

WESTERN WEBER PLANNING COMMISSION

MEETING AGENDA

December 10, 2019

5:00 p.m

- ***Pledge of Allegiance***
- ***Roll Call:***

Petitions, Applications, and Public Hearings

New business

1. Administrative items

- 1.1 SPE 2019-02:** Discussion and action on a conceptual sketch plan endorsement request for a Cluster Subdivision located at approximately 3800 W 1800 S.

Applicant: Lync Construction; Staff Presenter: Tammy Aydelotte

- 1.2 SPE 2019-03:** Discussion on a sketch plan endorsement request for Vaquero Village Cluster Subdivision Amended.

Applicant: Justin Burrow; Staff Presenter: Felix Lleverino

2. Legislative items

a. New business

- 2.1 ZMA 2019-05:** To consider and take action on a request to amend the Weber County zone map to rezone approximately 4.59 acres from RE-15 zone to R-1-10 at approximately 6224 S 2225 E, Ogden

Applicant: Randy Moore; Staff Presenter: Steve Burton

- 2.2 ZTA 2019-09:** A public hearing to review and make recommendation to the County Commission on a proposal to amend Weber County Code § 104-5, § 104-6, § 104-7, § 104-8, and § 104-25 to allow the cultivation and processing of medical cannabis, as required by state code. The proposed amendment will also provide minor edits to these sections for clarification purposes.

Presenter: Charlie Ewert

3. Public Comment for Items not on the Agenda

4. Remarks from Planning Commissioners

5. Planning Director Report

6. Remarks from Legal Counsel

7. Adjourn

The regular meeting will be held in the Weber County Commission Chambers, in the Weber Center, 1st Floor, 2380 Washington Blvd., Ogden, Utah.

Please enter the building through the front door on Washington Blvd. if arriving to the meeting after 5:00 p.m.

A Pre-Meeting will be held at 4:30 p.m. in Commission Chambers Break Out Room. The agenda for the pre-meeting consists of discussion of the same items listed above, on the agenda for the meeting.

No decisions are made in the pre-meeting, but it is an open, public meeting.

In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8791

Meeting Procedures

Outline of Meeting Procedures:

- ❖ The Chair will call the meeting to order, read the opening meeting statement, and then introduce the item.
- ❖ The typical order is for consent items, old business, and then any new business.
- ❖ Please respect the right of other participants to see, hear, and fully participate in the proceedings. In this regard, anyone who becomes disruptive, or refuses to follow the outlined procedures, is subject to removal from the meeting.

Role of Staff:

- ❖ Staff will review the staff report, address the approval criteria, and give a recommendation on the application.
- ❖ The Staff recommendation is based on conformance to the general plan and meeting the ordinance approval criteria.

Role of the Applicant:

- ❖ The applicant will outline the nature of the request and present supporting evidence.
- ❖ The applicant will address any questions the Planning Commission may have.

Role of the Planning Commission:

- ❖ To judge applications based upon the ordinance criteria, not emotions.
- ❖ The Planning Commission's decision is based upon making findings consistent with the ordinance criteria.

Public Comment:

- ❖ The meeting will then be open for either public hearing or comment. Persons in support of and in opposition to the application or item for discussion will provide input and comments.
- ❖ The commission may impose time limits for comment to facilitate the business of the Planning Commission.

Planning Commission Action:

- ❖ The Chair will then close the agenda item from any further public comments. Staff is asked if they have further comments or recommendations.
- ❖ A Planning Commissioner makes a motion and second, then the Planning Commission deliberates the issue. The Planning Commission may ask questions for further clarification.
- ❖ The Chair then calls for a vote and announces the decision.

Commenting at Public Meetings and Public Hearings

Address the Decision Makers:

- ❖ When commenting please step to the podium and state your name and address.
- ❖ Please speak into the microphone as the proceedings are being recorded and will be transcribed to written minutes.
- ❖ All comments must be directed toward the matter at hand.
- ❖ All questions must be directed to the Planning Commission.
- ❖ The Planning Commission is grateful and appreciative when comments are pertinent, well organized, and directed specifically to the matter at hand.

Speak to the Point:

- ❖ Do your homework. Obtain the criteria upon which the Planning Commission will base their decision. Know the facts. Don't rely on hearsay and rumor.
- ❖ The application is available for review in the Planning Division office.
- ❖ Speak to the criteria outlined in the ordinances.
- ❖ Don't repeat information that has already been given. If you agree with previous comments, then state that you agree with that comment.
- ❖ Support your arguments with relevant facts and figures.
- ❖ Data should never be distorted to suit your argument; credibility and accuracy are important assets.
- ❖ State your position and your recommendations.

Handouts:

- ❖ Written statements should be accurate and either typed or neatly handwritten with enough copies (10) for the Planning Commission, Staff, and the recorder of the minutes.
- ❖ Handouts and pictures presented as part of the record shall be left with the Planning Commission.

Remember Your Objective:

- ❖ Keep your emotions under control, be polite, and be respectful.
 - ❖ It does not do your cause any good to anger, alienate, or antagonize the group you are standing in front of.
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Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Discussion and action on a conceptual sketch plan endorsement request for a Cluster Subdivision located at approximately 3800 W 1800 S.		
Type of Decision:	Administrative		
Agenda Date:	Tuesday, December 10, 2019		
Applicant:	Lync Construction		
File Number:	SPE 2019-02		
Approximate Address:	3800 W 1800 S		
Project Area:	40.00 acres		
Zoning:	Agricultural (A-1)		
Existing Land Use:	Agricultural		
Proposed Land Use:	Residential		
Parcel ID:	15-057-0006		
Township, Range, Section:	T6N, R2W, Section 21 SW		

Adjacent Land Use

North:	Agricultural	South:	1800 South St
East:	Residential	West:	Residential

Staff Information

Report Presenter:	Tammy Aydelotte taydelotte@co.weber.ut.us 801-399-8794
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Applicable Ordinances

- Title 101, Chapter 1 General Provisions, Section 7, Definitions
- Title 104, Chapter 5 Agricultural Zone (A-1)
- Title 108, Chapter 3 Cluster Subdivisions

Summary

The applicant has submitted a conceptual sketch plan for a 56 lot cluster subdivision for review and endorsement by the Planning Commission as required in the Uniform Land Use Code of Weber County (LUC). The subject property is zoned A-1 and is currently 1 agricultural parcel containing 40.00 acres. The conceptual sketch plan process is intended as a discussion item between the applicant and the Planning Commission without an in depth review by the Planning Division Staff. The required application, vicinity map and subdivision plan are attached as Exhibit A. The area taken up by road is 4 acres (174,240 square feet), leaving a total area of 36 acres (1,568,160 square feet) as net developable area. The net developable area allows a total of 39 lots. The applicant is proposing to preserve 50 percent of the net developable area (18 acres) as open space to receive a 40 percent bonus density. With a 40 percent bonus density the applicant would be allowed an additional 15 lots, totaling 54 lots. The applicant, as part of preliminary subdivision submittal will need to show 54 lots instead of the requested 56. The applicant will also need to demonstrate compliance with the Cluster Subdivision Ordinance as part of preliminary subdivision submittal.

[illegible]

Roadway = 4 acres

Open Space = 18.2 acres

Total = 40 acres



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	A discussion for a sketch plan endorsement request for Vaquero Village Cluster Subdivision Amendment.
Type of Decision:	Administrative
Agenda Date:	Tuesday, December 10, 2019
Applicant:	Justin Barrow
File Number:	SPE 2019-03
Approximate Address:	7110 W 900 S
Project Area:	30.75 acres
Zoning:	Agricultural (A-1, A-2)
Existing Land Use:	Agricultural/Residential
Proposed Land Use:	Residential
Parcel ID:	10-036-0026
Township, Range, Section:	T6N, R3W, Section 14

Adjacent Land Use

North:	Agricultural/ Residential	South:	Agricultural/ Residential
East:	Agricultural/ Residential	West:	Agricultural/ Residential

Staff Information

Report Presenter:	Felix Lleverino flleverino@co.weber.ut.us 801-399-8767
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Applicable Ordinances

- Title 101, Chapter 1 General Provisions, Section 7, Definitions
- Title 104, Chapter 7 Agricultural (A-2)
- Title 108, Chapter 3 Cluster Subdivisions

Development History

Vaquero Village Cluster Subdivision was recorded on April 26, 2018, after meeting land-use requirements and displaying compliance with the Weber County Cluster Subdivision Code. This subdivision contains 13 lots that are roughly 20,000 square feet to accommodate the placement of a septic system. The amount of open space preserved totaled 32.1%. The sole access to this subdivision is from and will continue to be from the intersection of 7100 West and 900 South.

Summary

This report is an addendum to the report that covers the original Vaquero Village Subdivision Amended plan.

There is an additional 8.33-acre parcel that is proposed to be included with the Vaquero Village Cluster Subdivision. In which 4 additional lots are proposed along with a 5.83 open space remainder parcel. Each lot within this additional 8.33 parcel will contain 33,000 to 25,000 square feet. The current cluster code encourages the clustering of lots into one while preserving contiguous areas of prime agricultural ground. The additional 5.83-acre open space parcel and the ten-acre piece are not contiguous. Based on imagery, a canal separates this 5.83-acre piece from the remaining arable ground to the east (see Area map).

The additional 8.33 acres may be included as part of the Vaquero Village Cluster Subdivision Amended if Mr. Barrow is willing to include it with the Vaquero Village Cluster Subdivision Amended.



Exhibit A



CIVIL ENGINEERING
CONSULTANTS, PLLC.
5141 SOUTH 1500 WEST
RIVERDALE, UT 84405
801.866.0550

NO.	DATE	BY	REVISIONS

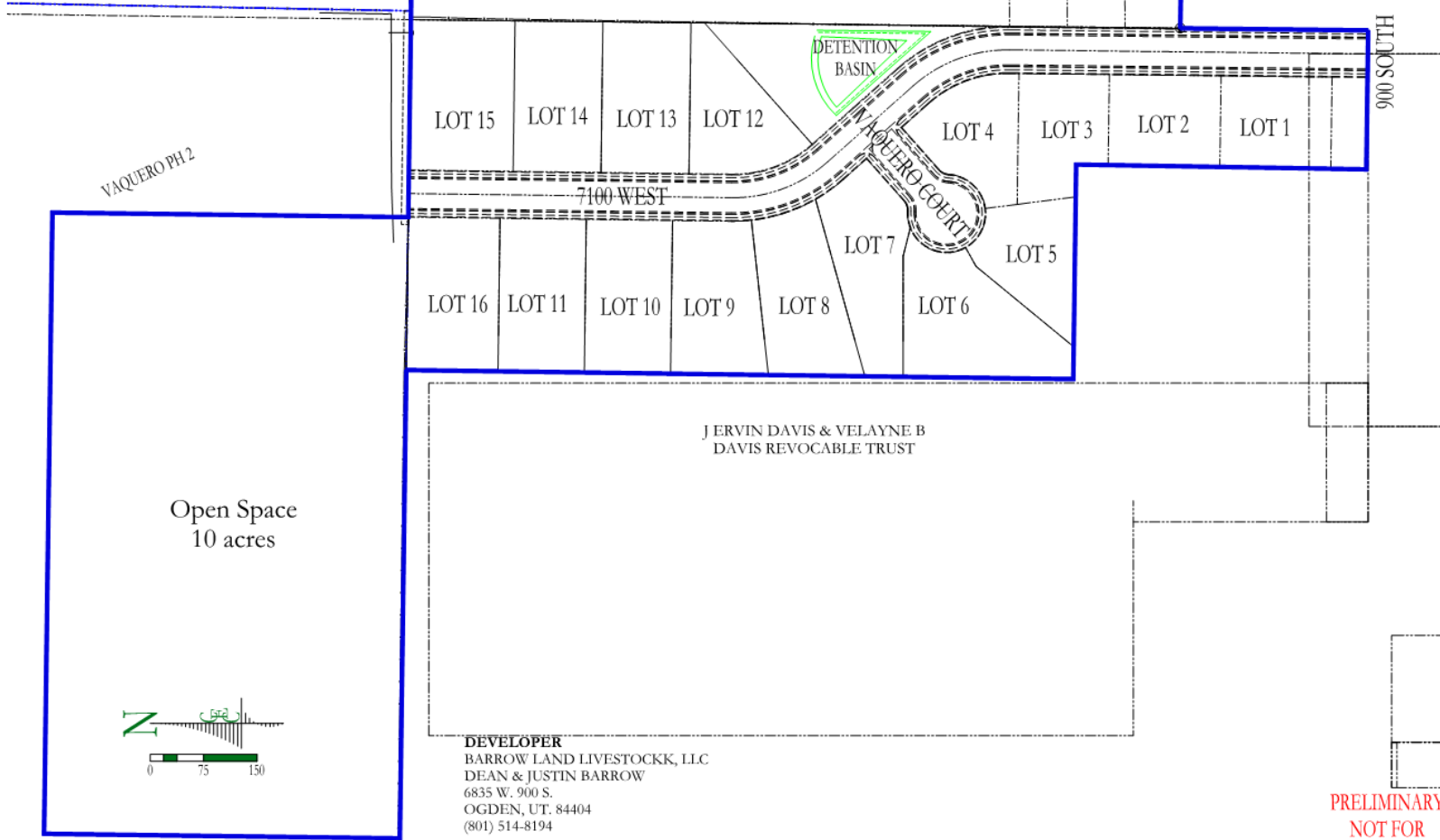
NOVEMBER 2019
DRAWN: JLS
CHECKED: NSN

PROJECT / LOCATION:
HUNTER'S SUBDIVISION
WEBER COUNTY
TITLE:
PRELIMINARY LAYOUT

CLIENT:
FILE: PAT BURNS
PROJECT NUMBER:
PBURNS.19003
PRELIM.dwg
SHEET:
1 of 1

Exhibit B

VAQUERO VILLAGE NEW WEBER COUNTY, UTAH NOVEMBER 2019



DEVELOPER
BARROW LAND LIVESTOCK, LLC
DEAN & JUSTIN BARROW
6835 W. 900 S.
OGDEN, UT. 84404
(801) 514-8194



CIVIL ENGINEERING
CONSULTANTS, PLLC.
5141 SOUTH 1500 WEST
RIVERDALE, UT 84405
801.866.0550

NO.	DATE	BY	REVISIONS

DATE: DECEMBER 2019
DRAWN: JLS
CHECKED: NSN

PROJECT / LOCATION:
VAQUERO VILLAGE NEW SUBDIVISION
WEBER COUNTY
TITLE:
CONCEPTUAL PLAN

CLIENT:
JUSTIN BARROW
PROJECT NUMBER:
JBARROW.17004
FILE:
CONCEPT.dwg
SHEET:
1 of 1

**PRELIMINARY
NOT FOR
CONSTRUCTION**



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: To consider and take action on a request to amend the Weber County zone map to rezone approximately 4.59 acres from RE-15 zone to R-1-10 at approximately 6224 S 2225 E, Ogden
Agenda Date: Tuesday, December 10, 2019
Applicant: Randy Moore
File Number: ZMA 2019-05

Property Information

Approximate Address: 6224 S 2225 E, Ogden, Unincorporated Weber County)
Zoning: The area is currently zoned RE-15
Existing Land Use: Vacant
Proposed Land Use: Residential (R-1-10)
Township, Range, Section: T5N, R1W, Section 23

Adjacent Land Use

North: Residential
East: Residential

South: Residential
West: Residential

Staff Information

Report Presenter: Steve Burton
sburton@webercountyutah.gov
801-399-8766
Report Reviewer: RG

Applicable Ordinances

§102-5: Rezoning Procedures

Legislative Decisions

When the Planning Commission is acting as a recommending body to the County Commission, it is acting in a legislative capacity and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Legislative actions require that the Planning Commission give a recommendation to the County Commission. For this circumstance, criteria for recommendations in a legislative matter require compatibility with the general plan and existing ordinances.

