

**APPLE VALLEY
ORDINANCE O-2022-39**

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “10.10.040 I Industrial Zone” of the Apple Valley Land Use is hereby *amended* as follows:

BEFORE AMENDMENT

10.10.040 I Industrial Zone

- A. Purpose: The objective in establishing the I-1 zone is to provide space for various types of land uses whose effects, both secondary and direct, are not compatible with uses found in other zones in the town. Any uses not specified as permitted shall be prohibited.
- B. Permitted Uses: Uses permitted in this zone are as follows:
 - 1. Recycling businesses, not including hazardous materials.
- C. Conditional Uses: Uses requiring a conditional use permit in this zone are as follows:
 - 1. Concrete batch plants.
 - 2. Gravel crushing equipment.
 - 3. Gravel pits.
 - 4. Hot mix asphalt plants.
 - 5. Landfill operations.
 - 6. Mining or ore processing operations.
 - 7. Open space or agricultural uses.
 - 8. Sewage lagoons and/or treatment plants.
 - 9. Storage, baling, and processing of wood, glass, paper, and junk.
 - 10. Other uses similar to the above and judged to be in harmony with the character and intent of this zone.
- D. Site Development Standards:

Minimum Lot Area	0.75 acre
Setbacks (in feet)	
Front	25
Side	25
Rear	25
Minimum Zone Area	30 acres

1. Site Plan Approval:

- a. A site plan shall be submitted, drawn to scale, and of sufficient size and detail to show building locations, yard setbacks, ingress and egress drives, parking areas, landscaped areas, etc., and such other improvements as may be required by the planning commission relating to the specific use proposed.
- b. The site plan, or another plan drawn to scale, shall show utility locations, including water, power, telephone, cable TV, sewer or septic tank locations, fire hydrants, street improvements, site drainage, including holding ponds for runoff, and such other public improvements as may be required.
- c. Planning commission review and approval shall precede the issuance of any building permit for site improvements, or construction permits for utility system installation.

E. Special Provisions:

1. Storage of Materials and Merchandise: All storage and merchandise shall be stored in an enclosed building or within an enclosure surrounded by a sight obscuring fence or wall of not less than six feet (6') in height, and no material or merchandise shall be stored to a height greater than that of the enclosing fence or wall.
2. Junk: Storage of "junk" or partially or completely dismantled automobiles shall be enclosed within a sight obscuring wall or fence of not less than six feet (6') in height, and material so stored shall be kept below the height of the fence or wall.
3. Solid Waste Storage Facilities: Solid waste storage facilities shall be located at the rear of the main building or else behind a sight obscuring fence or wall which will prevent the facility from being seen from a public street.
4. Parking: Parking shall be as required by AVL 10.16 or an addendum thereto.
5. Lighting: Lighting shall be as required by AVL 10.26 or other applicable requirements.
6. Utilities and Fire Protection: All developments shall be served by a source of culinary water, sewer or septic tank, as may be approved by the southwest district public health department, electrical power from a power company whose area of service covers the proposed business site location, and adequate water for fire protection as required by the subdivision ordinance. Where utility companies are involved in providing these services, a letter shall be submitted from each such company along with the site plan required in this chapter.
7. Hours of Operation: The planning commission may establish hours of operation in order to eliminate excess noise, lighting or other nuisances.
8. Manufacturing Zone Uses Excluded: All uses specifically excluded from the town under AVS 11 shall also be excluded from this zone.

AFTER AMENDMENT

10.10.040 I Industrial Zone

- A. Purpose: The objective in establishing the I-1 zone is to provide space for various types of land uses whose effects, both secondary and direct, are not compatible with uses found in other zones in the town. Any uses not specified as permitted shall be prohibited.
- B. Permitted Uses: Uses permitted in this zone are as follows:
1. Recycling businesses, not including hazardous materials.
- C. Conditional Uses: Uses requiring a conditional use permit in this zone are as follows:
1. Concrete batch plants.
 2. Gravel crushing equipment.
 3. Gravel pits.
 4. Hot mix asphalt plants.
 5. Landfill operations.
 6. Metal Building.
 7. Mining or ore processing operations.
 8. Open space or agricultural uses.
 9. Sewage lagoons and/or treatment plants.
 10. Storage, baling, and processing of wood, glass, paper, and junk.
 - ~~11. Other uses similar to the above and judged to be in harmony with the character and intent of this zone.~~
- D. Any use not shown in this section shall be prohibited unless the planning commission determines the use is substantially the same as a permitted or conditional use as provided in subsection 10-7-180-E4 of this title.
- E. Site Development Standards:

Minimum Lot Area	0.75 acre
Setbacks (in feet)	
Front	25
Side	25
Rear	25
Minimum Zone Area	30 acres

1. Site Plan Approval:
 - a. A site plan shall be submitted, drawn to scale, and of sufficient size and detail to show building locations, yard setbacks, ingress and egress drives, parking areas, landscaped areas, etc., and such other improvements as may be required by the planning commission relating to the specific use proposed.
 - b. The site plan, or another plan drawn to scale, shall show utility locations, including water, power, telephone, cable TV, sewer or septic tank locations, fire hydrants, street improvements, site drainage,

including holding ponds for runoff, and such other public improvements as may be required.

- c. Planning commission review and approval shall precede the issuance of any building permit for site improvements, or construction permits for utility system installation.

F. Special Provisions:

1. Storage of Materials and Merchandise: All storage and merchandise shall be stored in an enclosed building or within an enclosure surrounded by a sight obscuring fence or wall of not less than six feet (6') in height, and no material or merchandise shall be stored to a height greater than that of the enclosing fence or wall.
2. Junk: Storage of "junk" or partially or completely dismantled automobiles shall be enclosed within a sight obscuring wall or fence of not less than six feet (6') in height, and material so stored shall be kept below the height of the fence or wall.
3. Solid Waste Storage Facilities: Solid waste storage facilities shall be located at the rear of the main building or else behind a sight obscuring fence or wall which will prevent the facility from being seen from a public street.
4. Parking: Parking shall be as required by AVL 10.16 or an addendum thereto.
5. Lighting: Lighting shall be as required by AVL 10.26 or other applicable requirements.
6. Utilities and Fire Protection: All developments shall be served by a source of culinary water, sewer or septic tank, as may be approved by the southwest district public health department, electrical power from a power company whose area of service covers the proposed business site location, and adequate water for fire protection as required by the subdivision ordinance. Where utility companies are involved in providing these services, a letter shall be submitted from each such company along with the site plan required in this chapter.
7. Hours of Operation: The planning commission may establish hours of operation in order to eliminate excess noise, lighting or other nuisances.
8. Greater size and height: Notwithstanding the height and size limitations shown in this section, a greater building and accessory height and size may be allowed pursuant to a conditional use permit.
9. Permitted and conditional uses set forth in this section shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such uses.
 - a. Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the same zone except as otherwise expressly provided in this title.
 - b. No accessory use, building, or structure shall be allowed on a lot unless a permitted or conditional use has been established.
10. Manufacturing Zone Uses Excluded: All uses specifically excluded from the town under AVLU 11 shall also be excluded from this zone.

SECTION 2: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: EFFECTIVE DATE This Ordinance shall be in full force and effect from November 16, 2022.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Frank Lindhardt	_____	_____	_____	_____
Council Member Andy McGinnis	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Frank Lindhardt, Mayor,, Apple Valley