, rock quarries, rock crushers, and appurtenant mine structures and temporary stockpiles, subject to the provisions of chapter 3 of this ordinance.
12. The pasturing of domestic livestock.
13. The production of fruits and crops in the field.
14. Buildings, silos, and other structures for the storage and keeping of farm products and machinery.
15. Public parks and Historical monuments.
16. Man-made lakes, ponds, dams and other uncovered water impoundments if such are under ten (10) acre feet in capacity and covered water tanks and reservoirs which do not extend over two (2) feet above natural grade.

17. Fences, walls, and landscaping, subject to the conditions set forth in chapter 3 of this ordinance.
18. Signs, subject to the provisions of chapter 3 of this ordinance.
19. A cellular telephone, radio, television, or other microwave transmission facility which has a license from the Federal Communications Commission or its successor agency.
20. Oil, gas and water wells, and appurtenant pumps and pump houses.
21. Buildings and appurtenant grounds and facilities, when such are owned and occupied by a governmental agency and used for one or more of the following:
 - a. Fire and police stations, plus buildings housing ambulance and similar emergency service vehicles and equipment.
 - b. Buildings and yards for the storage and upkeep of vehicles and equipment required for the maintenance and operation of roads, utility systems and other functions of the governmental entity.
 - c. Office buildings housing the administrative and governmental activities of the agency; group assembly rooms; and post offices.
22. Office structures, when appurtenant and incidental to a use listed as a permitted or permitted conditional use in the zone.
23. Sexually oriented businesses, which are classified as follows: Adult Arcades; Adult Bookstores, Adult Novelty Stores, Adult Video Stores; Adult Cabarets; Adult Motels; Adult Motion Picture Theaters; Adult Theaters; Escort Agencies; Semi-nude Model Studios; and Sexual Encounter Establishments, as such uses are defined in Article 11-2 of the Utah County Code, subject to the definitions, requirements and provisions, including location requirements, contained in Article 11-2 of the Utah County Code, and subject to the following location and distance requirements:
 - a. No sexually oriented business shall operate or be established within 500 feet of any of the following:
 - i. churches, synagogues, mosques, temples, or other buildings used primarily for religious worship and activities;
 - ii. public or private educational facilities including child day-care facilities, pre-schools, elementary schools, intermediate schools, and high schools, including school grounds and athletic facilities which are used primarily in connection with school-related activities;
 - iii. public recreation areas or facilities including but not limited to parks, playgrounds, picnic areas, athletic fields or courts, libraries, public trail systems, community centers, and other analogous facilities;
 - iv. privately owned amusement parks or recreation facilities.
 - b. No sexually oriented business shall operate or be established within 500 feet of a boundary of a zoning district which allows residential use as a permitted use.
 - c. No sexually oriented business shall be located within 500 feet of any other sexually oriented business.

- d. For purposes of these location requirements, measurements shall be made in a straight line, without regard to intervening structures, objects, or boundaries, from the nearest portion of the building or structure which houses the sexually oriented business to the nearest property line of the property in question.

C. PERMITTED CONDITIONAL USES

In the I-1 zone the following buildings, structures, and uses of land shall not be permitted by the Zoning Administrator unless approval of a conditional use permit has been authorized in accordance with the land use ordinance by the designated reviewing agency.