Summary

This application is a request for a rezone of 4.59 acres from the RE-15 zone to the R-1-10 zone. The RE-15 zone is intended for very low density residential and agricultural uses, with a minimum lot size of 15,000 square feet. The R-1-10 zone is intended for residential lots with a minimum lot size of 10,000 square feet. The R-1-10 zone does not allow most of the farm animal land uses that the RE-15 zone does. A review of Exhibit E will show the differences in land uses and development standards between the two zones. It also shows the development standards and uses in the R-2 zone for a broader frame of reference.

The general plan for the area indicates that the future of this area should be reserved for “low density” residential uses. The plan specifies that “low density” residential means that this area is planned for three to eight dwelling units per acre.¹ The plan specifically calls for either the R-1, R-2, or R-3 zones. Given that it also specifies that it is intended for three to eight dwellings per acre it could be found that a rezone to the R-1-10 zone, which is

¹ See page 72 of the Southeast Planning Area Comprehensive Master Plan.

approximately 4.4 dwellings per acre at maximum density, is well under the general plan's maximum anticipated density threshold for the area.

Staff is offering a positive recommendation for the rezone based on its compliance with the general plan.

Policy Analysis

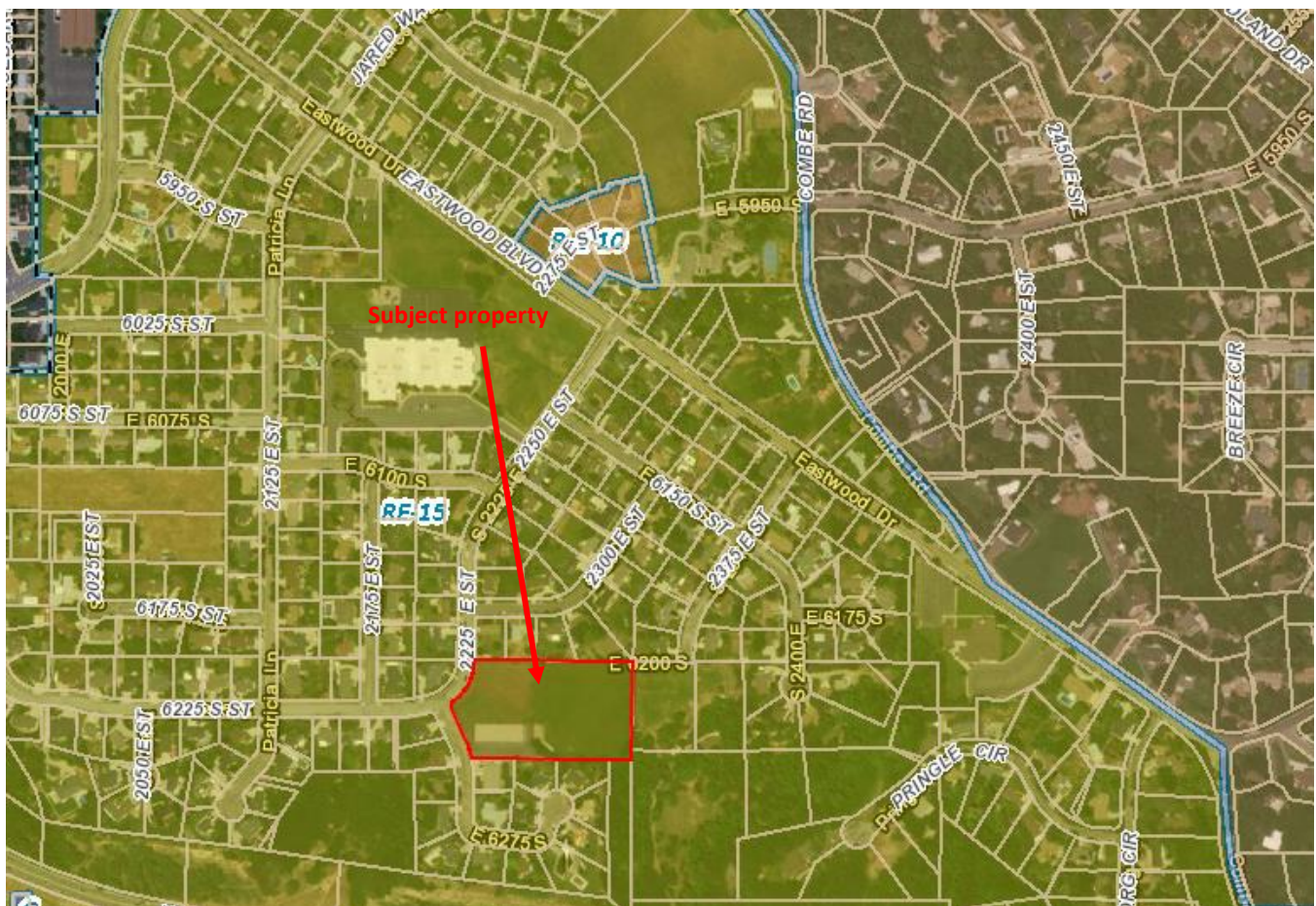
The Weber County Land Use Code has a chapter that governs application-driven rezones. The following is a policy analysis of the requested rezone based on the Land Use Code and best planning practices.

Zoning. The current zone of the subject parcel is RE-15. **Figure 1**² displays current zoning and the parcels affected by the proposed rezone. The RE-15 zone is intended for very-low density residential and agricultural uses, with a minimum lot size of 15,000 square feet.

Weber County Code § 104-3-1 says the purpose of the RE-15 zone is:

"to provide and protect residential development at a low density in a semi-agricultural or rural environment. It is also to provide for certain rural amenities on larger minimum lots, in conjunction with the primary residential nature of the zone."

Figure 1: Current Zoning Map and the Subject Parcel(s).



The proposed zone for the subject parcel is the R-1-10 zone. Pursuant to § 104-12-1, the purpose of the R-1-10 zone is:

"to provide regulated areas for single-family residential use at two different low-density levels."

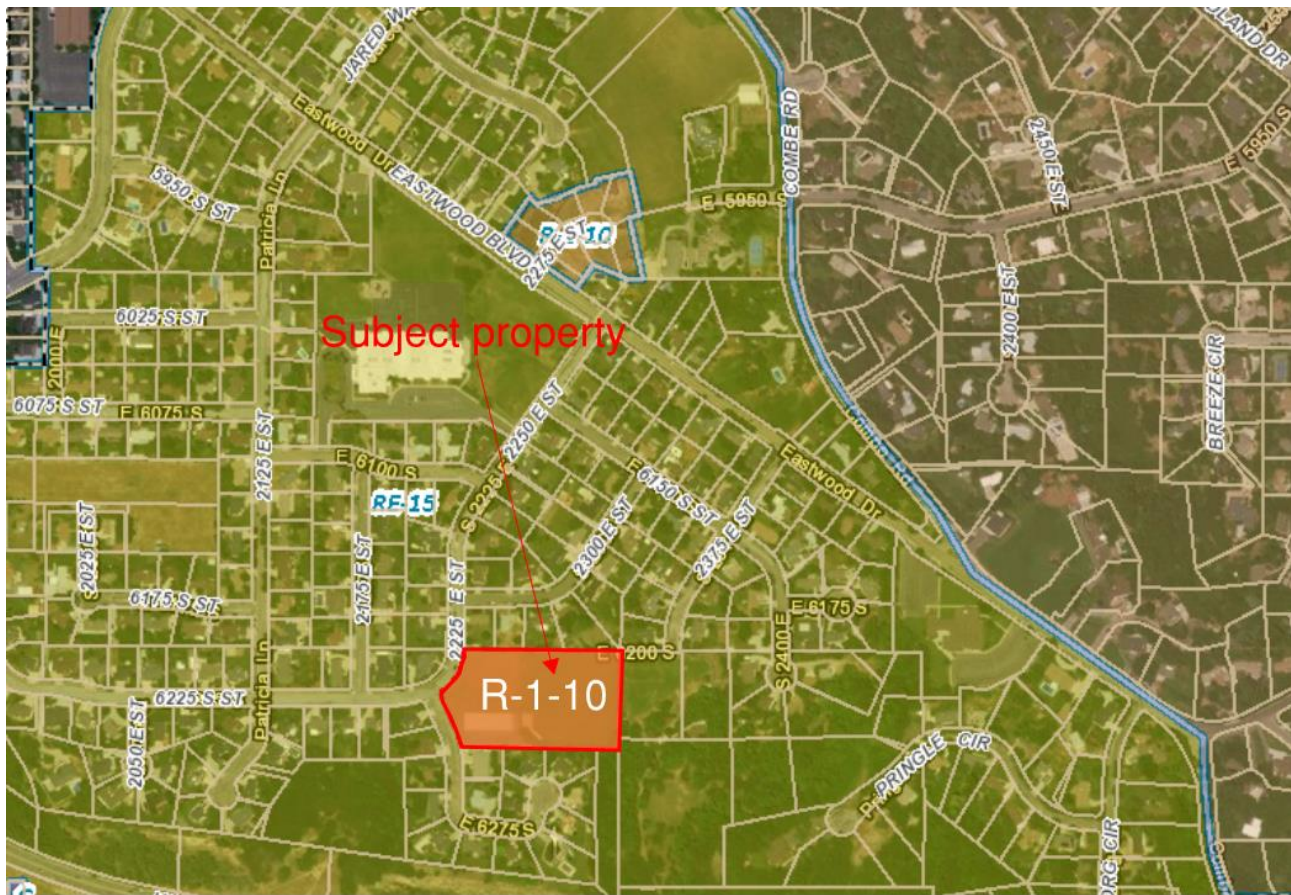
The proposed rezone can be viewed in **Figure 2**³. Based on gross area, the existing RE-15 zone could yield approximately 13 residential dwelling units in the subject rezone area. Based on gross area, the proposed R-1-10

² See also Exhibit B.

³ See also Exhibit C.

zone could yield approximately 19 residential dwelling units, an approximately six dwelling unit increase in density rights of the area. This might not be the actual potential density, as some of the land will likely be required to be reserved for a street.

Figure 2: Proposed Zoning Map and the Subject Parcel(s).



Changing a zone from RE-15 to R-1-10 comes with a few things to consider. The Planning Commission should review the uses that are different in each zone and the differences in lot size requirements⁴. The most prominent difference in terms of intensity of uses is that the RE-15 zone requires residential lots to be 15,000 square feet but the R-1-10 zone allows lots to be as small as 10,000 square feet. Another difference is that the RE-15 zone anticipates agricultural farm animals and the R-1-10 zone does not.

General plan. Weber County Code § 102-5-2 specifies that rezoning should be in compliance with the general plan. The applicable general plan is an older one that has not been amended in some time. It is the Southeast Area Comprehensive Land Use Master Plan (1970-1990). The rezone proposal appears to comply with this general plan.

Figure 3⁵ shows that the general plan's future land use map has this area designated for "low density." This map and the plan text is clear enough to suggest that the property's current zoning, the RE-15 zone, is not in compliance with "low density" and should be changed. The proposed R-1-10 zone would change the zoning to a zone that better supports the low density classification.

The general plan anticipates "low density" to be three to eight dwelling units per acre. While the current RE-15 zone provides for only 2.9 units to the acre, the proposed rezone would enable 4.4 dwelling units to the acre, which is well within the recommended range.

Furthermore, the description of the R-1-10 zone better suits the plan's description of "low density" than the RE-15 zone. The RE-15 zone is better compared to the plan's "very low density" designation. The plan reads as follows:

Very low density

The very low density classification is designed as a transition zone between agricultural land uses and urban residential development. The classification permits the development of single and two family structures on a minimum of 15,000 square feet in the unincorporated areas of the county, and 20,000 square feet in Uintah [Township]. In both cases, the density requirements relate to the Suburban-Residential-Agricultural (S-1A)

⁴ See Exhibit E to compare the uses between the R-1-10 zone and the RE-15 zone.

⁵ See also Exhibit D.

zone.⁶ The density requirements of the “Very Low” classification would permit the development of one to two dwelling units per net residential acre.

The proposed area for development under very low density are located east of 2400 East, south of the Ogden City limits and north of 6450 South in what is known as the Uintah Highlands. The other very low density residential area is located in the Uintah Township⁷.

