

LAND USE ORDINANCE 2008-04

CHAPTER 9

PERFORMANCE STANDARDS FOR HAZARDOUS AND OTHER USES

9.1. PURPOSE.

To permit potential nuisances from hazardous or other uses to be measured factually and objectively in terms of the potential nuisance itself; to ensure that all uses will provide necessary control methods for protection from hazards and nuisances which can be prevented by modern processes of control and nuisance elimination; to protect any use from arbitrary exclusion based solely on the characteristics of uncontrolled production in this type of use in the past.

9.2. GENERAL PROVISIONS.

No land or building in any zone shall be used or occupied in any manner so as to create dangerous, injurious, noxious or otherwise objectionable fire, explosive, or other hazard; noise or vibration, smoke, dust, odor, or other form of air pollution; heat, cold, dampness, glare, electrical or other disturbances; liquid or solid refuse or waste; or other substance, condition or element in such a manner or in such an amount as to affect adversely the surrounding area or adjoining premises. The foregoing are hereinafter referred to as "dangerous or objectionable elements." No use shall be undertaken or maintained unless it conforms to the regulations of this Chapter in addition to the regulations set forth for the zone in which such use is situated.

9.3. PERFORMANCE STANDARDS.

Performance Standards must meet current International Fire Code, International Building Code, and State Health Code standards.

9.3.1. Performance Standards Procedure.

The Leeds Planning Commission or the Leeds Building Inspector or other designee, when authorized by the Leeds Town Council, may require performance standards review for any use in any district when he/they has/have reason to believe that such use or the manner of its operation will not or may not conform to the performance standards of this Ordinance.

9.4. ENFORCEMENT PROVISIONS APPLICABLE TO ALL USES.

Initial and continued compliance with performance standards is required of every use; and provisions for enforcement of continued compliance with said standards shall be invoked by the Leeds Planning Commission or the Leeds Building Inspector, when authorized by the Leeds Town Council, against any use if there are reasonable grounds to believe that performance standards are being violated by such use.

9.5. NONCONFORMING USES.

For purposes of this Ordinance, any use established before the effective date of this Ordinance and nonconforming as to performance standards shall have one (1) year in which to conform or cease said use, or a time period as determined by the Town Council which would allow the property owner to recover or amortize the amount of his/her investment in the nonconforming use. Under no circumstances shall the time period in which to comply or cease said nonconforming use be greater than five (5) years.

9.6. LOCATION WHERE DETERMINATIONS ARE TO BE MADE FOR ENFORCEMENT OF PERFORMANCE STANDARDS.

9.6.1. The determination of the existence of dangerous and objectionable elements shall be made at the location of the use creating the hazard and at any point where the existence of such hazardous elements may be most apparent; provided, however, that the measurement having to do with noise, odors, vibration, or glare shall be taken at the following points of measurement:

9.6.2. In any zone, at the lot line of the establishment or use.

9.7. DANGEROUS AND OBJECTIONABLE ELEMENTS.

9.7.1. Odors.

No emission of odorous gases or other matter shall be permitted in such quantities as to be readily detectable when diluted in the ratio of one (1) volume of odorous air to four (4) of clean air at the point of greatest concentration. Any process involving creation or emission of any odors shall be provided with a secondary safeguard system, so control will be maintained if primary safeguard system should fail. (There is hereby established as a guide in determining such quantities of offensive odors Table III, "Odor Thresholds," in Chapter 5, Air Pollution Abatement Manual, Copyright 1951, Manufacturing Chemists' Association, Inc., Washington, D.C., and said manual and/or table as subsequently amended).

9.7.2. Glare.

No direct or sky-reflected glare, whether from flood lights or from high temperature processes such as combustion or welding otherwise shall be

permitted. This restriction shall not apply to signs or lighting of buildings or ground for protection as otherwise permitted by the provisions of this and other Leeds Ordinances.

9.7.3. Fire and Explosion Hazards.

All activities involving, and all storage of flammable and explosive materials, shall be provided at any point with adequate safety devices against the hazard of fire and explosion.

9.7.4. Radioactivity or Electronic Disturbances.

No activities shall be permitted which emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.

9.7.5. Smoke.

No emission shall be permitted from any chimney or other source, of smoke or gases except in accordance with air pollution provisions of the Utah State Board of Health.

9.7.6. Fly Ash, Dust, Fumes, Vapors, Gases, and Other Forms of Air Pollution.

No emission shall be permitted except in accordance with air pollution provisions of the Utah State Board of Health.

9.7.7. Liquid or Solid Wastes.

No discharge at any point into public sewer, private sewage system, or stream, or into the ground shall be permitted, except in accordance with the standards approved by the State Department of Health or standards equivalent to those approved by such Department. No materials or wastes shall be deposited on any property in such form or manner that they may be transferred off the property by natural causes or forces, and any wastes which might be attractive to rodents or insects shall be stored outdoors only in closed containers.