1. A building or facility for the processing, manufacture and storage of chemical elements or chemical compounds, which the Board of Adjustment has approved as a special exception according to the provisions of chapter 7 of this ordinance, provided:
 - a. The standards of the Uniform Fire Code are met as certified by the County Fire Marshal;
 - b. An inventory of hazardous materials, a scaled plot plan of their locations, and a brief explanation of the hazards involved are submitted for use by public safety officials.
2. A building or facility for the refining and processing of petroleum and related products, which the Board of Adjustment has approved as a special exception according to the provisions of chapter 7 of this ordinance.
3. A building or facility for the slaughtering and processing of livestock or poultry, not including rendering plants, which the Board of Adjustment has approved as a special exception according to the provisions of chapter 7 of this ordinance.
4. A building or facility for the smelting, refining, and processing of ferrous and nonferrous metals, which the Board of Adjustment has approved as a special exception according to the provisions of chapter 7 of this ordinance.
5. A sanitary landfill, and any ancillary trucking, shredding, crushing, grinding, compacting or similar facility on the same site as the landfill, which the Board of Adjustment has approved as a special exception according to the provisions of chapter 7 of this ordinance.
6. Garbage, waste and refuse transfer, recycling and sorting facilities which are contained within enclosed structures which the Board of Adjustment has approved as a special exception according to the provisions of chapter 7 of this ordinance.
7. A water treatment plant or sewage treatment plant which the Board of Adjustment has approved as a special exception according to the provisions of chapter 7 of this ordinance.
8. A single family residential accessory caretaker dwelling unit, not to exceed 900 square feet of gross floor area, which is attached to and part of a commercial storage unit

facility, which the Board of Adjustment has approved as a special exception according to the provisions of chapters 3 and 7 of this ordinance.

9. A helicopter pad, landing strip, flying field, or airport (including terminal and aircraft storage facilities) which the Board of Adjustment has approved as a special exception according to the provisions of chapters 3 and 7 of this ordinance.
10. A planned subdivision which has been granted a conditional use permit and plat approval by the County Commission according to the procedures and conditions set forth in chapter 6 of this ordinance.

D. AREA REQUIREMENTS

The minimum area of a zoning lot within the I-1 zone shall be as follows:

1. Each planned subdivision shall contain at least one (1) acre of land.
2. Each parcel resulting from the division of agricultural land for agricultural purposes under the exemption from the plat filing requirements, shall not be less than five (5) acres in area, as shown on the approved and recorded record of survey map.
3. Each governmental building and facility permitted shall be located on a lot containing at least one (1) acre of land.
4. For other permitted structures and uses there shall be no minimum area requirement except as may be required under other provisions of this ordinance.

E. WIDTH REQUIREMENTS

The minimum width of a zoning lot within the I-1 zone shall be as follows:

1. For each governmental building and facility permitted the minimum width of the lot along the road frontage shall be one hundred (100) feet.
2. For other permitted structures and uses there shall be no minimum width requirement except as may be required under other provisions of this ordinance.

F. LOCATION REQUIREMENT

The minimum location requirements within the I-1 zone shall be as follows:

1. Front Setback
All buildings and structures, other than certain public facilities, landscaping features and fences which meet the standards of chapter 3 of this ordinance, shall have a front setback of at least thirty (30) feet, unless a greater setback is required by chapter 3 of this ordinance.
2. Side and Rear Setbacks
All buildings and structures, other than certain public facilities, landscaping features and fences which meet the standards of chapter 3 of this ordinance, shall have a side and rear setback of at least fourteen (14) feet from any property line unless a greater setback is required by chapter 3 of this ordinance.

G. HEIGHTS AND SIZES OF BUILDINGS

The height and size requirements within the I-1 Zone shall be as follows:

The maximum permissible height of any structure shall be forty (40) feet as measured from the currently adopted building construction codes of Utah County or by any future edition of these codes that may be adopted.

Exception 1: An antenna of a "stealth telecommunications transmission facility" which is attached to an existing pole of an electrical (or other utility) line (or placed on a replacement pole therein) may exceed the initial elevation of such pole by no more than 10 feet.

Exception 2: For large scale utility line structures, there shall be no maximum height

Exception 3: Otherwise, a height in excess of 40 feet, if for unoccupied structures, may be approved by the Board of Adjustment as a special exception granted according to the terms of chapter 7 of this ordinance.

Note: The provisions of the APO Airport Overlay Zone, setback standards, or other provisions of the ordinance may result in a lesser height than that stated above.

