

ORDINANCE NO. 2012- 20

**AN ORDINANCE AMENDING SECTION 5-10, I-1, INDUSTRIAL ZONE; OF THE
UTAH COUNTY LAND USE ORDINANCE**

WHEREAS, the Utah County Planning Commission has initiated a review of the Utah County Land Use Ordinance (UCLUO), dealing with amendments to Section 5-10, I-1, Industrial Zone as indicated in the above stated section; and

WHEREAS, the Planning Commission addressed the proposed amendments 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 amendments, and made a recommendation to the Board of County Commissioners regarding the proposed amendments; and

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

WHEREAS, the Board of County Commissioners finds that the proposed amendments to the Utah County Land Use Ordinance are 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, of the Utah County Land Use Ordinance is hereby amended to read as follows:

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 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.
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 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 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. Buildings, facilities, and storage yards used to mix asphalt, mix concrete or fabricate concrete products.
4. Buildings, appurtenant facilities, and yards for the recycling of concrete, asphalt, metal, and wood, not including the composting of organic materials.
5. Automobile wrecking and salvage yards, subject to the provisions of chapter 3 of this land use ordinance.
6. Yards for the outdoor storage of licensed vehicles and licensed trailers, heavy equipment, portable structures, contracting equipment, lumber, or earth materials (rock, coal, sand).
7. Buildings and facilities for the storage or repair of vehicles and equipment within an enclosed building.
8. Yards and appurtenant facilities for petroleum storage tanks,(does not include the refining of petroleum and related products).
9. Buildings, facilities, and storage yards for the sorting, processing, packaging, freezing, canning and storage of farm products.
10. 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 land use ordinance.
11. The pasturing of domestic livestock.
12. The production of fruits and crops in the field.
13. Agricultural structures for the storage and keeping of farm products and machinery.

14. Historical monuments.
15. 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.
16. Fences, walls, and landscaping, subject to the provisions of chapter 3 of this land use ordinance.
17. Signs, subject to the provisions of chapter 3 of this land use ordinance.
18. A cellular telephone, radio, television, or other microwave transmission facility which has a license from the Federal Communications Commission or its successor agency.
19. Oil, gas and water wells, and appurtenant pipelines, pumps and pump houses.
20. 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.
21. Office structures, when appurtenant and incidental to a use listed as a permitted or permitted conditional use in the zone.
22. 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.

23. Windmills.

C. PERMITTED CONDITIONAL USES

In the I-1 zone the following shall not be permitted by the Zoning Administrator unless approval as a conditional use has been authorized in accordance with this 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 conditional use according to the provisions of chapter 7 of this land use ordinance, provided:
 - a. The standards of the currently adopted international 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 conditional use according to the provisions of chapter 7 of this land use 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 conditional use according to the provisions of chapter 7 of this land use ordinance.
- 4. A building or facility for the smelting and refining of ferrous and nonferrous metals, which the Board of Adjustment has approved as a conditional use according to the provisions of chapter 7 of this land use ordinance.
- 5. 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 conditional use according to the provisions of chapters 3 and 7 of this land use ordinance.
- 6. A helicopter pad which the Board of Adjustment has approved as a conditional use according to the provisions of chapters 3 and 7 of this land use ordinance.
- 7. A planned nonresidential subdivision which has been approved as a conditional use and plat approval by the County Commission according to the provisions of chapter 6 of this land use ordinance.

8. A noncommercial facility for the composting of organic plant materials and food residuals, which the Board of Adjustment has approved as a conditional use according to the provisions of chapter 7 of this land use ordinance, when the Board finds that all of the following additional requirements are met:
- a. Organic plant materials shall refer to fruits and vegetables, leaves, grass and organic yard debris, pasta and breads, egg shells, and other by-products from food processing facilities.
 - b. Food residuals shall refer only to all pre-consumer and post-consumer foods and food by-products, not including sewage or sewage sludge.
 - c. An approval is granted from the Utah County Health Department for the composting facility.
 - d. An access permit for road access from a paved county road, city street, or state road is approved by the County Engineer or other appropriate government agency.
 - e. A site plan is submitted and approved by the Board which is drawn to scale by an engineer, architect, or land surveyor licensed by the State of Utah, showing all existing and proposed buildings, structures, composting areas, traffic circulation within the facility, individual parking spaces, liquid waste disposal facilities, solid waste collection, and other features of the facilities, consistent with the requirements and standards of all applicable sections of this land use ordinance.
 - f. An operation plan is submitted and approved by the Board for the composting facility which contains the following:
 1. The daily hours of operation, maximum noise levels which shall not exceed the parameters found in Chapter 12 of the Utah County Code but may be more restrictive.
 2. The maximum number and size of transport vehicles, travel routes, and covered loads.
 3. Dust and odor control measures.
 4. Outside composting containment areas shall be a minimum of 50 feet from any abutting property line; a greater distance may be established by the Board.
 6. Other items deemed appropriate by the Board of Adjustment to mitigate public health and safety concerns, and to address the standards of chapter 7 of this land use ordinance.
 - g. All organic materials and food residuals shall be processed and covered immediately upon being received at the composting facility to eliminate odor and to absorb liquids.
 - h. Any mechanical operations for preparing compost for transport shall be located within an enclosed building.
 - i. Any mechanical heat source for composting is prohibited.
 - j. The composting of animal or human waste is prohibited.
 - k. The composting facility shall comply with all other applicable adopted Utah County codes and ordinances, including but not limited to, building codes, and fire safety codes. A Utah County Business