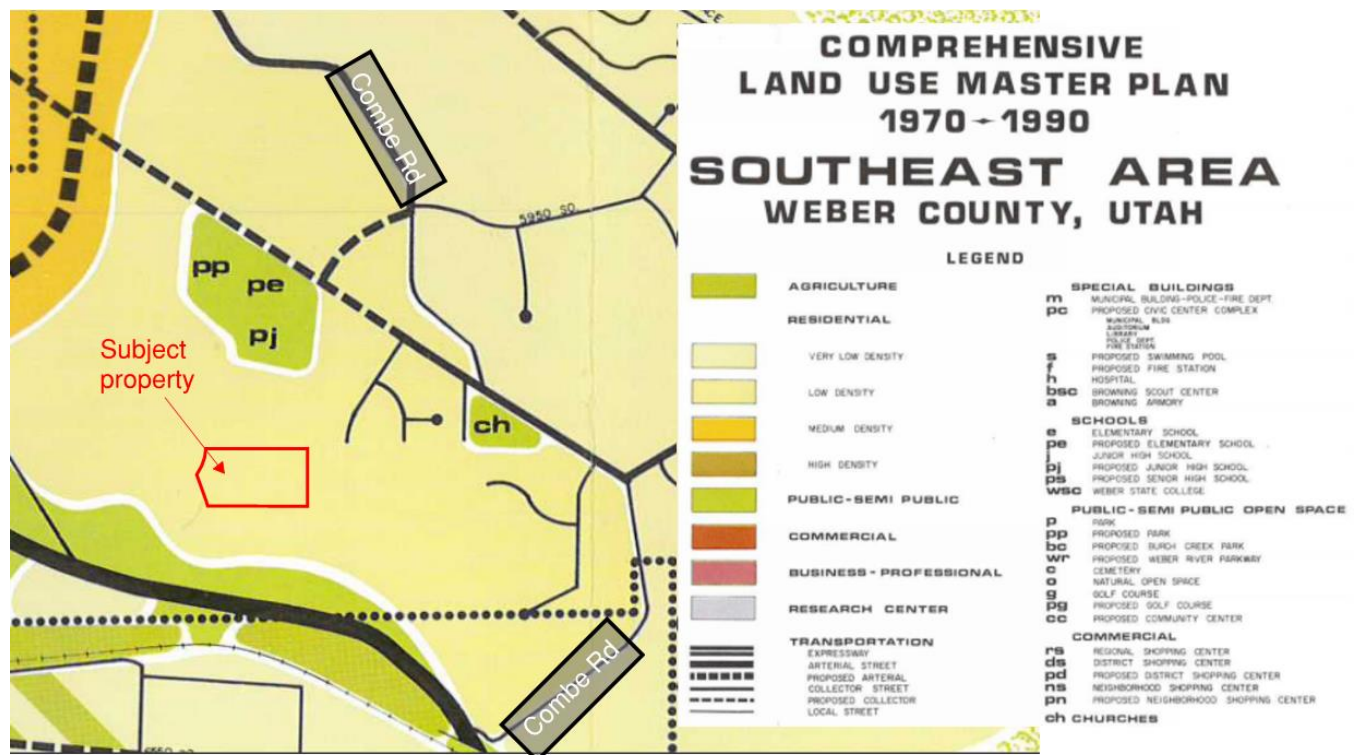
Low density

The low density classification consists of those uses which exist in R-1⁸, R-2, and R-3 or single family and duplex structures. The density for this classification provides for three to eight dwelling units per net residential acre. The minimum required area for building a single family home is 6,000 square feet.

The plan proposes that low density residential development should take place near collector streets with access to neighborhood school and park facilities. The plan envisions the continuation of existing low density areas particularly on the areas north of Washington Boulevard and south of the Burch Creek to the northern boundary of Golf City and in the areas around Weber State College and east of the proposed Skyline Drive. Other areas of low density housing are shown dispersed throughout the southwest portion of the planning area. The majority of the proposed low density area other than that described above is located in the property to be developed by Wasatch Hills Development Company. The low density residential areas should be served by a full complement of community facilities and be protected from intrusion of through traffic and non-residential oriented land uses.

Figure 3⁹ graphically presents the expected layout of the above described designations. Combe road is the edge between the “low density” classification and the “very low density” classification.

Figure 3: Future Land Use Map of the Southeast Area’s General Plan.



Even though the proposed rezone creates an island of one zone surrounded by another, this is not considered spot zoning because the general plan requests this type of zoning density in the area, thus this request is anticipated

⁶ The county no longer has a S-1A zone, but does have the RE-15 and RE-20 zones that correspond to this designation.

⁷ The “Uintah Township” is now predominantly Uintah City.

⁸ The county no longer has the R-1 zone, but does have the R-1-10 zone that roughly corresponds to this designation.

⁹ See also Exhibit D

and recommended for not just the subject property, but also adjacent properties. The RE-15 zone and the R-1-10 zone are similar enough in nature to not create significant concern regarding adjacent conflicting uses.¹⁰ Over time, the general plan anticipates that future decisions will change surrounding RE-15 zoning to the R-1-10 or other similar zone. There is another R-1-10 zone approximately 1300 feet to the north of the subject property so it can be observed that this proposed zone is not inconsistent with zones in the area. A proposal for a zone such as R-2 or R-3, which allows 6,000 square foot minimum area for single-family dwellings, could be considered inconsistent or incompatible with zones in the area. If the Planning Commission is concerned about a proposed R-1-10 island, then more consideration could be given to rezoning other surrounding land to the R-1-10 zone as well.

Rezoning. Weber County Code § 102-5-3 sets forth approval criteria when considering a rezone. Because a rezone is legislative, this criterion allows broad deference to the County Commission's legislative decision-make authority. The criterion is twofold:

- (a) *To promote compatibility and stability in zoning and appropriate development of property within the county, no application for rezoning shall be approved unless it is demonstrated that the proposed rezoning promotes the health, safety and welfare of the county and the purposes of this chapter.*
- (b) *The planning commission and the county commission will consider whether the application should be approved or disapproved based upon the merits and compatibility of the proposed project with the general plan, surrounding land uses, and impacts on the surrounding area. The commissions will consider whether the proposed development, and in turn the application-for rezoning, is needed to provide a service or convenience brought about by changing conditions and which therefore promotes the public welfare. The county commission may require changes in the concept plan in order to achieve compatibility and may impose any conditions to lessen or eliminate adverse impacts.*

Weber County Code § 102-5-4 and § 102-5-5 sets forth application submittal criteria. In these chapters the Planning Commission will find that Weber County has previously adopted very strict requirements for rezones. These application requirements expect engineered drawings for concept plans, water and waste water provisions, and storm water runoff. This is a challenging burden to meet when a landowner is considering a rezone, and each of these are required prior to actual development of the land, so it may be redundant to require them.

Concept development plan. A concept development plan has been provided for the property¹¹. If the rezone is approved contingent on this concept development plan the ordinance requires that owner strictly comply with it. Staff does not recommend rezoning contingent upon this concept development plan. The concept shows a cul-de-sac turnaround for rather than a through-street. Weber County Code § 106-2-3 might require this to be a through street that connects to adjacent property to the east.

Under § 102-5-6(1) the county commission may:

"approve the proposed rezoning and concurrently approve a concept plan for the development, in whole or in part, with or without changes or conditions and adopt an ordinance rezoning the property;"

Locations of buildings and structures and their architectural designs. The ordinance requires that the concept plan show the location of buildings and structures and their architectural designs. The applicant asserts that the design and layout of lots and buildings will comply with the subdivision regulations and zoning standards in place at the time a subdivision is proposed. The applicant has provided conceptual renderings of examples of buildings that might go in the development. The planning commission may determine that this requirement has been satisfied with this explanation.

Access and traffic circulation. This property is located on 2225 E Street. 2375 E Street stubs to an adjacent property to the East. If the property is rezoned and a subdivision is developed, a connection to adjacent undeveloped property may be required by the land use code. The subdivisions adjacent to the subject parcel have curb, gutter and sidewalk along both sides of the road. Such improvements are likely to be required for a future residential subdivision on the subject parcel.

Water, waste water, fire, engineering, and other utilities. The applicant has provided a feasibility letter from the Uintah Highlands Improvement District for water and sewer. This application was sent for review by all relevant review agencies. None returned any negative responses.

¹⁰ See Exhibit E to compare the uses between the R-1-10 zone and the RE-15 zone.

¹¹ See Attachment F.

Staff Recommendation

Staff recommends that the Planning Commission forward a positive recommendation to the County Commission regarding File #ZMA 2019-05, a proposal to rezone approximately 4.59 acres from the RE-15 zone to the R-1-10 zone. This recommendation comes with the following findings:

1. The Southeast Area Comprehensive Land Use Master Plan (the general plan) recommends the uses and densities of the R-1-10 zone.
2. The proposed rezone will promote the health, safety, and general welfare of the Weber County public by offering more affordable lot sizes than surrounding zoning.
3. The surrounding land uses do not pose a conflict with the proposed zone, and the new uses of the proposed zone are anticipated to fit into the area harmoniously.
4. The proposal meets the intent of “low density” rather than “very low density” residential development as outlined in the Southeast Area Comprehensive Land Use Master Plan (the general plan).

Exhibits

Exhibit A: Application.

Exhibit B: Current Zone Map.

Exhibit C: Proposed Zone Map.

Exhibit D: Southeast Area Comprehensive Land Use Master Plan Map (General Plan’s Future Land Use Map).

Exhibit E: Tabular Comparison of RE-15 and R-1-10 Zones.

Exhibit F: Concept Development Plan.

As required in the rezone application, we are providing our overview of the development. And our reasons to request a rezone of the property. The property is owned by The Church of Jesus Christ of Latter-Day Saints, and is currently being used as a Park/Ball field.

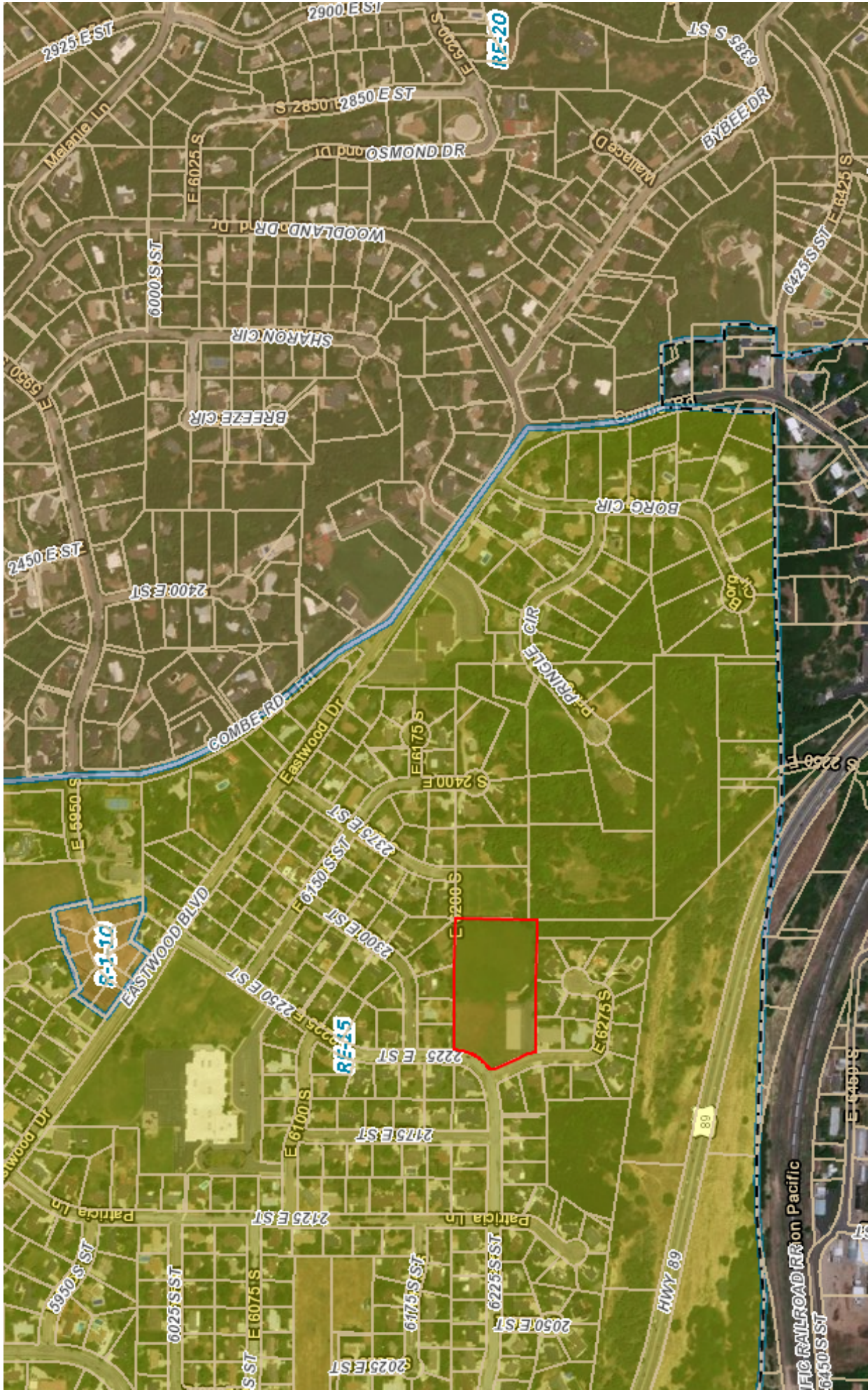
We are requesting a rezone from the current RE-15 zoning to a R-1-10 zoning.

The general plan designates that this area will be "low density" residential. The general plan defines "low density" residential as 3-8 units per acre. The R-1-10 zone requires a minimum of 10,000 sq.ft. lots. This is a minimum size lot, and with the width and layout of the property many lots will exceed this. Our conceptual plan (it is conceptual and could change) proposes 13 lots with an average lot size of 12,750 sq. ft. This is 2.8 lots per acre and is actually below the general plan density requirements.