H. SPECIAL REQUIREMENTS

1. The yards around buildings shall be kept free of debris, refuse, weeds, and flammable material which may constitute a fire or health hazard.
2. No building site, street, driveway, or other cut or fill shall be made so the side slopes exceed the critical angle of repose of the soil.

3. The grade of roads and driveways which serve an accessory dwelling unit or other occupied structure shall not exceed twelve (12) percent and the road shall be maintained so as to be readily accessible to emergency vehicles.
4. All land surface from which topsoil is removed and all land surface on which subsoil is deposited shall be covered by buildings, hard surfacing, or a layer of topsoil at least one inch in depth. In order to prevent the soil from eroding, it shall be re-seeded with plant material having sufficient concentration to screen at least twenty-five (25) percent of the exposed surface from view.

I. SITE PLAN REVIEW

1. Scope

In lieu of a plot plan required under chapter 7 of this ordinance, any applicant for a building permit in the I-1 zone shall submit a site plan to the Zoning Administrator with the contents listed below. The Zoning Administrator shall review the plan and shall issue a building permit pursuant thereto only if the standards of this and the other sections of this ordinance are met.

Exception: Applications for permits for public facilities, fences, signs and wells, and farm uses shall be exempt from filing such site plan .

2. Contents

Such site plan shall be drawn to a scale that is not smaller than one inch to two hundred feet (1"=200'), and show:

- a. The names, addresses, and telephone numbers of the owner of the lot to be built on (subject lot), the developer of the project, and the architect or other designer.
- b. The property boundary lines, legal description and dimensions of the subject lot; the property lines of all adjoining lots (but only extending for a distance of two hundred feet away from the boundaries of the subject lot); and an identification on each lot of the name and address of the property owner.
- c. The location and use of all existing and proposed structures on the subject lot.
- d. The location and an identification of each use of land and each building lying within 200 feet of the boundaries of the subject lot.
- e. The location and names of all public and private streets.
- f. The location of all canals, power lines, gas lines and other utility lines on the subject lot and the boundaries of all recorded easements located on the lot.
- g. The location of the proposed parking areas, access points, lighting, and loading areas that are needed to meet the requirements of chapter 3 of this ordinance.

- h. The location and cross sectional drawing of proposed walls and fences.
 - i. An identification of any areas where the subject lot has been graded by past cuts or fills; also contour lines, if the land has more than a five percent (5%) slope, and a grading plan if cuts or fills will be undertaken to prepare the site.
 - j. An identification of any contaminated soils, fill material types, wet or boggy soils, fault lines or other natural hazards affecting the subject property.
 - k. North point.
3. Limitation
 Upon approval of the site plan (or any amendment thereof) by the Zoning Administrator, no buildings or uses of land other than those depicted on such plan shall be permitted on the subject lot, unless an amendment is approved by the Zoning Administrator.

J. SUPPLEMENTARY REGULATIONS

Uses within this zone shall also comply with the applicable requirements set forth in Chapter 3, entitled Supplementary Requirements and Procedures Applicable Within Zones and all other provisions of the land use ordinance, and all other applicable provisions and requirements.

Part II.

Utah County Land Use Ordinance, Section 3-46-B, Scope, is hereby amended to read as follows:

B. SCOPE

The Board of Adjustment, in accordance with the provisions of land use section 7-21, may approve a special exception for a helicopter pad, landing strip, flying field, or airport, with its related terminal and aircraft storage facilities, provided the following provisions are met.

Part III.

A copy of the Utah County Land Use Ordinance, as amended herein, is hereby ordered to be filed in the office of the Utah County Clerk/Auditor.

Part IV.

If any of the sections, sentences, clauses or provisions of this ordinance shall for any reason be adjudged inapplicable or invalid by a court of competent jurisdiction, such shall not affect or invalidate the remaining portion contained herein.

Part V.

This ordinance shall become effective fifteen (15) days after it is passed, and upon at least one (1) publication in a newspaper published in and having general circulation in Utah County.

PASSED and ordered published this 29 day of May, 2007.

