

ORDINANCE NO: O-2021-12

AN ORDINANCE OF THE HIGHLAND CITY COUNCIL AMENDING SEVERAL SECTIONS OF THE HIGHLAND CITY DEVELOPMENT CODE RELATING TO THE NUISANCE OF NOISE IN COMMERCIAL ZONES AS SHOWN IN FILENAME TA-21-04.

WHEREAS, all due and proper notices of public hearings and public meetings on this Ordinance held before the Highland City Planning Commission (the "Commission") and the Highland City Council (the "City Council") were given in the time, form, substance and manner provided by Utah Code Section 10-9a-205; and

WHEREAS, the Planning Commission held a public hearing on this Ordinance on May 25, 2021 and

WHEREAS, the City Council held a public hearing on this Ordinance on June 1, 2021.

NOW, THEREFORE, BE IT ORDAINED BY THE Highland City Council as follows:

SECTION 1: **AMENDMENT** "3-4321 Nuisances" of the Highland City Development Code is hereby *amended* as follows:

C-1

3-4321 Nuisances

1. No portion of the property shall be used in such a manner as to create a nuisance to adjacent sites, such as, but not limited to, vibration, sound, electromechanical disturbance and radiation, electromagnetic disturbance, air or water pollution, dust emission of odorous, toxic, or noxious matter, or placement, dumping or blowing refuse, paper or other garbage.
2. Noise Attenuation: All commercial areas within Highland City shall be subject to the following noise limitations established in Municipal Code Section 8.16.100 Nuisance of Noise and Light. :

- ~~1. Noise from external sources may not exceed 65 d.b.a. during daylight operations.~~
- ~~2. Noise from external sources may not exceed 45 d.b.a. during nighttime operations.~~
- ~~3. Commercial developments shall incorporate site planning techniques in order to reduce resident exposure to noise and shall, if needed, provide adequate sound attenuation walls in conformance with the standards set forth in these articles.~~

SECTION 2: **AMENDMENT** “3-4367 Nuisances” of the Highland City Development Code is hereby *amended* as follows:

CR

3-4321 Nuisances

1. No portion of the property shall be used in such a manner as to create a nuisance to adjacent sites, such as, but not limited to, vibration, sound, electromechanical disturbance and radiation, electromagnetic disturbance, air or water pollution, dust emission of odorous, toxic, or noxious matter, or placement, dumping or blowing refuse, paper or other garbage.
2. Noise Attenuation: All commercial areas within Highland City shall be subject to the ~~following~~ noise limitations established in Municipal Code Section 8.16.100 Nuisance of Noise and Light.:

- ~~1. Noise from external sources may not exceed 65 d.b.a. during daylight operations.~~
- ~~2. Noise from external sources may not exceed 45 d.b.a. during nighttime operations.~~
- ~~3. Commercial developments shall incorporate site planning techniques in order to reduce resident exposure to noise and shall, if needed provided adequate sound attenuation walls in conformance with the standards set forth in these articles.~~

SECTION 3: **AMENDMENT** “3-4521 Nuisances” of the Highland City Development Code is hereby *amended* as follows:

R-P

3-4521 Nuisances

1. Property in a Residential-Professional Zone shall not be used in such a manner as to create a nuisance to adjacent sites, such as, but not limited to, vibration, sound, electromechanical disturbance and radiation, electromagnetic disturbance, air or water pollution, dust emission of odorous, toxic, or noxious matter, or placement, dumping or blowing refuse, paper or other garbage.
2. Noise Attenuation. All Residential-Professional areas within Highland City shall be subject to the ~~following~~ noise limitations established in Municipal Code Section 8.16.100 Nuisance of Noise and Light.:

- ~~1. Noise from external sources may not exceed 65 d.b.a. during daylight operations.~~
- ~~2. Noise from external sources may not exceed 45 d.b.a. during nighttime operations.~~
- ~~3. Residential-Professional developments shall incorporate site planning techniques in order to reduce resident exposure to noise and shall, if needed provided adequate sound attenuation walls in conformance with the standards set forth in these articles.~~

SECTION 4: **AMENDMENT** “3-4622 Nuisances” of the Highland City Development Code is hereby *amended* as follows:

Senior Care

3-4622 Nuisances

No portion of the property shall be used in such a manner as to create a nuisance to adjacent sites, such as, but not limited to, vibration, sound, electromechanical disturbance and radiation, electromagnetic disturbance, air or water pollution, dust emission of odorous, toxic, or noxious matter, or placement, dumping or blowing refuse, paper or other garbage.