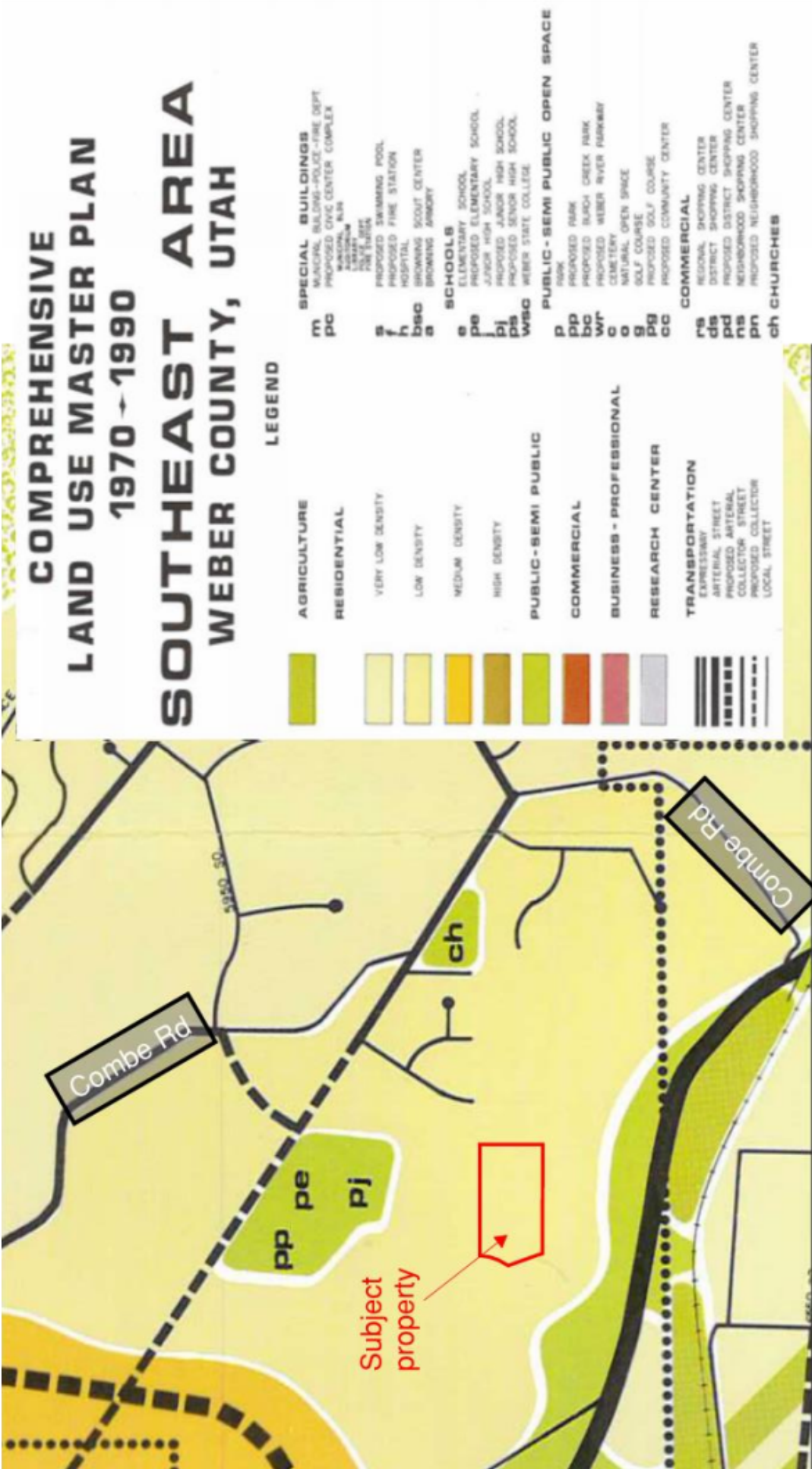
We have been in the Real Estate Development and Homebuilding for 40 years. We have developed in many cities along the Wasatch Front. Over this period and particularly over the past 10-15 years, we have seen a demand for smaller lot size, higher density, higher-quality developments. There are two buyers demanding this shift. Older empty nester Buyer's that do not want large lots to maintain. And younger Buyers that are looking for affordability and more importantly less maintenance. Younger Home buyers have other interests than yardwork. A 10,000 sq. ft. lot is still a very "large lot" by most standards. And even with our proposed plan the lots would average 12,750 sq. ft. which is almost a 1/3 acre.

In September of 2018 the Weber County Commission approved a rezone application from the RE-15 zone to a R-1-10 for a new subdivision located at 2220 E Eastwood Blvd. This new subdivision is about 2 blocks North of our proposed rezone and is the same zoning change that we are requesting.

We would also request that the Planning Commission and The County Commission look to reduce the side yard requirements for the R-1-10 zone. The current code requires that the side yards be "10 feet with a total width of 2 side yards not less than 24 ft". This side yard requirement is the same for the RE-20, RE-15, R-1-12 and the R-1-10 zones. The side yards seem appropriate for all the zones with the exception of the R-1-10 zone. The R-1-10 zone requires a minimum 80-foot-wide lot. The 80-foot-wide minimum lot is reasonable, and pretty standard with what most other Cities allow. But with the requirement for 24' total side yards, this is much larger. This would only allow a home to be 56' wide on a 80' lot. The larger side yards can provide space between homes, but they will reduce the size of the homes that can be built. And more importantly not allow us to build 3 car garages on many lots. Most municipalities require an 8' side yard in a R-1-10 zone. Or some cities require a 10' side yard on the garage side and a 6-8' side yard on the non-garage side. This can help allow for RV driveways on the garage side.







Site Development Standards

Zone	R-1-10	RE-15	R-2
Minimum Lot Area	10,000 square feet.	15,000 square feet.	6,000 square feet.
Minimum Lot Width	80 feet.	100 feet.	60 feet.
Minimum Yard Setbacks			
Front	20 feet.	30 feet.	25 feet.
Side			
Dwelling	10 feet; with total of two sides not less than 24 feet.	10 feet; with total of two sides not less than 24 feet.	8 feet; with total of two sides not less than 18 feet.
Other Main Building	20 feet.	20 feet.	20 feet.
Accessory Building	10 feet; except 1 foot when at least 6 feet from rear of dwelling and not less than 10 feet from dwelling on adjacent lot.	10 feet; except 1 foot when at least 6 feet from rear of dwelling and not less than 10 feet from dwelling on adjacent lot.	8 feet; except 1 foot when at least 6 feet from rear of dwelling and not less than 8 feet from dwelling on adjacent lot.
Side; on corner lot	20 feet.	20 feet.	20 feet.
Rear			
Main Building	20 feet.	30 feet.	30 feet.
Accessory Building	1 foot; except 10 feet where accessory building rears on side yard of adjacent corner lot.	1 foot; except 10 feet where accessory building rears on side yard of adjacent corner lot.	1 foot; except 8 feet where accessory building rears on side yard of adjacent corner lot.
Height			
Main Building	35 feet.	30 feet.	35 feet.
Accessory Building	25 feet.	25 feet.	25 feet.

Land Uses

N = Not Permitted

P = Permitted

C = Conditionally Permitted

Zone	R-1-10	RE-15	R-2
Agricultural and Animal Uses			
Agriculture.	P	P	P
Agricultural experimentation center	N	P	N
Animals and fowl kept for family food production as an incidental and accessory use to the residential use of the lot.	N	P	
		P	
Chinchilla raising.	N	Requires 40,000 square feet minimum lot area	N

Corral, stable or building for keeping of animals or fowl, provided such building shall be located not less than 100 feet from a public street, and not less than 25 feet from any side or rear lot line.	N	P	N
Farms devoted to the hatching, raising (including fattening as incident to raising) of chickens, turkeys or other fowl, rabbit, fish, frogs or beaver hatched or raised on the premises.	N	P Requires 5 acre minimum lot area	N
Private stables; horses for private use only, and provided that not more than one horse may be kept for each one-half acre of land used for horses within any lot and no horses shall be kept on any lot of less than one-half acre in area.	N	P	N
Raising and grazing of horses, cattle, sheep or goats, including the supplementary feeding of such animals, provided that such raising or grazing is not a part of, nor conducted in conjunction with any livestock feed yard, livestock sales yard, slaughterhouse, animal by products business or commercial riding academy.	N	P Requires 5 acre minimum lot area	N
Residential Uses			
Bachelor and/or bachelorette dwelling with 24 or less dwelling units.	N	N	P
Cluster subdivision	P	P	N
Group dwelling with 24 or less dwelling units	N	N	P
Home occupations.	P	P	P
Household pets, which do not constitute a kennel.	P	P	P
Planned residential unit development	C	C	C
Residential facilities for persons with a disability	P	C	P
Residential facility for elderly persons	C	C	P
Single-family dwelling.	P	P	P
Two-family dwelling.			P
Public and Quasi-Public Uses			
Public utility substations.	C	C	C
Cemetery with customary incidental uses including, but not limited to mortuary, mausoleum, crematory, staff housing, service shops and chapel.	P	P	C
Church, synagogue or similar building used for regular religious worship.	P	P	P
Educational institution.	P	N	P
Educational/institutional identification sign.	C	C	C
Public building, public park, recreation grounds and associated buildings.	P	P	P
Water storage reservoir developed by a public agency	C	C	C
Commercial Uses			
Child day care or nursery.	N	C	N
Golf course, except miniature golf course.	P	P	P

Greenhouse and nursery limited to sale of material produced on premises and with no retail shop operation.	N	P	N
Other Uses			
Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.	P	P	P
Greenhouse, for private use only.	P	P	P
Parking lot accessory to uses permitted in this zone.	P	P	P
Private park, playground or recreation area, but not including privately owned commercial amusement business.	C	C	C
Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.	P	P	P
Small wind energy system.	N	C	N

HIGHLANDS BLUFF ESTATES

LOT 1 SUBDIVISION

2225 EAST 6225 SOUTH

WEBER COUNTY, UTAH

CONCEPT PLAN

ZONE R-1-10

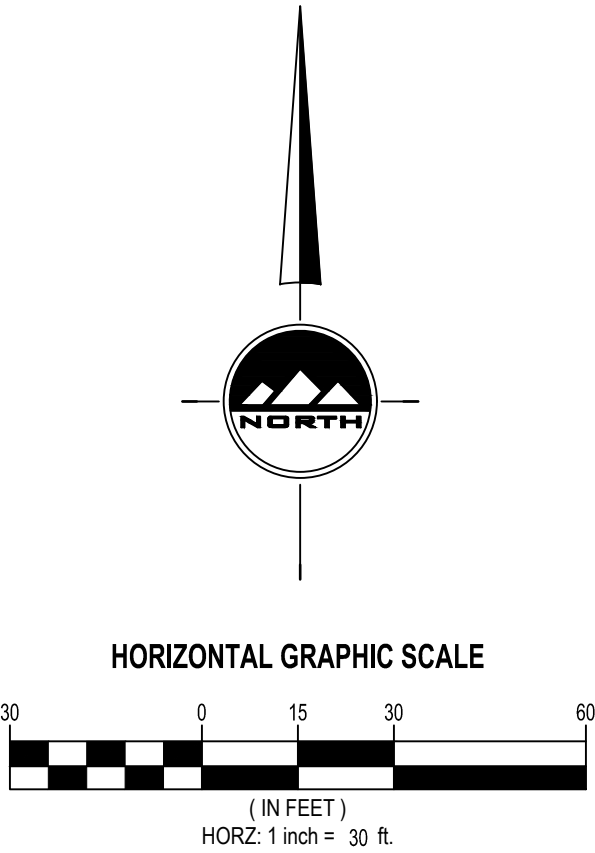
PROJECT NUMBER
9455

PRINT DATE
10/18/19

DRAWN BY
M.ELMER

CHECKED BY
C.PRESTON

PROJECT MANAGER
C.PRESTON

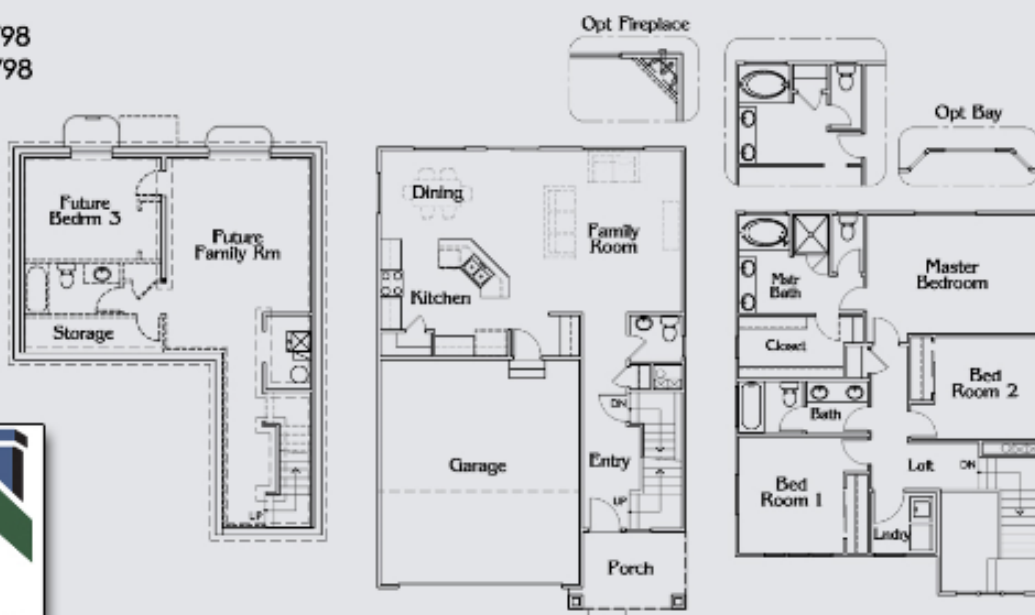


Arlington

Plan # **1716**



Square Footages:
Basement Level = 798
Main Flr Finished = 798
Second Floor = 917
Overall = 2513



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Hampton

Plan # **1937**



Square Footages:

Basement Level = 862

Main Flr Finished = 862

Second Floor = 1065

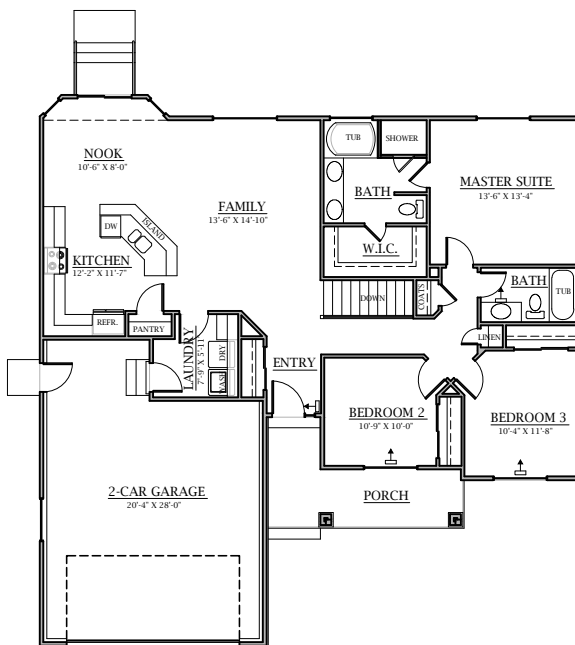
Overall = 2799



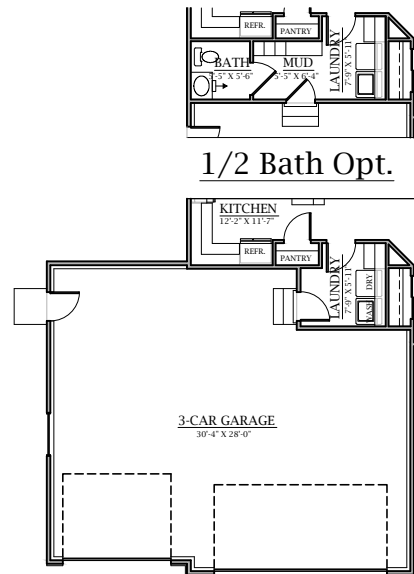
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The Lexington

