



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
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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.

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1 **PART II – LAND USE CODE**

3 **TITLE 104 – ZONES**

5 **CHAPTER 5. - AGRICULTURAL ZONE A-1**

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

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

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

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

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

18 ...

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

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

	<u>Permitted Uses and Conditional Uses</u>	<u>Permitted Uses Resulting 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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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>
Main building height:		
<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:

	<u>Permitted Uses and Conditional Uses</u>	<u>Permitted Uses Requiring 5 Acres</u>
<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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<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>	
<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>	

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	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

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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	

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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.~~

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- 71 ~~(2) Nameplates, flat or wall type.~~
- 72 ~~(3) Identification and information signs, directional, flat, freestanding, projecting, temporary or~~
- 73 ~~wall type signs.~~
- 74 ~~(4) Property sign, directional, flat, freestanding, projecting, temporary or wall type signs.~~
- 75 ~~(5) Service signs, directional, flat, freestanding or projecting type signs.~~
- 76 ~~(6) Off-premises sign, advertising directional flat, freestanding, projecting, roof or wall type~~
- 77 ~~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).

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- 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 (319) 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:

	<u>Permitted Uses and Conditional Uses</u>	<u>Permitted Uses Requiring 5 Acres</u>
<u>Minimum lot area</u>	<u>2 acres</u>	<u>5 acres</u>
<u>Minimum lot width</u>	<u>150 feet</u>	<u>300 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>

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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	

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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- 144 ~~(5) Service signs directional, flat, freestanding or projecting type signs;~~
- 145 ~~(6) Off-premises sign, advertising, directional, flat, freestanding, projecting roof or wall type~~
- 146 ~~signs.~~

147 **CHAPTER 25. - MANUFACTURING ZONE M-3**

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

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

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

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

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

164 ...

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

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

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

- 170 ~~(1) Advertising signs and billboards, provided the following conditions are met:~~
 - 171 ~~a. Size. The maximum size of a billboard at any one location shall not be larger than~~
 - 172 ~~1,000 square feet.~~
 - 173 ~~b. Spacing. The minimum distance between any two billboards adjacent to and facing a~~
 - 174 ~~highway shall be 500 feet.~~
- 175 ~~(2) Animated signs.~~
- 176 ~~(3) Business signs, not exceeding in area five square feet for each foot of street frontage with a~~
- 177 ~~maximum of 650 square feet for each sign, provided that business signs adjacent to and~~
- 178 ~~within 660 feet of a federal aid primary highway, may have a maximum size of 1,000 square~~
- 179 ~~feet for each sign.~~
- 180 ~~(4) Flat sign.~~

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

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- 181 ~~(5) Ground sign.~~
- 182 ~~(6) Identification sign. One sign, not exceeding eight square feet in area for conforming~~
- 183 ~~buildings or conforming uses other than dwellings, boardinghouse, or lodginghouse, and~~
- 184 ~~multiple dwellings except for in the M-3 Zone, in which case the area allowed is 20 square~~
- 185 ~~feet.~~
- 186 ~~(7) Nameplate.~~
- 187 ~~(8) Property sign, projecting sign, public necessity sign.~~
- 188 ~~(9) Roof sign.~~
- 189 ~~(10) Service sign.~~
- 190 ~~(11) Temporary sign.~~

191
192 **TITLE 108 – STANDARDS**

193
194 **CHAPTER 7 – SUPPLEMENTARY AND QUALIFYING REGULATIONS**

195 ...

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

197 In a zone that allows a medical cannabis cultivation or processing facility and residential uses, the

198 following standards shall apply to the medical cannabis facility:

- 199 (1) The minimum lot area required is 20 acres.
- 200 (2) The minimum setback from any lot line is 100 feet.
- 201 (3) The architectural, landscape, and screening design standards of Title 108 Chapter 2 are
- 202 required.
- 203 (4) The facility shall be located on land that can provide the facility access from a street that
- 204 meets currently adopted street standards.
- 205 (5) If a residential use exists, or is later located within, 500 feet of the facility, the facility and
- 206 site shall be designed as follows:
 - 207 a. Waste gases or air shall be sufficiently cleaned so that no cannabis or other foul odor
 - 208 is exhausted.
 - 209 b. A six-foot land berm or an eight-foot masonry wall shall be constructed to shield the
 - 210 view of the facility from the residential properties, except where interrupted to provide
 - 211 access to the facility.

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1 **PART II – LAND USE CODE**

2 _____

3 **TITLE 104 – ZONES**

4 _____

5 **CHAPTER 5. - AGRICULTURAL ZONE A-1**

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

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

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

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

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

18 ...

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

20 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	

21

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

27 **CHAPTER 6. - AGRICULTURAL VALLEY AV-3 ZONE**

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

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

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

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

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

40
 41 **CHAPTER 7. - AGRICULTURAL A-2 ZONE**

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

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

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

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

50 ...

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

52 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	

54

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

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

58

59 **CHAPTER 8. - AGRICULTURAL ZONE A-3**

60 **Sec. 104-8-1. - Purpose and intent.**

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

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

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

67 ...

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

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

71 ...

72 (11) Livestock feed or sales yard.

73 (12) Manure spreading, drying and sales.

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

75 (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 (232) 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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115
116 **CHAPTER 25. - MANUFACTURING ZONE M-3**

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

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

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

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

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

132 ...

133 **Sec. 104-25-7. - 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
137 **TITLE 108 – STANDARDS**

138
139 **CHAPTER 7 – SUPPLEMENTARY AND QUALIFYING REGULATIONS**

140 ...

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

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

- 144 (1) The minimum lot area required is 20 acres.
145 (2) The minimum setback from any lot line is 100 feet.
146 (3) The architectural, landscape, and screening design standards of Title 108 Chapter 2 are
147 required.
148 (4) The facility shall be located on land that can provide the facility access from a street that
149 meets currently adopted street standards.
150 (5) If a residential use exists, or is later located within, 500 feet of the facility, the facility and
151 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.

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)