1. Noise Attenuation. All Senior Care Assisted Living Overlay areas within Highland City shall be subject to the ~~following~~ noise limitations established in Municipal Code Section 8.16.100 Nuisance of Noise and Light:

~~1. Noise from external sources may not exceed 65 d.b.a. during daylight operations. 2. Noise from external sources may not exceed 45 d.b.a. during nighttime operations. 3. Senior Care Assisted Living Overlay developments shall incorporate site planning techniques in order to reduce resident exposure to noise and shall, if needed provide adequate sound attenuation walls in conformance with the standards set forth in these articles.~~

2. Dust Mitigation. All excavations in excess of 1/4 acre shall obtain and file with the City a dust mitigation plan.

1. Grading, Sedimentation and Erosion Control. All building permits shall be accompanied by a grading, sedimentation, and erosion control plan which shall at a minimum include environmental fencing surrounding the project and best management practices.

SECTION 5: **AMENDMENT** “3-4735 Nuisances” of the Highland City Development Code is hereby *amended* as follows:

Town Center Overlay 3-4735 Nuisances

1. No portion of the property shall be used in such a manner as to create a nuisance to adjacent sites, such as, but not limited to, vibration, sound, electromechanical disturbance and radiation, electromagnetic disturbance, air or water pollution, dust emission of odorous, toxic, or noxious matter, or placement, dumping or blowing refuse, paper or other garbage.
2. Noise Attenuation. All commercial areas within Highland City shall be subject to the ~~following~~ noise limitations ~~measured at the source~~: established in Municipal Code Section 8.16.100 Nuisance of Noise and Light.

~~1. Noise from external sources may not exceed 65 d.b.a. during daylight operations. 2. Noise from external sources may not exceed 45 d.b.a. during nighttime operations. 3. Commercial developments shall incorporate site planning techniques in order to reduce resident exposure to noise and shall, if needed provide adequate~~

~~sound attenuation walls in conformance with the standards set forth in these articles.~~

SECTION 5: **AMENDMENT** “3-4920 Nuisances” of the Highland City Development Code is hereby *amended* as follows:

PO

3-4920 Nuisances

1. No portion of the property shall be used in such a manner as to create a nuisance to adjacent sites, such as, but not limited to, vibration, sound, electromechanical disturbance and radiation, electromagnetic disturbance, air or water pollution, dust emission of odorous, toxic, or noxious matter, or placement, dumping or blowing refuse, paper or other garbage.
2. Noise Attenuation. All professional office areas within Highland City shall be subject to the ~~following~~ noise limitations established in Municipal Code Section 8.16.100 Nuisance of Noise and Light.:

~~1. Noise from external sources may not exceed 65 d.b.a. during daylight operations. 2. Noise from external sources may not exceed 45 d.b.a. during nighttime operations.~~

~~3. Professional office developments shall incorporate site planning techniques in order to reduce resident exposure to noise and shall, if needed provide adequate sound attenuation walls in conformance with the standards set forth in these articles.~~

3. Dust Mitigation. All excavations in excess of 1/4 acre shall obtain and file with the City a dust mitigation plan.
4. Grading, Sedimentation and Erosion Control. All building permits shall be accompanied by a grading, sedimentation, and erosion control plan which shall at a minimum include environmental fencing surrounding the project and best management practices.

SECTION 6: **AMENDMENT** “3-4959 Nuisances” of the Highland City Development Code is hereby *amended* as follows:

PI

3-4959 Nuisances

1. Property in a Public Institution Zone shall not be used in such a manner as to create a nuisance to adjacent sites, such as, but not limited to, vibration, sound, electromechanical disturbance and radiation, electromagnetic disturbance, air or water pollution, dust emission of odorous, toxic, or noxious matter, or placement, dumping or blowing refuse, paper or other garbage, or outside storage.
2. Noise Attenuation. All Public Institution areas within Highland City shall be subject to the ~~following~~ noise limitations established in Municipal Code Section 8.16.100 Nuisance of Noise and Light.:

1. ~~Public Institution developments shall incorporate site planning techniques in order to reduce resident exposure to noise~~
3. The storage or manufacturing of hazardous materials or hazardous waste, combustibles and explosive materials, or petroleum products exceeding state or federal limits shall be prohibited. These materials and products shall be regulated and enforced by state and federal laws and regulations.
 1. "Hazardous materials" shall mean hazardous waste as defined in the Utah Hazardous Waste Management Regulations, PCBs, dioxin, asbestos, or a substance regulated under 42 U.S.C., Section 6991(2), and including petroleum products or any explosive materials as determined by state or federal regulations shall be prohibited. Federal limits for hazardous materials are defined by the Code of Federal Regulations: Title 40 — Protection of Environment, Volume 18, 40CFR261.3.
 2. "Hazardous waste" means a solid waste or combination of solid wastes other than household waste which, because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
 3. "Combustibles and Explosives" shall be defined by Section 10-8-56 Utah Law. The storage or manufacturing of gunpowder, tar, pitch, resin, coal, oil, gas, gasoline, benzene, turpentine, nitroglycerine, petroleum or any of the products thereof, and other combustible or explosive substances or materials shall be prohibited.
 4. "Petroleum" includes crude oil or any fraction of crude oil that is liquid at 60 degrees Fahrenheit and at a pressure of 14.7 pounds per square inch absolute. "Petroleum storage tank" means a tank that:
 1. Is underground;
 2. Is regulated under subtitle i of the resource conservation and recovery act, 42 u.s.c. section 6991c, et seq.; and
 3. Contains petroleum.

SECTION 7: **AMENDMENT** "3-41020 Nuisances" of the Highland City Development Code is hereby *amended* as follows:

PU

3-41020 Nuisances

1. Property in a Public Utility Zone shall not be used in such a manner as to create a nuisance to adjacent sites, such as, but not limited to, vibration, sound, electromechanical disturbance and radiation, electromagnetic disturbance, air or water pollution, dust emission of odorous, toxic, or noxious matter, or placement, dumping or blowing refuse, paper or other garbage, or outside storage.
2. Noise Attenuation. All Public Utility areas within Highland City shall be subject to

the ~~following~~ noise limitations established in Municipal Code Section 8.16.100 Nuisance of Noise and Light.:

- ~~1. Noise from external sources may not exceed 65 d.b.a. during daylight operations.~~
- ~~2. Noise from external sources may not exceed 45 d.b.a. during nighttime operations.~~
- ~~3. Public Utility developments shall incorporate site planning techniques in order to reduce resident exposure to noise and shall, if needed, provide adequate sound attenuation walls in conformance with the standards set forth in these articles.~~
3. The storage or manufacturing of hazardous materials or hazardous waste, combustibles and explosive materials, or petroleum products exceeding state or federal limits shall be prohibited. These materials and products shall be regulated and enforced by state and federal laws and regulations.
 1. "Hazardous materials" shall mean hazardous waste as defined in the Utah Hazardous Waste Management Regulations, PCBs, dioxin, asbestos, or a substance regulated under 42 U.S.C., Section 6991(2), and including petroleum products or any explosive materials as determined by state or federal regulations shall be prohibited. Federal limits for hazardous materials are defined by the Code of Federal Regulations: Title 40 -- Protection of Environment, Volume 18, 40CFR261.3.
 2. "Hazardous waste" means a solid waste or combination of solid wastes other than household waste which, because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
 3. "Combustibles and Explosives" shall be defined by Section 10-8-56 Utah Law. The storage or manufacturing of gunpowder, tar, pitch, resin, coal, oil, gas, gasoline, benzene, turpentine, nitroglycerine, petroleum or any of the products thereof, and other combustible or explosive substances or materials shall be prohibited.
 4. "Petroleum" includes crude oil or any fraction of crude oil that is liquid at 60 degrees Fahrenheit and at a pressure of 14.7 pounds per square inch absolute. "Petroleum storage tank" means a tank that:
 1. Is underground;
 2. Is regulated under subtitle i of the resource conservation and recovery act, 42 u.s.c. section 6991c, et seq.; and
 3. Contains petroleum.

SECTION 8: REPEALER CLAUSE All ordinances or resolutions or

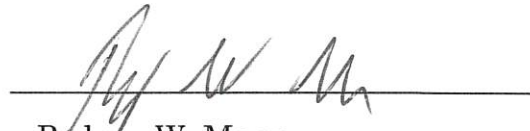
parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 9: 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 10: EFFECTIVE DATE This Ordinance shall be in full force and effect from June 1, 2021 and after the required approval and publication according to law.

PASSED AND ADOPTED by the Highland City Council,
June 1, 2021

HIGHLAND CITY, UTAH



Rodney W. Mann
Highland City Mayor

ATTEST:


Stephannie Cottle
Highland City Recorder

| COUNCILMEMBER | YES | NO |
|-------------------|-------------------------------------|--------------------------|
| Timothy A. Ball | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Brittney P. Bills | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Kurt Ostler | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Kim Rodela | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Scott L. Smith | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