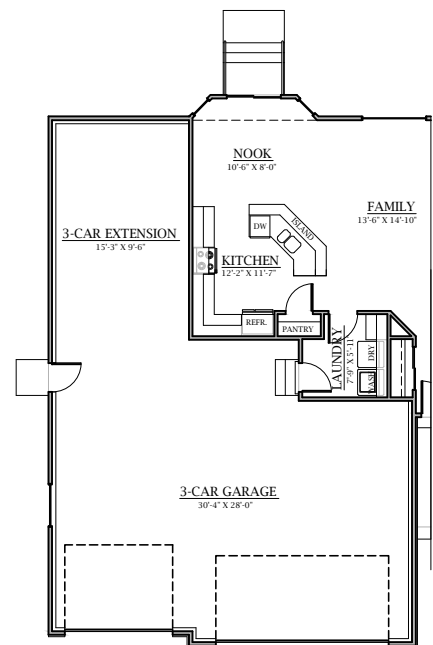
Exhibit F
Page 4 of 5



Main Floor Plan



3-Car Opt. 1



3-Car Opt. 2



Main Floor	1450	Sq. Ft.
Basement: Finished	29	Sq. Ft.
Unfinished	1400	Sq. Ft.
Total: Finished Area	1479	Sq. Ft.
	2879	Sq. Ft.
Garage: 2 Car Opt.	533	Sq. Ft.
3 Car Opt. 1	897	Sq. Ft.
3 Car Opt. 2	1157	Sq. Ft.

Overall Dimensions:

50'-0" Wide X 51'-0" Deep

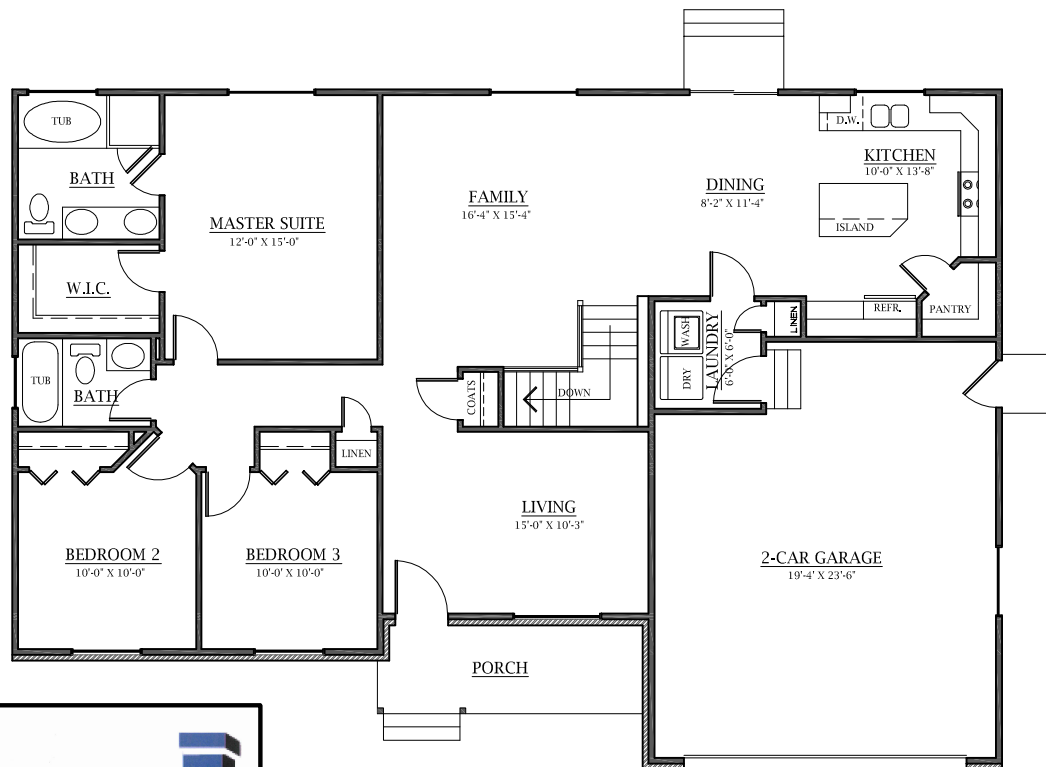
ALL DIMENSIONS ARE APPROXIMATE AND SUBJECT TO CHANGE, PRICES
SUBJECT TO CHANGE AND SOME ITEMS SHOWN MAY BE OPTIONAL



579 W. GALENA PARK PLACE, SUITE G 01
DRAPER, UT 84020
OFFICE : 801.568.6520
FAX : 801.568.0656

THE 1462

MOORE HOMES



MOORE HOMES
3200 South 7200 West
West Valley, Ut 84128
(801)250-3300 Office
(801) 943-8117 Fax

Buyer to Verify All

THE 1462

Main Floor	1452	Sq. Ft.
Basement: Finished	10	Sq. Ft.
Unfinished	1528	Sq. Ft.
Total: Finished	1462	Sq. Ft.
Area	2990	Sq. Ft.
Garage	456	Sq. Ft.

Overall Dimensions:
56'-0" Wide X 38'-6" Deep



8728 South 120 East
Sandy, Utah 84070

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Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Weber County Code § 104-5, § 104-6, § 104-7, § 104-8, § 104-25, § 108-7 to allow the cultivation and processing of medical cannabis, as required by state code. The proposed amendment will also provide minor edits to these sections for clarification purposes.

Agenda Date: Tuesday, December 10, 2019

Staff Report Date: Tuesday, December 4, 2019

Applicant: Weber County Planning Division

File Number: ZTA 2019-09

Staff Information

Report Presenter: Charlie Ewert
cewert@co.weber.ut.us
(801) 399-8763

Report Reviewer: RG

Applicable Ordinances

§ 104-5: AGRICULTURAL A-1 ZONE
§ 104-6: AGRICULTURAL VALLEY AV-3 ZONE
§ 104-7: AGRICULTURAL A-2 ZONE
§ 104-8: AGRICULTURAL ZONE A-3
§ 104-25: MANUFACTURING ZONE M-3
§ 108-7: SUPPLEMENTARY AND QUALIFYING REGULATIONS

Legislative Decisions

Decision on this item is a legislative action. When the Planning Commission is acting on a legislative item it is acting as a recommending body to the County Commission. Legislative decisions have wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Typically, the criterion for providing a recommendation on a legislative matter suggests a review for compatibility with the general plan and existing ordinances.

Summary and Background

In 2018 general election, the public of the State of Utah voted on an initiative to legalize medical cannabis. In the 2019 legislative session, the state legislature created law that regulates the newly legalized substance. The law requires every jurisdiction to allow medical cannabis processing and cultivation in at least one manufacturing zone and one agricultural zone, if the jurisdiction has those zones. Weber County has four agricultural zones and four manufacturing zones, from which to choose where this use should be allowed.

Given the generally unknown nature of the effect of cannabis processing and cultivation, staff suggest that the use be located in the heaviest intensity manufacturing and agricultural zones, which are the M-3 zone and A-3 zone, where its effect on surrounding residential uses can be minimized. The M-3 zone does not allow residential uses. The A-3 zone does if the lot size is two acres or greater. Because the A-3 zone allows residences, staff suggest addition regulation to protect residential uses from the effects of the manufacturing-type use.

These proposed amendments are included with the attached Exhibit A and B. There are other clerical edits and clarifications being proposed to those affected zoning chapters as well. A map showing the A-3 and M-3 zones is also attached.

Policy Analysis

The state has required that medical cannabis cultivation and processing be allowed in at least one manufacturing zone and one agricultural zone. The planning commission should consider whether the A-3 and M-3 zones are the most appropriate, or if there are other zones that should also be considered in addition to or in replace of A-3 and M-3.

Currently, the purpose and intent of the A-3 and M-3 zones are as follows:

A-3 Purpose and intent (Sec. 104-8-1):

The purpose of the A-3 Zone is to designate farming areas where heavy agricultural pursuits can be permanently maintained.

M-3 Purpose and intent (Sec. 104-25-1):

This district is to be primarily for industrial uses related to the manufacture, testing, and production of jet and missile engines, aircraft or space craft parts or similar heavy industry, and for the extraction and processing of raw materials. Industrial operations or uses, which are compatible with the general purpose of this zone, are included.

Based on these purpose and intent statements, it appears that cultivation and processing of medical cannabis will be generally compatible with these zones. A review of the uses allowed in each zone (Exhibit D and E) show that most of the uses are intended for the heaviest-intensity uses of their respective uses-categories. The cultivation and processing of medical cannabis is anticipated to be generally less intensive than the cultivation and processing of similar crop producing uses in the A-3 zone because of the state's strict requirements for the use. For example, the state requires all of the activities involved in the use (i.e. growing, harvesting, cutting, drying, and packaging) to be located entirely within an enclosed building. Similarly, the use is anticipated to be generally less intensive than the manufacturing uses allowed in the M-3 zone for the same reason. Without more direct measurables, which cannot be obtained until after the use has operated for some time, the only impacts anticipated are related to processing exhaust fumes from the building, and shipping and transport to and from the site.

The impacts from shipping are likely to be negligible when compared with most other heavy agricultural and manufacturing pursuits. The impact of exhaust fumes is of concern if the facility is within a certain distance from residential uses; however, the state code requires exhaust scrubbers anytime the use is within a certain distance of residential uses.

Another thing that the proposed text amendment considers is that the state code prohibits siting of a medical cannabis cultivation and processing facility within 500 feet of a residential zone. The unique circumstance of Weber County zoning is that all of the agricultural zones allow residences, as do two of the manufacturing zones. Based on the way these zones are written, it is not clear whether the allowance of residences make them as much residential as they are agricultural or manufacturing.

In the agricultural zones, the most prominent change of use of the land is from agricultural to residential, so it could be reasoned that at some point in the future some of the agricultural zones may contain more residential uses than agricultural uses. For this reason, the proposed amendment explicitly states that the A-1, A-2, and AV-3 zones are both agricultural and residential zones, but for the A-3 zone, it only states that it is an agricultural zone.

Regarding residence being allowed in the manufacturing zones, the West Central Weber General Plan suggests removing residential uses from these zoning chapters, so the proposal does not treat this issue the same for them as it does the agricultural zones.

The proposed text amendment also offers clerical and clarification amendments to text and formatting to make the ordinances easier to read, interpret, and administer. Those changes are noted in comments in the track-change version (Exhibit A)

Conformance to the General Plan

The West Central Weber County General Plan offers not explicit direction on this subject, but generally supports agricultural and manufacturing pursuits in their respective zones.

Past Action on this Item

The planning commission discussed this amendment in a recent work session.

Noticing Compliance

A hearing for this item before the Planning Commission has been posted for public notice in compliance with UCA §17-27a-205 and UCA §17-27a-502 in the following manners:

Posted on the County's Official Website

Posted on the Utah Public Notice Website

Published in a local newspaper

Staff Recommendation

Staff recommends that the Planning Commission forward a positive recommendation to the County Commission on the proposed amendments (attached Exhibit A and B). The planning commission's recommendation could come with the following findings, or as otherwise amended by the planning commission's motion:

1. The amendment will directly address where the cultivation and processing of medical cannabis can occur in Weber County, as mandated by state law.
2. The A-3 zone and the M-3 zone are most appropriate for this use at this time.
3. The amendment is not contrary to the effect of the general plan
4. The changes are not detrimental to the general health and welfare of county residents.

Exhibits

- A. Proposed Ordinance Changes – Track Change Copy.
- B. Proposed Ordinance Changes – Clean Copy.
- C. A-3 and M-3 Zone Map.
- D. Uses Allowed in the A-3 Zone.
- E. Uses Allowed in the M-3 Zone.

12/6/2019

PART II – LAND USE CODE

TITLE 104 – ZONES

CHAPTER 5. - AGRICULTURAL ZONE A-1

Sec. 104-5-1. - Purpose and intent.

The A-1 Zone is both an agricultural zone and a low-density rural residential zone. The purpose of the A-1 Zone is to:

- (1) ~~D~~esignate low-intensity farm areas, which are ~~eventually likely anticipated~~ to ~~undergo~~ develop in a more-intensive urban-rural residential development pattern;
- (2) ~~to s~~et up guidelines to continue agricultural pursuits, including the keeping of farm animals; ~~;~~ and
- (3) ~~to d~~irect orderly low-density residential development in a continuing rural environment.

Sec. 104-5-2. - Agriculture preferred use.

Agriculture is the preferred use in ~~Agriculture Zone~~ the A-1 Zone. All agriculture operations shall be permitted at any time, including the operation of farm machinery and no agricultural use shall be subject to restriction because it interferes with other uses permitted in the zone.

...

Sec. 104-5-7. - Site development standards.

