



ENT 42153:2011 PG 1 of 3
 JEFFERY SMITH
 UTAH COUNTY RECORDER
 2011 Jun 07 3:26 pm FEE 0.00 BY ED
 RECORDED FOR UTAH COUNTY COMMISSIONERS

ORDINANCE NO. 2011- 18

AN ORDINANCE AMENDING THE UTAH COUNTY LAND USE ORDINANCE SECTION 5-10-F-2, I-1, INDUSTRIAL ZONE, LOCATION REQUIREMENT, SIDE AND REAR SETBACKS

WHEREAS, the Utah County Planning Commission reviewed a proposed application to amend the Utah County Land Use Ordinance (UCLUO), dealing with location requirements for side and rear setbacks in the I-1, Industrial Zone; and

WHEREAS, the Planning Commission addressed the proposed amendment to the Utah County Land Use Ordinance during the regularly scheduled meeting of the Planning Commission, scheduled and held a public hearing regarding the proposed amendment, and made a recommendation to the Board of County Commissioners regarding the proposed amendment; and

WHEREAS, the Board of County Commissioners has received and carefully reviewed the recommendation from the Planning Commission regarding the proposed amendment, and the minutes from the Utah County Planning Commission meeting and public hearing regarding the proposed amendment to the Utah County Land Use Ordinance; and

WHEREAS, the Board of County Commissioners has received and carefully reviewed the input, documents, and testimony from the public regarding the proposed amendment to the Utah County Land Use Ordinance; and

WHEREAS, the Board of County Commissioners finds that the proposed amendment to the Utah County Land Use Ordinance is in the best interest of the health, safety, and welfare of the citizens of Utah County, considering all factors.

NOW, THEREFORE, THE COUNTY LEGISLATIVE BODY OF UTAH COUNTY ORDAINS AS FOLLOWS:

Part I:

Section 5-10-F-2, of the Utah County Land Use Ordinance is hereby amended to read as follows:

F. **LOCATION REQUIREMENT**

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

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 land use ordinance, shall

have a side and rear setback to be determined by the adopted building and fire codes, but shall not be less than fifteen (15) feet from any property line that abuts a county RR-5 or TR-5 zone, or that abuts a city boundary with existing residential development or abuts a city boundary where the property is zoned within that city for future residential development.

Part II:

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 III:

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 IV:

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 31st day of May, 2011.

UTAH COUNTY COMMISSION

VOTE



GARY J. ANDERSON, CHAIR

Aye



DOUG WITNEY, COMMISSIONER

Aye

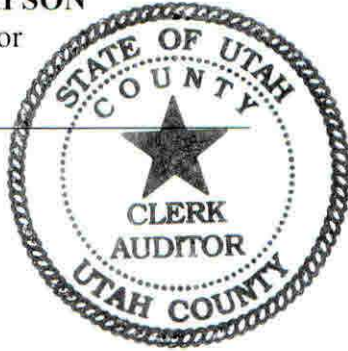


LARRY A. ELLERTSON, COMMISSIONER

Aye

ATTEST:
BRYAN E. THOMPSON
County Clerk/Auditor

By: *B. Thompson*
Deputy



APPROVED AS TO FORM:
JEFFREY R. BUHMAN
County Attorney

Approved

Disapproved

By: *Jeffrey R. Buhman*
Deputy

Date of Publication: Once only, as soon as possible

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May 17, 2011

UTAH COUNTY PLANNING COMMISSION STAFF REPORT

- I. APPLICATION: - Public Hearing
- A. APPLICANT - David K. Gardner
- B. REQUEST - Proposed Land Use Ordinance Text Amendments to Section 5-10-F-2, Side and Rear Setbacks in the I-1, Industrial Zone.
- C. LOCATION - Unincorporated Utah County I-1, Industrial Zone.

II. STAFF ANALYSIS:

Within each zone in the Utah County Land Use Ordinance, there is a subsection captioned "Location Requirements" which indicates the minimum setbacks for a building or a structure from the front, side and rear property lines. With only a few exceptions, the minimum distance from the front property line is thirty (30) feet, and the minimum distance from the side and rear property lines is fifteen (15) feet. These minimum distances are the same for each zone.

