

DRAFT ORDINANCE

Chapter 21.34.150 IP Inland Port Overlay District

A. Purpose: The purpose of the IP Inland Port Overlay District is to allow for the development of an inland port as required in Utah Code Chapter 11-58 Utah Inland Port Authority Act and its successor. The district is intended to take advantage of its location near an international airport, the interstate system, and rail infrastructure to allow for development that facilitates regional, national, and international trade. Land uses in the district are light industrial in nature, provide high quality jobs, and are an economic engine for the City and region. The district is well connected, linking people to jobs and other parts of the City and region, and linking businesses to goods and services by vehicle, rail, transit, air, bicycle, and foot. Above all, the district is a model to the nation for sustainable development that:

- respects and maintains sensitivity to the natural environment;
- helps to achieve City and State goals for air and water quality;
- minimizes resource use;
- utilizes best available technology and practices to avoid, minimize, manage and mitigate detrimental environmental impacts; and
- is compatible with and complements other uses within the district and near the district.

The standards and processes stated in this chapter are intended to implement the purpose of the district and the vision, guiding principles, goals, objectives, and policies of Plan Salt Lake and other applicable city plans, such as the Northwest Quadrant Master Plan.

B. Applicability

1. The IP Inland Port Overlay District applies to all inland port uses that are located within the IP Inland Port Authority Jurisdictional Land as defined in Utah Code 11-58.
2. **Uses:** Uses in the IP Inland Port Overlay District are as specified in the table of permitted and conditional uses for the M-1 Light Manufacturing zoning district as set forth in chapter 21A.33 of this title. This section does not prohibit land uses that are listed as permitted or conditional in the underlying zoning district.
 - a. **Land Use Table Conflict:** When a land use in the IP overlay district is allowed as a permitted or conditional use in the M-1 Light Manufacturing zoning district, but is not allowed as either a permitted or conditional use in the underlying zoning district, the use shall be considered a conditional use.
 - b. **Conditional Use Process and Approval Authority:** Any conditional use that is within the IP Inland Port Overlay District is subject to the conditional use process and standards found within this chapter and in chapter 21A.54. The Planning Commission shall review all Conditional Uses in the IP Inland Port Overlay District and are not considered an administrative conditional use.
 - c. **Expansion of Existing Conditional Uses:** A new conditional use is required for the expansion of a conditional use when:

- (1) Required by chapter 21A.54;
- (2) The land area of the existing conditional use is expanded by one thousand (1,000) square feet or more; or
- (3) The use was previously listed as a permitted use and is now listed as a conditional use and is expanded by one thousand (1,000) square feet or more.

d. Natural Resource Unloading, Loading, Transfer, or Temporary Storage: Any use that includes the unloading, loading, transfer, or temporary storage of natural resources as a primary or accessory use shall be considered a conditional use regardless of what is stated in the table of permitted and conditional uses for the underlying zoning district.

e. Existing Development Agreements: The applicability of this chapter in relationship to existing development agreements shall be determined based on the terms of the existing development agreements.

f. Prohibited Uses: The following uses shall not be considered an inland port use and are not permitted within the IP Inland Port Overlay District:

- (1) Any use that is listed as a permitted or conditional use in the M-2 Heavy Manufacturing district that is not otherwise allowed as a permitted use or conditional use in the M-1 Light Manufacturing zoning district.
- (2) Extractive industry.
- (3) Incinerator, medical waste/hazardous waste, nonhazardous waste, and/or any incinerating facility that would be considered regulated as a point source.
- (4) Refinery, petroleum products.
- (5) Hazardous waste processing or storage.
- (6) Explosive manufacturing or storage.
- (7) Bottling Plant.
- (8) Animal Rendering.

3. Base Zoning District Standards: All lot, bulk, and design standards or regulations applicable to the underlying zoning district or applicable overlay district shall apply unless otherwise specified in this chapter.

4. Applicability with Other Overlays: If any other overlay district further restricts or prohibits any section of the IP Inland Port Overlay District, the more restrictive regulation shall apply and take precedence.

C. Area: The boundaries of the IP Inland Port Overlay District shall be the same as the authority jurisdictional lands defined in Utah Code 11-58.

D. Application Requirements

1. **Permitted Uses:** Permitted uses located in the IP Inland Port Overlay District shall be subject to the site plan review requirements found in chapter 21A.58.
2. **Conditional Uses:** In addition to the requirements in chapter 21A.54, Conditional Uses in the IP Inland Port Overlay district shall comply with the following additional standards and application submittal requirements.

a. State and Federal Permits: Evidence shall be provided that the land use applicant has acquired all required federal and state permits, unless the state and/or federal permitting agency requires city conditional use approval prior to their permit approval. If a state and/or federal permitting agency requires city conditional use approval prior to their issuance of permits, obtaining the state and/or federal permit shall be a condition of approval of the conditional use.

b. Impact Mitigation Plan: An Impact Mitigation Plan that includes the following information shall be provided in order to demonstrate compliance with Utah Code 11-58 and to measure the detrimental impacts a conditional use may have on surrounding properties, the environment, and the ability of the city to implement adopted master plan policies. The items listed below shall include any necessary descriptions, site plans, studies, reports, plans, and applicable state and federal permits already received.