The following site development standards apply to the ~~Agriculture Zone~~ A-1 Zone:

	<u>Permitted Uses and Conditional Uses</u>	<u>Permitted Uses Requiring 2 and 5 Acres</u>
<u>Minimum lot area.....</u>	<u>40,000 sq. ft.</u>	<u>As specified by the use.</u>
<u>Minimum lot width.....</u>	<u>150 feet</u>	<u>150 feet</u>
<u>Minimum yard setbacks:</u>		
<u>Front.....</u>	<u>30 feet</u>	<u>30 feet</u>
<u>Rear:</u>		
<u>Main building.....</u>	<u>30 feet</u>	<u>30 feet</u>
<u>Accessory building.....</u>	<u>1 foot except 10 feet where accessory building on a corner lot rears on side yard of an adjacent lot.</u>	

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<u>Side:</u>		
<u>Dwelling.....</u>	<u>10 feet with total width of 2 side yards not less than 24 feet</u>	
<u>Other main building.....</u>	<u>20 feet on each side</u>	<u>20 feet on each side</u>
<u>Accessory building.....</u>	<u>10 ft. except 1 ft. if located at least 6 feet in rear of main building</u>	
<u>Accessory buildings over 1,000 sq. ft. for storage of personal equipment and materials...</u>	<u>See section 108-7-16.</u>	
<u>Side: facing street on corner lot.....</u>	<u>20 feet</u>	<u>20 feet</u>
<u>Main building height:</u>		
<u>Minimum.....</u>	<u>1 story</u>	<u>1 story</u>
<u>Maximum.....</u>	<u>35 feet</u>	<u>35 feet</u>
<u>Accessory building height.....</u>	<u>25 feet unless meeting requirements of section 108-7-16, Large accessory buildings</u>	

21

	Permitted and Conditional Uses	Permitted Uses Requiring 2 and 5 Acres Minimum
Minimum lot area, unless developed under the provisions of section 106-2-4	40,000 sq. ft.	2 acres—5 acres
Minimum lot width, unless developed under the provisions of section 106-2-4	150 feet	150 feet
Minimum yard setbacks		
Front	30 feet	30 feet
Side		
—Dwelling	10 feet with total width of 2 side yards not less than 24 feet	

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—Other main building	20 ft. each side	20 ft. each side
—Accessory building	10 feet; except 1 foot if located at least 6 feet in rear of main building	
—Accessory buildings over 1,000 square feet for storage of personal equipment and materials.	See section 108-7-16.	
Side, facing street corner lot	20 feet	20 feet
Rear		
—Main building	30 feet	30 feet
—Accessory building	1 foot except 10 feet where accessory building on a corner lot rears on side yard of an adjacent lot.	
Main building height		
Minimum	1 story	1 story
Maximum	35 feet	35 feet
Accessory building height	25 feet unless meeting requirements of section 108-7-16, Large accessory buildings.	

22 ...

23 **Sec. 104-5-8. - Sign regulations.**

24 [The height, size and location of permitted signs shall be in accordance with the regulations set forth](#)
 25 [in Title 110, Chapter 1, Western Weber Signs.](#)

26 ~~The height, size and location of the following permitted signs shall be in accordance with the~~
 27 ~~regulations set forth in title 110 of this Land Use Code:~~

- 28 ~~(1) Business signs: for legal nonconforming commercial or industrial use including flat,~~
 29 ~~freestanding, projecting, temporary or wall type signs.~~
- 30 ~~(2) Nameplates: flat or wall type.~~
- 31 ~~(3) Identification and information signs: directional, flat, freestanding, projecting, temporary or wall~~
 32 ~~type signs.~~
- 33 ~~(4) Property signs: directional, flat, freestanding, projecting temporary or wall type signs.~~

Commented [CE31]: Redundant. Already covered in Title 110.

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(5) ~~Service signs: directional, flat, freestanding, or projecting type signs.~~

CHAPTER 6. - AGRICULTURAL VALLEY AV-3 ZONE

Sec. 104-6-1. - Purpose and intent.

The AV-3 Zone is both an agricultural zone and a low-density rural residential zone. The purpose of the AV-3 Zone is to:

- (1) ~~d~~Designate low-intensity farm areas, which are eventually likely anticipated to ~~undergo a more intensive urban develop in a rural residential development pattern.~~
- (2) ~~to s~~Set up guidelines to continue agricultural pursuits, including the keeping of farm animals; and
- (3) ~~to d~~Direct orderly low-density residential development in a continuing rural environment.

Sec. 104-6-2. - Agriculture preferred use.

Agriculture is the preferred use in the Agricultural Valley, AV-3 Zone. All agricultural operations shall be permitted at any time, including the operation of farm machinery and no agricultural use shall be subject to restriction because it interferes with other uses permitted in the zone.

CHAPTER 7. - AGRICULTURAL A-2 ZONE

Sec. 104-7-1. - Purpose and intent.

The A-2 Zone is both an agricultural zone and a low-density rural residential zone. The purpose of the A-2 Zone is to designate moderate-intensity farming areas where agricultural pursuits and the rural environment should be promoted and preserved where possible.

Sec. 104-7-2. - Agriculture preferred use.

Agriculture is the preferred use in ~~Agriculture Zone~~ the A-2 Zone. All agricultural operations shall be permitted at any time, including the operation of farm machinery and no agricultural use shall be subject to restriction because it interferes with other uses permitted in the zone.

...

Sec. 104-7-6. - Site development standards.

The following site development standards apply to the ~~Agriculture Zone~~ A-2 Zone:

	Permitted Uses and Conditional Uses	Permitted Uses Requiring 5 Acres
<u>Minimum lot area:</u>		
<u>Single-family dwelling.....</u>	<u>40,000 sq. ft.</u>	<u>Not Applicable</u>
<u>Other use.....</u>	<u>2 acres</u>	<u>5 acres</u>
<u>Minimum lot width.....</u>	<u>150 feet</u>	<u>300 feet</u>

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Minimum yard setbacks:		
Front.....	30 feet	30 feet
Rear:		
Main building.....	30 feet	30 feet
Accessory building.....	1 foot except 10 feet where accessory building on a corner lot rears on side yard of an adjacent lot.	
Side:		
Dwelling.....	10 feet with total width of 2 side yards not less than 24 feet	
Other main building.....	20 feet on each side	20 feet on each side
Accessory building.....	10 ft. except 1 ft. if located at least 6 feet in rear of main building	
Accessory buildings over 1,000 sq. ft. for storage of personal equipment and materials...	See section 108-7-16.	
Side, facing street on corner lot.....	20 feet	20 feet
Main building height:		
Minimum.....	1 story	1 story
Maximum.....	35 feet	35 feet
Accessory building height.....	25 feet unless meeting requirements of section 108-7-16, Large accessory buildings	

62

	Permitted and Conditional Uses	Permitted Uses Requiring 5 Acres
Minimum lot area		
Single-family dwelling, unless developed under the provisions of section 106-2-4	40,000 sq. ft.	
Other	2 acres	5 acres

12/6/2019

Minimum lot width, unless developed under the provisions of section 106-2-4	150 feet	300 feet
Minimum yard setbacks		
Front	30 feet	30 feet
Side		
— Dwelling	10 feet with total width of 2 side yards not less than 24 feet	
— Other main building	20 feet each side	20 feet each side
— Accessory building	10 feet except 1 foot if located at least 6 feet in rear of main building	
— Accessory buildings over 1,000 sq. ft. for storage of personal equipment and materials	See section 108-7-16.	
Side; facing street	20 feet	20 feet
Rear		
— Main building	30 feet	30 feet
— Accessory building	One ft. except 10 ft. where accessory building on a corner lot rears on side yard of an adjacent lot	
Main building height		
Minimum	One story	One story
Maximum	35 feet	35 feet
Accessory building height	25 feet unless meeting requirements of section 108-7-16, Large accessory buildings	

63

64 **Sec. 104-7-7. - Permitted signs.**

65 [The height, size and location of permitted signs shall be in accordance with the regulations set forth](#)
66 [in Title 110, Chapter 1, Western Weber Signs.](#)

67 The height, size and location of the following permitted signs shall be in accordance with the
68 regulations set forth in this Land Use Code.

69 (1) ~~Business signs for legal nonconforming commercial or industrial use including flat,~~
70 ~~freestanding, projecting, temporary or wall type signs.~~

12/6/2019

~~(2) Nameplates, flat or wall type.~~~~(3) Identification and information signs, directional, flat, freestanding, projecting, temporary or wall type signs.~~~~(4) Property sign, directional, flat, freestanding, projecting, temporary or wall type signs.~~~~(5) Service signs, directional, flat, freestanding or projecting type signs.~~~~(6) Off-premises sign, advertising directional flat, freestanding, projecting, roof or wall type signs.~~**CHAPTER 8. - AGRICULTURAL ZONE A-3****Sec. 104-8-1. - Purpose and intent.**

The purpose of the A-3 Zone is to designate farming areas where ~~heavy~~high-intensity agricultural pursuits can be permanently maintained.

Sec. 104-8-2. - Agriculture preferred use.

Agriculture is the preferred use in ~~the Agriculture Zone~~ A-3 Zone. All agricultural operations shall be permitted at any time, including the operation of farm machinery and no agriculture use shall be subject to restriction because it interferes with other uses permitted in the zone.

...

Sec. 104-8-5. - Conditional uses.

The following uses shall be permitted only when authorized by a conditional use permit obtained as provided in title 108, chapter 4 of this Land Use Code.

...

(11) Livestock feed or sales yard.

(12) Manure spreading, drying and sales.

(13) Medical cannabis cultivation or processing facility, in compliance with Section 108-7-34.~~(14)~~ Mines, quarries, gravel pits in accordance with the Weber County Excavation Ordinance.~~(15)~~ Outdoor recreation club activities for horse riding, bow and arrow shooting, snowmobiling, etc.~~(16)~~ Planned residential unit development in accordance with title 108, chapter 5.~~(17)~~ Private park, playground or recreation area not open to the general public and to which no admission charge is made, but not including privately owned commercial amusement business.~~(18)~~ Public storage facility developed by a public agency and meeting requirements of title 108, chapter 10.~~(19)~~ Public utility substations.~~(20)~~ Radio or television station or tower.

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Commented [CE32]: New section added to supplementary regulations (last section of this amendment).

12/6/2019

- 107 (219) Residential facilities for handicapped persons meeting the requirements of section 108-7-
108 13.
- 109 (224) Residential facility for elderly persons meeting the requirements of section 108-7-15.
- 110 (232) Rodeo grounds.
- 111 (234) School bus parking, provided the vehicle is parked at least 30 feet from a public street.
- 112 (254) Slaughterhouse.
- 113 (265) Stockyards.
- 114 (276) The overnight parking or not more than one vehicle other than an automobile, light truck or
115 recreation vehicle, of not more than 24,000 pounds net weight, on property of not less than
116 two acres in area and upon which the operator has his permanent residence, provided that
117 the vehicle is parked at least 50 feet from a public street.
- 118 (287) The use and storage of farm equipment and other related equipment such as a backhoe,
119 front-end loader or up to a ten-wheel truck, to be used by a farm owner, farm employee
120 and/or a contracted farm operator of a bona-fide farm operation consisting of five acres or
121 more, for off-farm, non-agricultural related, construction work to supplement farm income.
- 122 (298) Turf ~~horse jumping~~ horse-jumping course.
- 123 (3029) Waste water treatment or disposal facilities meeting the requirements of the Utah
124 State Division of Health Code of Waste Disposal Regulations.
- 125 (310) Residential facility for troubled youth subject to the requirements listed in section 108-7-14.
- 126 (324) Gun club with five-acre minimum parcel.
- 127 (332) Skeet Shooting Range with 5 acre minimum parcel.
- 128 (343) Laboratory facility for agricultural products and soils testing.
- 129 (354) Small wind energy system.

130 **Sec. 104-8-6. - Site development standards.**

131 The following site development standards apply to the ~~Agricultural Zone~~ A-3 Zone:

	Permitted Uses and Conditional Uses	Permitted Uses Requiring 5 Acres
Minimum lot area.....	<u>2 acres</u>	<u>5 acres</u>
Minimum lot width.....	<u>150 feet</u>	<u>300 feet</u>
Minimum yard setbacks:		
Front.....	<u>30 feet</u>	<u>30 feet</u>
Rear:		
Main building.....	<u>30 feet</u>	<u>30 feet</u>

12/6/2019

<u>Accessory building.....</u>		<u>1 foot except 10 feet where accessory building on a corner lot rears on side yard of an adjacent lot</u>	
Side:			
<u>Dwelling.....</u>		<u>10 feet with total width of 2 side yards not less than 24 feet</u>	
<u>Other main building.....</u>		<u>20 feet on each side</u>	<u>20 feet on each side</u>
<u>Accessory building.....</u>		<u>10 ft. except 1 ft. if located at least 6 feet in rear of main building</u>	
<u>Accessory buildings over 1,000 sq. ft. for storage of personal equipment and materials...</u>		<u>See section 108-7-16.</u>	
<u>Side, facing street on corner lot.....</u>		<u>20 feet</u>	<u>20 feet</u>
<u>Main building height:</u>			
<u>Minimum.....</u>		<u>1 story</u>	<u>1 story</u>
<u>Maximum.....</u>		<u>35 feet</u>	<u>35 feet</u>
<u>Accessory building height.....</u>		<u>25 feet unless meeting requirements of section 108-7-16, Large accessory buildings</u>	

132

	Permitted Uses and Conditional Uses	Permitted Uses Requiring 5 Acres
Minimum lot area	2 acres	5 acres
Minimum lot width	150 feet	300 feet
Minimum yard setbacks		
Front	30 feet	30 feet
Side		
—Dwelling	10 feet with total width of 2 side yards not less than 24 feet	

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—Other main building	20 feet on each side	20 feet on each side
—Accessory building	10 ft. except 1 ft. if located at least 6 feet in rear of main building	
—Accessory buildings over 1,000 sq. ft. for storage of personal equipment and materials	See section 108-7-16.	
Side; facing street on corner lot	20 feet	20 feet
Rear		
—Main building	30 feet	30 feet
—Accessory building	1 foot except 10 feet where accessory building on a corner lot rears on side yard of an adjacent lot	
Main building height		
Minimum	One story	One story
Maximum	35 feet	35 feet
Accessory building height	25 feet unless meeting requirements of section 108-7-16, Large accessory buildings	

133 **Sec. 104-8-7. - Sign regulations.**

134 [The height, size and location of permitted signs shall be in accordance with the regulations set forth](#)
 135 [in Title 110, Chapter 1, Western Weber Signs.](#)

136 The height, size and location of the following permitted signs shall be in accordance with the
 137 regulations set forth in this Land Use Code.

