

BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH

ORDINANCE NO. 04-27-2015, O1
STORAGE OF COMMERCIAL VEHICLES IN NONCOMMERCIAL/NONINDUSTRIAL ZONES

AN ORDINANCE AMENDING TITLE 17 "ZONING" SECTION 17.116.090 "STORAGE OF COMMERCIAL VEHICLES IN NONCOMMERCIAL/INDUSTRIAL ZONES" IN THE UTAH COUNTY CODE;

Section 1. Purpose of Ordinance. The purpose of this ordinance is to amend Title 17 "Zoning" Section 17.116.090 "Storage of commercial vehicles in noncommercial/industrial zones".

Section 2. Authority for Ordinance. Section 17-27a-102 and 501 of the Utah Code Annotated (1953, as amended) which expressly mandates that the legislative body of each Utah County may enact land use ordinances.

Section 3. Modification. The Uintah County Code, Title 17, Section 17.116.090 "Storage of commercial vehicles in noncommercial/industrial zones" is hereby amended as follows, to wit:

17.116.090 - Storage of Commercial Vehicles and Trailers in Noncommercial/Industrial Zones

For the purposes of this title, "commercial vehicle" shall be defined as any non-agricultural vehicle that weighs more than ten thousand five hundred (10,500) pounds, is longer than twenty-four (24) feet, higher than seven feet, and is used for hire or designed to carry sixteen (16) or more passengers. A commercial trailer shall be ~~considered a commercial vehicle if defined as a trailer with a~~ gross vehicle weight rating (GVWR) of ~~the trailer is~~ ten thousand one (10,001) pounds or greater and is used for commercial transportation.

The storage and/or ~~continuous~~ parking of commercial vehicles and/or equipment trailers may be allowed by conditional use in the residential-agricultural (RA-1), agricultural (A-1), recreation, forestry, and mining (RFM) and mining and grazing (MG-1) zones. After seven days mailed notice to property owners within one thousand (1,000) feet of the boundaries of the subject property, the planning director or designee, at his or her discretion, may issue a conditional use permit administratively for the storage or parking of a commercial vehicle and/or equipment in the listed zones under the following conditions:

A. The applicant only proposes to store one commercial vehicle and one commercial trailer in the RA-1 and A-1 zones, or two commercial vehicles and two trailers in the RFM and MG-1 zones; and

~~B. The applicant can show that there is sufficient area to safely park and store said vehicle(s) and equipment outside of the public right-of-way in an aesthetically pleasing manner.~~

~~C. There is adequate and safe ingress/egress to the public right-of-way sufficient to accommodate the vehicle or equipment proposed to be stored.~~

D. ~~Commercial~~ vehicles and/or ~~equipment-commercial trailers~~ utilized in construction and/or demolition shall be allowed so long as the building permit issued in conjunction with the construction and/or demolition is in force.

E. Under no circumstances shall a conditional use permit be authorized that allows the continuous parking and/or storage of ~~commercial~~ vehicles and/or ~~equipment-commercial trailers~~ in the public right-of-way.

F. All ~~commercial~~ vehicles and/or ~~equipment-commercial trailers~~ shall be kept at least thirty-three (33) feet from the edge of any street or roadway.

G. The storage of commercial vehicles and trailers in noncommercial/industrial zones shall not be permitted within recorded subdivisions where the average lot size is less than three (3) acres.

H. The storage of commercial vehicles and trailers in noncommercial/industrial zones shall not be permitted where access to the property utilizes a road(s) within a recorded subdivision, unless the requirements of item G are met.

Conditions may be placed on the permit, or the permit may be denied, if the ingress/egress for the commercial vehicle or trailer is deemed inadequate or unsafe. Conditions may be placed on the permit, or the permit may be denied, if the materials hauled by the commercial vehicle or trailer are considered flammable, hazardous, toxic, or unsafe to be parked or stored in a residential area.

The planning director, or designee, reserves the right to refer any conditional use permit for the parking of a commercial vehicle or trailer to the county commission for approval or denial. In the case of denial of any application by the planning director, or designee, the application shall be forwarded to the board of county commissioners for final decision. For appeals refer to Uintah County Code Section 17.12.200.

Section 4. Effective Date. This ordinance shall take effect, fifteen (15) days after enactment, and after depositing a copy in the Clerk-Auditor's Office and publication in a newspaper having general circulation in the County, as required by Utah Code Annotated section 17-53-208.

ENACTED on this, the Twenty-Seventh (27th) day of April, 2015.
IN WITNESS THEREOF:

MICHAEL MCKEE, Chair

William Stringer	_____ Aye	_____ Nay	_____ Abstain	_____ Absent
Michael McKee	_____ Aye	_____ Nay	_____ Abstain	_____ Absent
Mark Raymond	_____ Aye	_____ Nay	_____ Abstain	_____ Absent

ATTEST:

REVIEWED:

MICHAEL W. WILKINS
Clerk-Auditor

JONATHAN STEARMER
Deputy County Attorney