UTAH COUNTY COMMISSION

VOTE

Steve White
STEVE WHITE, Chair

ay

Gary J. Anderson
GARY J. ANDERSON, Commissioner

ay

Larry A. Ellertson
LARRY A. ELLERTSON, Commissioner

ay

ATTEST:
BRYAN E. THOMPSON
Utah County Clerk/Auditor

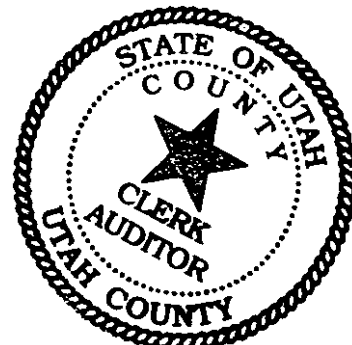
APPROVED AS TO FORM:
JEFFREY R. BUHMAN
Utah County Attorney

By: *Linda Strickland*
Deputy

By: *Jeffrey R. Buhman*
Deputy

Date of publication: once and only once, as soon as possible.

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**RESOLUTION OF APPOINTMENT TO THE
UTAH COUNTY WEED CONTROL BOARD**

WHEREAS, the Board of County Commissioners of Utah County, Utah, has the authority to appoint persons to serve as members of the Utah County Weed Control Board, pursuant to Section 4-17-4, Utah Code Annotated, 1953 as amended, and

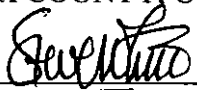
WHEREAS, the Board of County Commissioners of Utah County, Utah, has received notice that there is a need at this time to appoint a member to the Utah County Weed Control Board,

NOW, THEREFORE, be it resolved that the Board of County Commissioners of Utah County, Utah, hereby appoints the following individual to the Utah County Weed Control Board, to-wit:

Dean Miner for a four-year term expiring December 31, 2010

RESOLVED AND ORDERED this 12th day of June, 2007.

BOARD OF COUNTY COMMISSIONERS,
UTAH COUNTY, UTAH



Steve White, Chairman




Gary J. Anderson, Commissioner



Larry A. Elertson, Commissioner

ATTEST:
Bryan E. Thompson
Utah County Clerk/Auditor

By: 

Deputy

APPROVED AS TO FORM:
Jeffrey R. Buhman
Utah County Attorney

By: 

Deputy

PROOF OF PUBLICATION

from

The Daily Herald

STATE OF UTAH } SS
Utah County }

I, Julie Serna , being first duly sworn depose and say that I am the Legal Billing Clerk of the Daily Herald, a newspaper of general circulation, published seven times each week at Provo, Utah, County of Utah; that the notice attached hereto, 285261 ORDINANCE NO. 2007 - 14 , and which is a copy, was published in said newspaper, the first publication having been made on the 3rd day of June, 2007, and the last on the 3rd day of June, 2007; that said notice was published in the regular and entire issue of every number of the paper during the period and times of publication, and the same was published in the newspaper proper and not in the supplement.

NOTICE

ORDINANCE NO. 2007-14, ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH, ON APRIL 17, 2007, AMENDING SECTION 5-10, INDUSTRIAL ZONE, AND SECTION 3-46-B, AIRPORTS - SCOPE, OF THE UTAH COUNTY LAND USE ORDINANCE

A COMPLETE COPY OF THE ORDINANCE IS AVAILABLE AT THE COUNTY CLERK/AUDITOR'S OFFICE. COMMISSIONER STEVE WHITE, COMMISSIONER GARY J. ANDERSON AND COMMISSIONER LARRY A. ELBERTSON VOTED IN FAVOR OF THE ORDINANCE.

Legal Notice 285261 Published in The Daily Herald June 3, 2007.

Julie Serna

Subscribed and sworn before me
this 4th day of June, 2007.

Karen Jordan

Notary Public

Residence: Orem, UT

My commission expires 04-03-2010

JUN 12 4:03