- 138 (1) — Business signs for legal nonconforming commercial or industrial use including flat,
 139 freestanding, projecting, temporary or wall type signs;
- 140 (2) — Nameplates flat or wall type;
- 141 (3) — Identification and information signs, directional, flat, freestanding, projecting, temporary or
 142 wall type signs;
- 143 (4) — Property signs directional, flat, freestanding, projecting, temporary or wall type signs;

Commented [CE33]: Unnecessary section. Already regulated by Title 110. This is redundant.

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(5) ~~Service signs directional, flat, freestanding or projecting type signs;~~

(6) ~~Off-premises sign, advertising, directional, flat, freestanding, projecting roof or wall type signs.~~

CHAPTER 25. - MANUFACTURING ZONE M-3

Sec. 104-25-1. - Purpose and intent.

This district is to be primarily for industrial uses related to the manufacture, testing, and production of jet and missile engines, ~~aircraft or space craft~~ aerospace parts or similar heavy industry, and for the extraction and processing of raw materials. Industrial operations or uses, which are compatible with the general purpose of this zone, are included.

Sec. 104-25-2. - Permitted uses.

The following uses are permitted in the M-3 Zone:

- (1) Any permitted use in an M-2 Zone except dwelling units.
- (2) Laboratories.
- (3) Machine shop.
- (4) Medical cannabis cultivation or processing facility.
- (4) Office, business, professional and governmental.
- (5) Public buildings and utilities.
- (6) Warehouse.
- (7) Welding shop.

...

Sec. 104-25-7. - Sign regulations.

The height, size and location of permitted signs shall be in accordance with the regulations set forth in Title 110, Chapter 1, Western Weber Signs.

~~The height, size, and location of the following permitted signs shall be in accordance with chapter 32 and as follows:~~

- (1) ~~Advertising signs and billboards, provided the following conditions are met:~~
 - a. ~~Size. The maximum size of a billboard at any one location shall not be larger than 1,000 square feet.~~
 - b. ~~Spacing. The minimum distance between any two billboards adjacent to and facing a highway shall be 500 feet.~~
- (2) ~~Animated signs.~~
- (3) ~~Business signs, not exceeding in area five square feet for each foot of street frontage with a maximum of 650 square feet for each sign, provided that business signs adjacent to and within 660 feet of a federal aid primary highway, may have a maximum size of 1,000 square feet for each sign.~~
- (4) ~~Flat sign.~~

Commented [CE34]: Unnecessary. Already covered in Title 110.

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(5) — Ground sign.

(6) — Identification sign. One sign, not exceeding eight square feet in area for conforming buildings or conforming uses other than dwellings, boardinghouse, or lodginghouse, and multiple dwellings except for in the M-3 Zone, in which case the area allowed is 20 square feet.

(7) — Nameplate.

(8) — Property sign, projecting sign, public necessity sign.

(9) — Roof sign.

(10) — Service sign.

(11) — Temporary sign.

TITLE 108 – STANDARDS

CHAPTER 7 – SUPPLEMENTARY AND QUALIFYING REGULATIONS

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Sec. 108-7-34. – Medical cannabis cultivation or processing facility.

In a zone that allows a medical cannabis cultivation or processing facility and residential uses, the following standards shall apply to the medical cannabis facility:

(1) The minimum lot area required is 20 acres.

(2) The minimum setback from any lot line is 100 feet.

(3) The architectural, landscape, and screening design standards of Title 108 Chapter 2 are required.

(4) The facility shall be located on land that can provide the facility access from a street that meets currently adopted street standards.

(5) If a residential use exists, or is later located within, 500 feet of the facility, the facility and site shall be designed as follows:

a. Waste gases or air shall be sufficiently cleaned so that no cannabis or other foul odor is exhausted.

b. A six-foot land berm or an eight-foot masonry wall shall be constructed to shield the view of the facility from the residential properties, except where interrupted to provide access to the facility.

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PART II – LAND USE CODE**TITLE 104 – ZONES****CHAPTER 5. - AGRICULTURAL ZONE A-1****Sec. 104-5-1. - Purpose and intent.**

The A-1 Zone is both an agricultural zone and a low-density rural residential zone. The purpose of the A-1 Zone is to:

- (1) Designate low-intensity farm areas, which are anticipated to develop in a rural residential development pattern;
- (2) Set up guidelines to continue agricultural pursuits, including the keeping of farm animals; and
- (3) Direct orderly low-density residential development in a continuing rural environment.

Sec. 104-5-2. - Agriculture preferred use.

Agriculture is the preferred use in the A-1 Zone. All agriculture operations shall be permitted at any time, including the operation of farm machinery and no agricultural use shall be subject to restriction because it interferes with other uses permitted in the zone.

...

Sec. 104-5-7. - Site development standards.

The following site development standards apply to the A-1 Zone:

	Permitted Uses and Conditional Uses	Permitted Uses Requiring 2 and 5 Acres
Minimum lot area.....	40,000 sq. ft.	As specified by the use.
Minimum lot width.....	150 feet	150 feet
Minimum yard setbacks:		
Front.....	30 feet	30 feet
Rear:		
Main building.....	30 feet	30 feet
Accessory building.....	1 foot except 10 feet where accessory building on a corner lot rears on side yard of an adjacent lot.	

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Side:			
Dwelling.....	10 feet with total width of 2 side yards not less than 24 feet		
Other main building.....	20 feet on each side	20 feet on each side	
Accessory building.....	10 ft. except 1 ft. if located at least 6 feet in rear of main building		
Accessory buildings over 1,000 sq. ft. for storage of personal equipment and materials...	See section 108-7-16.		
Side; facing street on corner lot.....	20 feet	20 feet	
Main building height:			
Minimum.....	1 story	1 story	
Maximum.....	35 feet	35 feet	
Accessory building height.....	25 feet unless meeting requirements of section 108-7-16 , Large accessory buildings		

Sec. 104-5-8. - Sign regulations.

The height, size and location of permitted signs shall be in accordance with the regulations set forth in Title 110, Chapter 1, Western Weber Signs.

CHAPTER 6. - AGRICULTURAL VALLEY AV-3 ZONE

Sec. 104-6-1. - Purpose and intent.

The AV-3 Zone is both an agricultural zone and a low-density rural residential zone. The purpose of the AV-3 Zone is to:

- (1) Designate low-intensity farm areas, which are anticipated to develop in a rural residential development pattern;
- (2) Set up guidelines to continue agricultural pursuits, including the keeping of farm animals; and
- (3) Direct orderly low-density residential development in a continuing rural environment.

Sec. 104-6-2. - Agriculture preferred use.

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Agriculture is the preferred use in the AV-3 Zone. All agricultural operations shall be permitted at any time, including the operation of farm machinery and no agricultural use shall be subject to restriction because it interferes with other uses permitted in the zone.

CHAPTER 7. - AGRICULTURAL A-2 ZONE

Sec. 104-7-1. - Purpose and intent.

The A-2 Zone is both an agricultural zone and a low-density rural residential zone. The purpose of the A-2 Zone is to designate moderate-intensity farming areas where agricultural pursuits and the rural environment should be promoted and preserved where possible.

Sec. 104-7-2. - Agriculture preferred use.

Agriculture is the preferred use in the A-2 Zone. All agricultural operations shall be permitted at any time, including the operation of farm machinery and no agricultural use shall be subject to restriction because it interferes with other uses permitted in the zone.

...

Sec. 104-7-6. - Site development standards.

The following site development standards apply to the A-2 Zone:

	Permitted Uses and Conditional Uses	Permitted Uses Requiring 5 Acres
Minimum lot area:		
Single-family dwelling.....	40,000 sq. ft.	Not Applicable
Other use.....	2 acres	5 acres
Minimum lot width.....	150 feet	300 feet
Minimum yard setbacks:		
Front.....	30 feet	30 feet
Rear:		
Main building.....	30 feet	30 feet
Accessory building.....	1 foot except 10 feet where accessory building on a corner lot rears on side yard of an adjacent lot.	
Side:		
Dwelling.....	10 feet with total width of 2 side yards not less than 24 feet	

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Other main building.....	20 feet on each side	20 feet on each side
Accessory building.....	10 ft. except 1 ft. if located at least 6 feet in rear of main building	
Accessory buildings over 1,000 sq. ft. for storage of personal equipment and materials...	See section 108-7-16.	
Side; facing street on corner lot.....	20 feet	20 feet
Main building height:		
Minimum.....	1 story	1 story
Maximum.....	35 feet	35 feet
Accessory building height.....	25 feet unless meeting requirements of section 108-7-16 , Large accessory buildings	

Sec. 104-7-7. - Permitted signs.

The height, size and location of permitted signs shall be in accordance with the regulations set forth in Title 110, Chapter 1, Western Weber Signs.

CHAPTER 8. - AGRICULTURAL ZONE A-3**Sec. 104-8-1. - Purpose and intent.**

The purpose of the A-3 Zone is to designate farming areas where high-intensity agricultural pursuits can be permanently maintained.

Sec. 104-8-2. - Agriculture preferred use.

Agriculture is the preferred use in the A-3 Zone. All agricultural operations shall be permitted at any time, including the operation of farm machinery and no agriculture use shall be subject to restriction because it interferes with other uses permitted in the zone.

...

Sec. 104-8-5. - Conditional uses.

The following uses shall be permitted only when authorized by a conditional use permit obtained as provided in title 108, chapter 4 of this Land Use Code.

...

(11) Livestock feed or sales yard.

(12) Manure spreading, drying and sales.

(13) Medical cannabis cultivation or processing facility, in compliance with Section 108-7-34.

(14) Mines, quarries, gravel pits in accordance with the Weber County Excavation Ordinance.

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- 76 (15) Outdoor recreation club activities for horse riding, bow and arrow shooting, snowmobiling,
77 etc.
- 78 (16) Planned residential unit development in accordance with title 108, chapter 5.
- 79 (17) Private park, playground or recreation area not open to the general public and to which no
80 admission charge is made, but not including privately owned commercial amusement
81 business.
- 82 (18) Public storage facility developed by a public agency and meeting requirements of title 108,
83 chapter 10.
- 84 (19) Public utility substations.
- 85 (20) Radio or television station or tower.
- 86 (21) Residential facilities for handicapped persons meeting the requirements of section 108-7-
87 13.
- 88 (22) Residential facility for elderly persons meeting the requirements of section 108-7-15.
- 89 (23) Rodeo grounds.
- 90 (24) School bus parking, provided the vehicle is parked at least 30 feet from a public street.
- 91 (25) Slaughterhouse.
- 92 (26) Stockyards.
- 93 (27) The overnight parking or not more than one vehicle other than an automobile, light truck or
94 recreation vehicle, of not more than 24,000 pounds net weight, on property of not less than
95 two acres in area and upon which the operator has his permanent residence, provided that
96 the vehicle is parked at least 50 feet from a public street.
- 97 (28) The use and storage of farm equipment and other related equipment such as a backhoe,
98 front-end loader or up to a ten-wheel truck, to be used by a farm owner, farm employee
99 and/or a contracted farm operator of a bona-fide farm operation consisting of five acres or
100 more, for off-farm, non-agricultural related, construction work to supplement farm income.
- 101 (29) Turf horse-jumping course.
- 102 (30) Waste water treatment or disposal facilities meeting the requirements of the Utah State
103 Division of Health Code of Waste Disposal Regulations.
- 104 (31) Residential facility for troubled youth subject to the requirements listed in section 108-7-14.
- 105 (32) Gun club with five-acre minimum parcel.
- 106 (33) Skeet Shooting Range with 5 acre minimum parcel.
- 107 (34) Laboratory facility for agricultural products and soils testing.
- 108 (35) Small wind energy system.

109 **Sec. 104-8-6. - Site development standards.**

110 The following site development standards apply to the A-3 Zone:

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	Permitted Uses and Conditional Uses	Permitted Uses Requiring 5 Acres
Minimum lot area.....	2 acres	5 acres
Minimum lot width.....	150 feet	300 feet
Minimum yard setbacks:		
Front.....	30 feet	30 feet
Rear:		
Main building.....	30 feet	30 feet
Accessory building.....	1 foot except 10 feet where accessory building on a corner lot rears on side yard of an adjacent lot	
Side:		
Dwelling.....	10 feet with total width of 2 side yards not less than 24 feet	
Other main building.....	20 feet on each side	20 feet on each side
Accessory building.....	10 ft. except 1 ft. if located at least 6 feet in rear of main building	
Accessory buildings over 1,000 sq. ft. for storage of personal equipment and materials...	See section 108-7-16.	
Side; facing street on corner lot.....	20 feet	20 feet
Main building height:		
Minimum.....	1 story	1 story
Maximum.....	35 feet	35 feet
Accessory building height.....	25 feet unless meeting requirements of section 108-7-16 , Large accessory buildings	

112 **Sec. 104-8-7. - Sign regulations.**

113 The height, size and location of permitted signs shall be in accordance with the regulations set forth
 114 in Title 110, Chapter 1, Western Weber Signs.

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CHAPTER 25. - MANUFACTURING ZONE M-3
Sec. 104-25-1. - Purpose and intent.

This district is to be primarily for industrial uses related to the manufacture, testing, and production of jet and missile engines, aerospace parts or similar heavy industry, and for the extraction and processing of raw materials. Industrial operations or uses, which are compatible with the general purpose of this zone, are included.

Sec. 104-25-2. - Permitted uses.

The following uses are permitted in the M-3 Zone:

- (1) Any permitted use in an M-2 Zone except dwelling units.
- (2) Laboratories.
- (3) Machine shop.
- (4) Medical cannabis cultivation or processing facility.
- (5) Office, business, professional and governmental.
- (6) Public buildings and utilities.
- (7) Warehouse.
- (8) Welding shop.

...

Sec. 104-25-7. - Sign regulations.

The height, size and location of permitted signs shall be in accordance with the regulations set forth in Title 110, Chapter 1, Western Weber Signs.

TITLE 108 – STANDARDS

CHAPTER 7 – SUPPLEMENTARY AND QUALIFYING REGULATIONS

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Sec. 108-7-34. – Medical cannabis cultivation or processing facility.