The applicant is proposing that the side and rear setback within the I-1, Industrial Zone, be amended so that the minimum distance for buildings and structures is determined by the adopted building and fire codes for the use and occupancy of such building and structures allowed as permitted and permitted conditional uses in the I-1 Zone of the Utah County Land Use Ordinance.

In many cases, this would allow a reduction in the current side and rear setback requirements due to the type of fire resistive construction of industrial buildings, or for buildings and structures that are unique to an industrial use such as a scale house, storage containers and tanks, and portable offices. In some cases it may increase the setback distance beyond the current 15 feet based on type of construction, use and type and quantity of material stored.

Staff feels that the proposed amendment for the I-1, Industrial Zone, is appropriate based on the variety of uses that can be permitted within that zone. The one condition would be that the 15 foot setback remain if the abutting property is an RR-5 or TR-5, Residential Zone, or if the abutting property is within a city boundary and is developed residentially or zoned for future residential use.

Staff would propose that if amended, Section 5-10-F-2, of the I-1, Industrial Zone, read as follows (Added wording is in *bold italics*, and deletions are shaded):

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 land use 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 land use ordinance, shall have a side and rear setback ***to be determined by the adopted building and fire codes, but shall not be less than of at least*** fifteen (15) feet from any property line ***that abuts a County RR-5 or TR-5 Zone, or that abuts a city boundary with existing residential development or that abuts a city boundary where the property is zoned within that city for future residential development. unless a greater setback is required by chapter 3 of this ordinance or by adopted building and fire codes.***

STAFF RECOMMENDATION:

That the Utah County Planning Commission recommend approval of the Utah County Land Use Ordinance Text Amendment, Section 5-10-F-2, to the Utah County Commission, based on the following findings:

Findings

1. That utilizing existing building and fire codes for determining the side and rear setbacks for industrial buildings and structures would be more equitable for different and unique uses and structures found in an industrial zone.
2. That the ability to reduce the setback for certain buildings and structures will provide a more efficient use of industrial land.
3. That the current setback minimum distance will continue to be maintained for abutting residential land use.

UTAH COUNTY COMMUNITY DEVELOPMENT
APPLICATION TO AMEND THE LAND USE ORDINANCE

(All application fees are non-refundable)

Check the approval(s) needed: <input checked="" type="checkbox"/> Planning Commission <input checked="" type="checkbox"/> County Commission	Application taken by: <u>JRM</u> Date <u>4/18/2011</u> Fee Paid <u>300⁰⁰</u> Receipt # <u>6770</u>
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All Land Use Ordinance amendments are subject to a recommendation by the Planning Commission and final approval by the County Commission.

In preparation of any Land Use Ordinance amendment, consideration will be given to the Utah County General Plan, the intent stated within the Land Use Ordinance, and encouragement of the most appropriate use of land throughout the county. No application should be approved when it is determined that the proposed amendment does not promote the health, safety, morals, convenience, or general welfare of the public.

Applicant's Name: <u>David K. Gardner</u>	Date: <u>April</u>
Mailing Address: <u>724 N 1890 West</u> City <u>Provo</u> State <u>UT</u> Zip <u>84601</u>	
Phone: <u>375 3476</u> Cell: <u>361 6018</u> Fax: <u>375-3449</u>	

Refund Information: If this application fee, or any portion of the application fee is to be refunded, please indicate Name and Mailing Address where refund may be sent.

Name: _____

Mailing Address: _____ City _____ State _____ Zip _____

(Attach additional sheets or documents to the application)

1. Section(s) of the Land Use Ordinance to be amended: Industrial zone
Sec. 5-10-f-2

2. Describe in detail the proposed Land Use Ordinance amendment:
Side / Rear setbacks require 15 feet, would like
to change it to a setback consistent with
the five foot building code.

3. How will the proposed Land Use Ordinance amendment avoid causing additional adverse conditions?
It would meet the minimum code for setback
but would allow more efficient use of land

4. In what ways does the proposed Land Use Ordinance amendment promote the health, safety, morals, convenience, or general welfare of the public?
It would not all setbacks
less than the minimum building five code

To the best of my knowledge the above information is accurate and complete.