License shall be obtained prior to operation of the composting facility.

1. Any other items deemed appropriate by the Board of Adjustment to mitigate public health and safety concerns, and to address the standards of chapter 7 of this land use ordinance.

D. AREA REQUIREMENTS

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

1. Each planned nonresidential subdivision shall contain at least one (1) acre of land.
2. Each storage yard for the mixing of concrete or asphalt or the fabrication of concrete products; yard for recycling; yard for the outdoor storage of licensed vehicles, heavy equipment, portable structures, contracting equipment, lumber, or earth materials (rock, coal, sand, etc.); mine, gravel pit or other earth products pit or quarry; petroleum processing facility and refinery; chemical processing and manufacturing facility; facility for the slaughtering and processing of livestock and poultry; facility for the smelting and refining of ferrous and nonferrous metals; and facility for the noncommercial composting of organic plant materials and food residuals; shall be on a lot or parcel of land of not less than one (1) acre in area.
3. 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 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 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 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.

G. HEIGHTS AND SIZES OF BUILDINGS

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

1. The maximum permissible height of any structure shall be forty (40) feet as determined by 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: The maximum height for windmills shall be 55 feet measured from finished grade to the highest point of the windmill blade.
 - Exception 4: Otherwise, a height in excess of 40 feet, if for unoccupied structures, may be approved by the Board of Adjustment as a conditional use granted according to the terms of chapter 7 of this land use 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 unless engineered retaining structures are approved and constructed.
3. The grade of driveways which serve an accessory dwelling unit or other occupied structure shall not exceed twelve (12) percent.

I. SITE PLAN REVIEW

1. Scope
 An applicant for a building permit or a land use permit that is a listed permitted use or listed permitted conditional use for which a conditional use permit has been issued in the I-1, Industrial 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 or land use permit thereto only if the standards of this and the other sections of the ordinance are met.
Exception: The Zoning Administrator may reduce certain requirements of the site plan review for existing industrial facilities and sites that are amending existing approved site plans.
2. Contents
 Such site plan shall be drawn to scale 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 adjacent to 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 any proposed landscaping, parking areas, access points, lighting, and loading areas.
- 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 and unstable soils, fill material types, fault lines or other natural hazards affecting the subject property.
- k. North point.

3. Limitation

Upon approval of a final site plan by the Zoning Administrator, no buildings or uses of land other than those depicted on such plan shall be permitted.

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 this land use ordinance.

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 26th day of June, 2012.

UTAH COUNTY COMMISSION

VOTE

Larry A. Edlertson
LARRY A. EDLERTSON, CHAIR

aye

Doug Witney
DOUG WITNEY, COMMISSIONER

aye

Gary J. Anderson
GARY J. ANDERSON, COMMISSIONER

aye

ATTEST:
BRYAN E. THOMPSON
County Clerk/Auditor

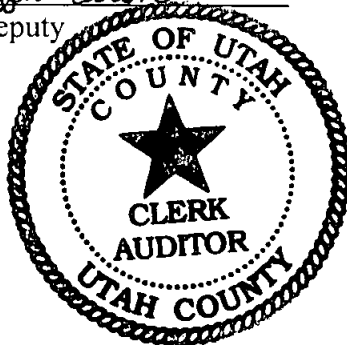
APPROVED AS TO FORM:
JEFFREY R. BUHMAN
County Attorney

By: *Bonnie Higgins Caron*
Deputy

Approved

Disapproved

By: *James R. Buhman*
Deputy



Date of Publication: Once only, as soon as possible