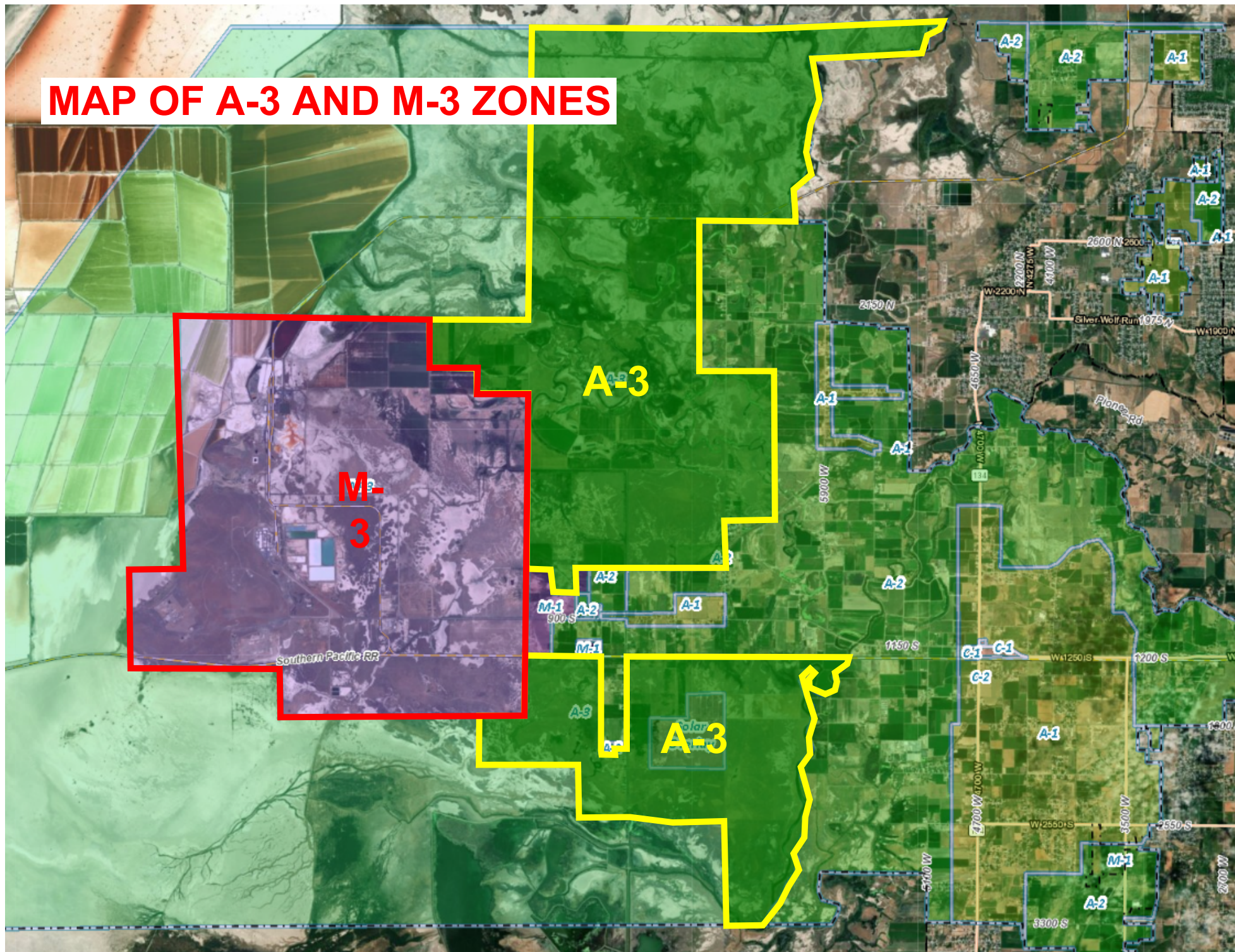
In a zone that allows a medical cannabis cultivation or processing facility and residential uses, the following standards shall apply to the medical cannabis facility:

- (1) The minimum lot area required is 20 acres.
- (2) The minimum setback from any lot line is 100 feet.
- (3) The architectural, landscape, and screening design standards of Title 108 Chapter 2 are required.
- (4) The facility shall be located on land that can provide the facility access from a street that meets currently adopted street standards.
- (5) If a residential use exists, or is later located within, 500 feet of the facility, the facility and site shall be designed as follows:

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- 152 a. Waste gases or air shall be sufficiently cleaned so that no cannabis or other foul odor
153 is exhausted.
- 154 b. A six-foot land berm or an eight-foot masonry wall shall be constructed to shield the
155 view of the facility from the residential properties, except where interrupted to provide
156 access to the facility.

MAP OF A-3 AND M-3 ZONES



Sec. 104-8-3. - Permitted uses.

The following uses are permitted in the Agriculture Zone A-3:

- (1) Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.
- (2) Agriculture, agricultural experiment station, apiary; aviary.
- (3) Animals or fowl kept for food production as an accessory use; animal hospital or clinic, dog breeding, dog kennel, dog training school, provided any building or enclosure for animals shall be located not less than 100 feet from a public street and not less than 50 feet from any side or rear property line.
- (4) Cemetery, chinchilla raising, convalescent or rest home.
- (5) Church, synagogue, or similar building used for regular religious worship.
- (6) Cluster subdivision in accordance with title 108, chapter 3 of this Land Use Code.
- (7) Corral, stable, or building for keeping animals or fowl, provided such structure shall be located not less than 100 feet from a public street and not less than 25 feet from any side or rear lot line.
- (8) Fruit or vegetable stand for produce grown on the premises.
- (9) Golf course, except miniature golf course.
- (10) Greenhouse and nursery with no retail shop operation.
- (11) Home occupations.
- (12) Household pets.
- (13) Parking lot accessory to uses allowed in this zone.
- (14) Private park, playground or recreation area but not including privately owned commercial amusement business.
- (15) Private stables, horses for private use only, and provided that not more than two horses may be kept for each one-half acre of land used for horses within any lot.
- (16) Public building, public park, recreation grounds and associated buildings; public school; private educational institution having a curriculum similar to that ordinarily given in public schools.

- (17) Single-family dwelling.
- (18) Sugar beet loading or collection station and dump sites.
- (19) Temporary buildings for use incidental to construction work. Such building shall be removed upon completion or abandonment of the construction work.

(Ord. of 1956, § 7-2; Ord. No. 14-92; Ord. No. 96-35; Ord. No. 2010-20; Ord. No. 2015-7, Exh. A, 5-5-2015)

Sec. 104-8-4. - Permitted uses requiring five acres minimum lot area.

The following uses requiring five acres minimum lot area are permitted in the Agriculture Zone A-3:

- (1) Dairy or creamery.
- (2) Dairy farm and milk processing and sale provided at least 50 percent of milk processed and sold is produced on the premises.
- (3) Dog pound.
- (4) Farms devoted to the hatching, raising, fattening, slaughtering, dressing and marketing of chickens, turkeys, or other fowl, rabbits, fish, frogs or beaver hatched or raised on the premises.
- (5) Fur farm.
- (6) Golf driving range.
- (7) Grain storage elevators.
- (8) The keeping and raising of not more than ten hogs, more than 16 weeks old, provided that no person shall feed any such hog any market refuse, house refuse, garbage or offal other than that produced on the premises.
- (9) Public stables.
- (10) The raising and grazing of horses, cattle, sheep or goats as part of a farming operation including the supplementary of full feeding of such animals provided that such raising and grazing when conducted by a farmer in conjunction with any livestock feed yard, livestock sales or slaughterhouse, shall:
 - a. Not exceed a density of 40 head per acre of used land;

- b. Be carried on during the period of September 15 through April 15 only;
 - c. Be not closer than 200 feet to any dwelling, public or semi-public building on an adjoining parcel of land; and,
 - d. Not include the erection of any permanent fences, corrals, chutes, structures or other buildings normally associated with a feeding operation.
- (11) Riding academies.
- (12) Sanitariums and hospitals.

(Ord. of 1956, § 7-3)

Sec. 104-8-5. - Conditional uses.

The following uses shall be permitted only when authorized by a conditional use permit obtained as provided in title 108, chapter 4 of this Land Use Code.

- (1) Agri-tourism; meeting the requirements of title 108, chapter 21.
- (2) Airports, private and commercial.
- (3) Child day care.
- (4) Circus or transient amusements.
- (5) Commercial campgrounds and picnic areas meeting the requirements of title 108, chapter 20.
- (6) Commercial soil composting manufacture and sale.
- (7) Correctional institution.
- (8) Educational/institutional identification sign.
- (9) Hog ranch, provided that no person shall feed any hogs any market refuse, home refuse, garbage or offal other than that produced on the premises, all pens and housing for hogs shall be concrete and maintained in a sanitary manner and drainage structures and disposal of animal waste shall be provided and properly maintained as required by the building inspector and health officer.
- (10) Horse racing and training track, cutter-racing track, including indoor concessions as an accessory use.
- (11) Livestock feed or sales yard.

- (12) Manure spreading, drying and sales.
- (13) Mines, quarries, gravel pits in accordance with the Weber County Excavation Ordinance.
- (14) Outdoor recreation club activities for horse riding, bow and arrow shooting, snowmobiling, etc.
- (15) Planned residential unit development in accordance with title 108, chapter 5.
- (16) Private park, playground or recreation area not open to the general public and to which no admission charge is made, but not including privately owned commercial amusement business.
- (17) Public storage facility developed by a public agency and meeting requirements of title 108, chapter 10.
- (18) Public utility substations.
- (19) Radio or television station or tower.
- (20) Residential facilities for handicapped persons meeting the requirements of section 108-7-13.
- (21) Residential facility for elderly persons meeting the requirements of section 108-7-15.
- (22) Rodeo grounds.
- (23) School bus parking, provided the vehicle is parked at least 30 feet from a public street.
- (24) Slaughterhouse.
- (25) Stockyards.
- (26) The overnight parking or not more than one vehicle other than an automobile, light truck or recreation vehicle, of not more than 24,000 pounds net weight, on property of not less than two acres in area and upon which the operator has his permanent residence, provided that the vehicle is parked at least 50 feet from a public street.
- (27) The use and storage of farm equipment and other related equipment such as a backhoe, front-end loader or up to a ten-wheel truck, to be used by a farm owner, farm employee and/or a contracted farm operator of a bona-fide farm operation consisting of five acres or more, for off-farm, non-agricultural related, construction work to supplement farm income.
- (28) Turf horse jumping course.

- (29) Waste water treatment or disposal facilities meeting the requirements of the Utah State Division of Health Code of Waste Disposal Regulations.
- (30) Residential facility for troubled youth subject to the requirements listed in section 108-7-14.
- (31) Gun club with five-acre minimum parcel.
- (32) Skeet Shooting Range with 5 acre minimum parcel.
- (33) Laboratory facility for agricultural products and soils testing.
- (34) Small wind energy system.

(Ord. of 1956, § 7-4; Ord. No. 3-72; Ord. No. 18-84; Ord. No. 16-86; Ord. No. 12-91; Ord. No. 6-92; Ord. No. 20-94; Ord. No. 30-94; Ord. No. 96-42; Ord. No. 97-8; Ord. No. 98-36; Ord. No. 99-9; Ord. No. 2008-8; Ord. No. 2008-31; Ord. No. 2009-14; Ord. No. 2010-20; Ord. No. 2012-19, pt. 6(§ 7-4), 12-18-2012)

Sec. 104-25-2. - Permitted uses.

The following uses are permitted in the M-3 Zone:

- (1) Any permitted use in an M-2 Zone except dwelling units.
- (2) Laboratories.
- (3) Machine shop.
- (4) Office, business, professional and governmental.
- (5) Public buildings and utilities.
- (6) Warehouse.
- (7) Welding shop.

(Ord. of 1956, § 22A-2; Ord. No. 3-62; Ord. No. 17-90; Ord. No. 2010-07; Ord. No. 2015-7, Exh. A, 5-5-2015)

Sec. 104-25-3. - Conditional uses.

The following uses shall be permitted only when authorized by a conditional use permit as provided in title 108, chapter 4 of this Land Use Code:

- (1) Any conditional use in an M-2 Zone.
- (2) Aircraft engine testing, including jet, missile and chemical engines.
- (3) Blast furnace.
- (4) Feed, cereal or flour mill.
- (5) Forage plant or foundry.
- (6) Manufacture, processing, refining, treatment, distillation, storage or compounding of the following: Acid, ammonia, bleaching powder and chlorine; fireworks or explosives, asphalt, chemicals of an objectionable or dangerous nature, creosote, disinfectants or insecticides; bones, coal or wood, fertilizer, gas, glue, size or gelatin, ore, potash, proxylin, rubber of guttapercha, plastic, tallow, grease or lard, tar, roofing or waterproofing materials, furs, wool, hides.
- (7) Ore beneficiation, smelting, or refining of materials, steel or iron mills, mines, quarries; gravel pits.
- (8) Petroleum refining.
- (9) Manufacturing, fabrication, assembly, canning, processing, treatment, or storage of the following:
 - a. Acetylene gas, aircraft, airplanes and parts, automobiles and parts; alcohol.
 - b. Brick, brass.
 - c. Candles, cans, celluloid, cement, copper.
 - d. Dyestuff.
 - e. Emery cloth, excelsior.

- f. Feathers, felt, fiber, fish, film.
 - g. Glass, glucose, gypsum.
 - h. Hair, hardware.
 - i. Ink, iron.
 - j. Lamp black, linoleum, line.
 - k. Meats, machinery, mail, matches.
 - l. Oil, oilcloth, oiled rubber goods, oxygen.
 - m. Paper, paint, pulp, pickles, pottery, plaster of Paris.
 - n. Shoe polish, stove polish, shoddy, soap and detergents, soda, starch, sauerkraut, salt, steel, shellac.
 - o. Turpentine, tile, terra cotta.
 - p. Vinegar, varnish.
 - q. Yeast.
- (10) Metals and metal products extraction, treatment and processing including the extraction, processing and manufacturing of magnesium chloride, magnesium, potassium, sodium, lithium, boron, bromine and their salts or chemical derivatives.
 - (11) Missiles and missile parts.
 - (12) Public utility substations.
 - (13) Private recreation areas.
 - (14) Railroad yards, shop or roundhouse; rock crusher.
 - (15) Site leveling and preparation for future development.
 - (16) Space craft and space craft parts.
 - (17) Storage of petroleum.

(Ord. of 1956, § 22A-3; Ord. No. 3-62; Ord. No. 2-70; Ord. No. 28-94; Ord. No. 17-90; Ord. No. 3-91; Ord. No. 96-42; Ord. No. 2010-07; Ord. No. 2015-7, Exh. A, 5-5-2015; Ord. No. 2019-2, Exh. A, 2-5-2019)