Signature of Applicant

UTAH COUNTY PLANNING COMMISSION

Minutes
May 17, 2011

UNAPPROVED

Present: Helina Carter-Thomas
Janice Reeb
Odell Miner
John Glen Stevens

Excused: Jan Anderson, Chair
Mike Stansfield, Vice-Chair
Kenny Parcell, Alternate

Jeff Mendenhall, Director Community Development
Dave Shawcroft, Deputy County Attorney
Christina Sutton, Secretary

Others Present: Peggy Kelsey, Brandon Larsen, John Ewing, Utah County Community Development; Dennis Barker, Utah County Fire Marshal; Mike Hyde, Paul Barron, Dion Barron, Steve Thompson, Sharon Thompson, Jennie Hyde, David Gardner, Rod and Chyrl Petersen, Tracy Tanner

DAVID K. GARDNER - proposed LUO Text Amendment to Section 5-10-F-2, to amend the required side and rear setbacks of the I-1, Industrial Zone, to the minimum required by the adopted building and fire codes of Utah County

Jeff Mendenhall stated that the county has had standard setbacks for all zones in the ordinance with only a few exceptions. This change would amend the side and rear setbacks in the I-1, Industrial Zone. This is appropriate based on the variety of uses that can be permitted within that zone, and that adopted building and fire codes would determine the minimum required setbacks. One condition is suggested so that the 15 foot setback remain if the abutting property is anRR-5 or TR-5 Zone, or if the abutting property is within a city boundary and is developed residentially or zoned for future residential use.

Motion: Janice Reeb

Second: Odell Miner

Motion to open the public hearing. The motion passed by the following vote: "Aye", Helina Carter-Thomas, Janice Reeb, Odell Miner, John Glen Stevens; "Nay", none.

David Gardner, applicant stated that he was working on a project in the Lehi area in the I-1 Zone and the changes to setbacks would allow for more efficient use of the land. He noted that in the Industrial Zone the 15 foot setbacks were rarely landscaped so often those setbacks were just lost land.

Janice Reeb inquired if there were any internal issues within businesses that would require setbacks.

Jeff Mendenhall remarked that applicants would have to meet applicable building and fire codes.

Planning Commission
May 17, 2011

Occupancy type and building materials used would govern the side and rear setbacks.

Helina Carter-Thomas inquired about the property lines.

Odell Miner modified wording in the staff findings.

Motion: Odell Miner

Second: John Glen Stevens

Motion that the Planning Commission recommend **approval** of the Utah County Land Use Ordinance Text Amendment, Section 5-10-F-2, to the Utah County Commission, based on the modified staff findings. The motion passed by the following vote: "Aye", Helina Carter-Thomas, Janice Reeb, Odell Miner, John Glen Stevens; "Nay", none.

Motion: Janice Reeb

Second: Odell Miner

Motion to close the public hearing: The motion passed by the following vote: "Aye", Helina Carter-Thomas, Janice Reeb, Odell Miner, John Glen Stevens; "Nay", none.

ADJOURN

Motion: John Glen Stevens

Second: Janice Reeb

Motion to adjourn. The motion passed by the following vote: "Aye", Helina Carter-Thomas, Janice Reeb, Odell Miner, John Glen Stevens; "Nay", none. The meeting adjourned at 6:50 p.m.

Minutes respectfully submitted by:

APPROVED BY:

Christina Sutton, Secretary

HELINA CARTER-THOMAS, ACTING CHAIR

**AN ORDINANCE AMENDING THE UTAH COUNTY LAND USE ORDINANCE
SECTION 5-10-F-2, I-1, INDUSTRIAL ZONE, LOCATION REQUIREMENT, SIDE
AND REAR SETBACKS**

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PASSED and ordered published this 31st day of May, 2011.

UTAH COUNTY COMMISSION

VOTE

GARY J. ANDERSON, CHAIR

DOUG WITNEY, COMMISSIONER

LARRY A. ELLERTSON, COMMISSIONER

ATTEST:
BRYAN E. THOMPSON
County Clerk/Auditor

APPROVED AS TO FORM:
JEFFREY R. BUHMAN
County Attorney

By: _____
Deputy

_____ Approved

_____ Disapproved

By: _____
Deputy

Date of Publication: Once only, as soon as possible

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