- (1) A description of how the proposed development will meet or exceed applicable state and federal regulations related to the development and use of the property;
- (2) A description of the potential detrimental impacts of the proposed development on surrounding properties and the methods proposed by the land use applicant to mitigate those impacts;
- (3) A description of any potential detrimental environmental impacts the proposed development may cause including, but not limited to, impacts on air quality, surface water, and groundwater. The plan shall include methods the land use applicant intends to use to mitigate any potential environmental impact, including the extent to which the proposed development will apply the best available technology or systems, and best management practices and controls;
- (4) A description of the potential detrimental impact of the proposed development on migratory bird production areas, as defined in Utah Code 23-28 and the methods proposed by the land use applicant to mitigate those impacts;

- (5) A transportation impact study that states the expected number of trips to be generated, the type of vehicles expected, and the times of day that the most severe impact can be expected. It shall also detail the effect on street capacity by the development, as well as nearby intersections that will be impacted by the development's traffic. The plan shall identify methods that the land use applicant proposes to mitigate detrimental transportation impacts;
- (6) A report that estimates the annual energy consumption of the use and that demonstrates that the utility capacity is sufficient to support the use at normal service levels and what methods and best practices will be used to implement adopted City goals and policies related to energy efficiency;
- (7) The anticipated impacts on the storm water system and the methods the land use applicant proposes to mitigate the impacts. This shall include a technical drainage study which meets current City stormwater detention/retention requirements; information regarding how the land use will comply with any stormwater master plans; and information regarding possible flooding hazards and how the land use will comply with any flood plain development permitting requirements;
- (8) A water use study that identifies the anticipated water consumption from the land use and a plan that outlines all water efficiency measures or methods that the land use applicant will implement to reduce water consumption and any off-site improvements that may be required to provide water service;
- (9) A sanitary sewer discharge study that shows the anticipated sewer discharge from the land use and any off-site improvements that may be required to provide sewer service; and
- (10) An emergency response plan that indicates the detrimental impacts that the development may have on its surroundings and public resources in the event of a natural disaster or on-site accident and methods used to mitigate the impacts.

c. Specific Conditional Use Standards for the IP Inland Port Overlay: In addition to the standards of review for Conditional Uses in chapter 21A.54, Conditional Uses in the IP Inland Port Overlay shall comply with the following:

- (1) Any detrimental impact or effect from the proposed use shall not exceed those that could reasonably be expected to arise from a use that is permitted in the district.

- (2) A conditional use that is considered an Inland Port Use shall meet the objectives for an inland port use stated in Utah Code 11-58.

3. Procedures:

- a. **Determination of Application Completeness:** Upon receipt of an inland port land use application, the Planning Director shall make a determination of completeness of the application pursuant to the application requirements required by this title. No processing timeline required by Utah Code 11-58 or by this title shall start until the application is deemed to be complete. An application that does not comply with the applicable standards in this Title shall not be considered a complete application.
 - b. **State and City Procedure Compliance:** The City shall comply with all applicable application processing and noticing requirements as established in Utah Code 10-9a and 11-58 and chapter 21A.10.
 - c. **Third-Party Review:** The planning director may request a third-party review of any element of the mitigation plan required by this chapter.
 - d. **Exemptions from Impact Mitigation Plan:** The following conditional uses are exempt from the Impact Mitigation Plan required by this chapter:
 - (1) Uses listed as a Conditional Use in the table of permitted and conditional uses of the underlying zone, but listed as a permitted use in the M-1 Light Manufacturing zoning district.
 - (2) Uses not listed as an allowed use in the table of permitted and conditional uses of the underlying zone, but listed as a permitted use in the M-1 Light Manufacturing zoning district.
 - (3) Adaptive reuse of a landmark site.
 - (4) Alcohol related establishments.
 - (5) Antenna, communication tower, exceeding the maximum building height
 - (6) Wireless telecommunications facility.
4. **Appeals:** Decisions related to inland port uses made by the city appeals hearing officer may be appealed to the Inland Port Authority Appeals Panel as authorized in Utah code 11-58.

E. Additional Development Standards

1. **Natural Resource and Bulk Storage:** Utah Code 11-58 requires that the transporting, unloading, transfer, or temporary storage of natural resources be allowed in the IP Inland Port Overlay District. The following standards apply to natural resource and bulk material storage in excess of five hundred (500) square feet in area:
 - a. Standards applicable to outdoor storage of natural resource and bulk materials:
 - (1) Storage areas shall not be located within one thousand (1,000) feet of a residential zoning district or the Utah State prison facility.

- (2) The ground under the storage area shall be a solid, non-permeable surface,
 - (3) The storage area shall be contained within walls and that material shall not be stored at a height that is greater than the height of the wall.
 - (4) The storage area shall include fugitive dust control measures that include dust that is created by unloading, loading, transfer, and temporary storage.
- b. The unloading, loading, transfer, or temporary storage of coal, coal byproducts (such as coke, fly ash, bottom ash, synthetic gypsum and similar products), and crude oil shall be:
- (1) Conducted within an enclosed building, except that such materials may be stored in a rail car if the rail car is covered or sprayed with a surfactant to reduce dust.
 - (2) Located a minimum of one thousand (1,000) feet from any area located in the Northwest Quadrant Overlay District Natural Area, any aquatic resources as defined by the Army Corps of Engineers, any migratory bird production area as defined in Utah Code 23-28, or any environmentally sensitive area as identified by any state or federal agency.
 - (3) Located a minimum of one thousand (1,000) feet from a residential zoning district or the Utah State prison facility.
- c. The outdoor storage of bulk materials necessary for public safety purposes, such as the storage of de-icing materials used on public streets, is exempt from these requirements.
- d. The standards in this section do not apply to existing landfills located within the LO Landfill Overlay zoning district.

List of Terms (to be added to 21A.60)

Animal Rendering
Aquatic resource
Bulk Storage
Fugitive dust
Hazardous waste processing or storage
Inland port
Inland port use
Inland port land use application
Impact mitigation report
Land Use appeal authority
Land use applicant
Land use application
Land use authority
Natural resource
Temporary storage

Definition to be added or modified:

ADMINISTRATIVE DECISION: Any final order, requirement, decision, determination or interpretation made by a land use authority in the administration or the enforcement of this title.

ANIMAL RENDERING: A facility that converts waste animal tissue into stable, usable products. Rendering includes the processing of animal products into more useful materials.

AQUATIC RESOURCE: High-functioning water bodies, riparian corridors, wetlands, uplands, and playas as determined by the Army Corps of Engineers.

BULK MATERIAL STORAGE: Loose, unwrapped, non-parceled, or unbundled materials stored outside.

FUGITIVE DUST: Solid airborne particulate matter emitted from any source other than through a stack or chimney.

HAZARDOUS WASTE PROCESSING AND STORAGE: A facility that treats, stores, recycles, incinerates or transfers hazardous waste. Hazardous waste shall include any waste material that is subject to Utah Code Title 19.

INLAND PORT: The use of land as defined in Utah Code 11-58 and its successor.

INLAND PORT USE: A use of land that supports, promotes and depends on the proximity to the inland port as defined in Utah Code 11-58 and its successor.

INLAND PORT LAND USE APPLICATION: Any application required by this title, any required building permits, utility permits, or other permits required by the city necessary to develop an inland port use.

IMPACT MITIGATION REPORT: A report provided by an inland port land use applicant that identifies all potential detrimental impacts that may be produced by an inland port use. The impact mitigation report includes the topics required in 21A.34.150 and any other information deemed necessary by the Planning Director for the planning commission to evaluate the detrimental impacts identified in chapter 21A.54.

LAND USE APPEAL AUTHORITY: The designated or appointed appeals hearing officer(s) for Salt Lake City.

LAND USE APPLICANT: An individual or entity that submits a land use applicant. A land use applicant shall be the owner of the property or a designated representative of the owner.

LAND USE APPLICATION: An application required by this title for any process, development, or permit required by this title. A land use application does not include an application to create or modify a master plan or a zoning amendment.

LAND USE AUTHORITY: The entity identified by this title to decide a land use application.

NATURAL RESOURCE: A material supplied by nature excluding any material that has gone through a process to alter the material from its natural state, such as refined products, the production of chemicals, or waste materials, other than collecting it from its natural setting and transporting to another location.

TEMPORARY STORAGE: The storage of any material for less than 30 days.

21A.33.040: TABLE OF PERMITTED AND CONDITIONAL USES FOR MANUFACTURING DISTRICTS: (Extract showing proposed modifications only)

Use	Permitted And Conditional Uses By District	
	M-1	M-2
Grain elevator	<u>CP</u> ¹²	P
Railroad, repair shop	<u>CP</u>	P
Solar array	P ^a	P
<u>Storage, self</u>	<u>P</u>	<u>P</u>

a. Prior to issuance of a building permit in the Development Area and the Eco-Industrial Buffer Area of the Northwest Quadrant Overlay, consultation with the Utah Division of Wildlife Resources is required to obtain recommendations on siting and equipment types for all solar arrays on a particular property to mitigate impacts to wildlife.