

ORDINANCE NUMBER 2020-3

AN ORDINANCE AMENDING THE WEBER COUNTY LAND USE CODE REGARDING MEDICAL CANNABIS REGULATIONS AND OTHER RELATED CLARIFYING EDITS

**WHEREAS**, the Board of Weber County Commissioners (herein "Board") has heretofore adopted land use regulations governing uses of land in unincorporated Weber County; and

**WHEREAS**, the State of Utah has adopted regulations governing medical cannabis cultivation and processing, which require the County to offer locations in certain zones in which medical cannabis may be cultivated and processed; and

**WHEREAS**, the Board finds that the current land use regulations are insufficient to adequately provide for or regulate the location and development standards for medical cannabis cultivation and processing facilities; and

**WHEREAS**, the Board has determined that there is a reasonable public interest in amending zoning regulations to facilitate the proper location and development standards of a medical cannabis cultivation or processing facility; and

**WHEREAS**, the Board has received a positive recommendation for land use code amendments from the Western Weber Planning Commission in their December 10, 2019 meeting, after a duly noticed public hearing; and

**WHEREAS**, the Board concurs with the planning commission that the amendments are not contrary to the intended effect of the general plan, and that the amendments are not detrimental to the general public health, safety, or welfare.

**NOW THEREFORE**, the Board hereby adopts the modifications below and incorporates them into the Weber County Land Use Code.

**See Exhibit A**

This ordinance shall become effective fifteen (15) days after publication.

Passed, adopted, and ordered published this 4<sup>th</sup> day of February, 2020, by the Weber County Board of Commissioners.

BOARD OF WEBER COUNTY COMMISSIONERS

By Gage  
Gage Froerer, Chair

Commissioner Froerer voted: aye  
Commissioner Harvey voted: aye  
Commissioner Jenkins voted: aye

ATTEST:

Ricky Hatch  
Ricky Hatch, CPA  
Weber County Clerk/Auditor

1/31/2020

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) 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.

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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

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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 <u>section 108-7-16</u> , Large accessory buildings	

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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.



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:

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- 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.**

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.

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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.

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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

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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 <u>section 108-7-16</u> , Large accessory buildings	

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

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

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

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

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

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

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

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67 **Sec. 104-8-5. - Conditional uses.** The following uses shall be permitted only when authorized by a  
68 conditional use permit obtained as provided in title 108, chapter 4 of this Land Use Code.

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- 70 (11) Livestock feed or sales yard.
- 71 (12) Manure spreading, drying and sales.
- 72 (13) Medical cannabis production establishment, as defined by state code, in compliance with  
73 Section 108-7-34.
- 74 (14) Mines, quarries, gravel pits in accordance with the Weber County Excavation Ordinance.
- 75 (15) Outdoor recreation club activities for horse riding, bow and arrow shooting, snowmobiling,  
76 etc.
- 77 (16) Planned residential unit development in accordance with title 108, chapter 5.
- 78 (17) Private park, playground or recreation area not open to the general public and to which no  
79 admission charge is made, but not including privately owned commercial amusement  
80 business.
- 81 (18) Public storage facility developed by a public agency and meeting requirements of title 108,  
82 chapter 10.
- 83 (19) Public utility substations.
- 84 (20) Radio or television station or tower.
- 85 (21) Residential facilities for handicapped persons meeting the requirements of section 108-7-  
86 13.
- 87 (22) Residential facility for elderly persons meeting the requirements of section 108-7-15.
- 88 (23) Rodeo grounds.
- 89 (24) School bus parking, provided the vehicle is parked at least 30 feet from a public street.
- 90 (25) Slaughterhouse.
- 91 (26) Stockyards.
- 92 (27) The overnight parking or not more than one vehicle other than an automobile, light truck or  
93 recreation vehicle, of not more than 24,000 pounds net weight, on property of not less than  
94 two acres in area and upon which the operator has his permanent residence, provided that  
95 the vehicle is parked at least 50 feet from a public street.
- 96 (28) The use and storage of farm equipment and other related equipment such as a backhoe,  
97 front-end loader or up to a ten-wheel truck, to be used by a farm owner, farm employee  
98 and/or a contracted farm operator of a bona-fide farm operation consisting of five acres or  
99 more, for off-farm, non-agricultural related, construction work to supplement farm income.

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

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

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

	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

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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
<b>Main building height:</b>		
Minimum.....	1 story	1 story
Maximum.....	35 feet	35 feet
Accessory building height.....	25 feet unless meeting requirements of <u>section 108-7-16</u> , Large accessory buildings	

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

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



114 **CHAPTER 22. – MANUFACTURING ZONE M-1**

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116 **Sec 104-22-2 Permitted Uses**

117 The following uses are permitted in the M-1 Zone:

- 118 1. Accessory building incidental to the use of a main building; main building designed or used to  
 119 accommodate the main use to which the premises are devoted; and accessory uses customarily  
 120 incidental to a main use.
- 121 2. Any permitted use in a C-3 Zone except dwelling units.
- 122 3. Agriculture.
- 123 4. Animal hospitals.
- 124 5. Animals and fowl for family food production.
- 125 6. Boat building.
- 126 7. Bookbinding.
- 127 8. Body and fender work, if conducted within an enclosed building.
- 128 9. Bottling works, soft drinks.
- 129 10. Carpenter shop, cabinet shop.



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- 130 11. Carpet and rug cleaning and dyeing.
- 131 12. Coal, fuel and wood yards, enclosed within a building or by a solid fence of not less than six feet in
- 132 height.
- 133 13. Construction of buildings to be sold and moved off the premises.
- 134 14. Dairy.
- 135 15. Dry cleaning plant.
- 136 16. Dwelling unit for night watchman or guard and family.
- 137 17. Egg handling, processing and sales.
- 138 18. Electric appliances and/or electronic instruments assembling.
- 139 19. Express office.
- 140 20. Garage, public.
- 141 21. Home occupations.
- 142 22. Honey extraction.
- 143 23. Ice manufacturing and storage.
- 144 24. Kennel.
- 145 25. Knitting mill.
- 146 26. Laboratory.
- 147 27. Laundry.
- 148 28. Lithographing, including engraving and photo engraving.
- 149 29. Machine shop.
- 150 30. Manufacturing, compounding, processing, packing and treatment of the following products:
  - 151 1. Bakery goods.
  - 152 2. Candy.
  - 153 3. Dairy products.
  - 154 4. Pharmaceuticals.
- 155 31. Manufacturing, compounding, assembling and treatment of articles of merchandise from the
- 156 following previously prepared materials:
  - 157 1. Cellophane.
  - 158 2. Canvas.
  - 159 3. Cloth.
  - 160 4. Cork.
  - 161 5. Felt.
  - 162 6. Shell.
  - 163 7. Straw.
  - 164 8. Textile.
  - 165 9. Wood.
  - 166 10. Yarn.
- 167 32. Manufacturing and maintenance of the following:

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- 168 1. Business machines.
- 169 2. Cameras and photographic equipment.
- 170 3. Electric and neon sign, billboards and/or commercial advertising structures.
- 171 4. Light sheet metal products, including heating and ventilating ducts and equipment.
- 172 5. Musical instruments.
- 173 6. Novelties.
- 174 7. Rubber and metal stamps.
- 175 8. Toys.
- 176 33. Medical cannabis production establishment, in compliance with Section 108-7-34.
- 177 34. Monument works.
- 178 35. Motion picture studio.
- 179 36. Motor vehicles, trailers, bicycles and machinery repairing, rentals, sales and reconditioning.
- 180 37. Parking lot.
- 181 38. Planing mill.
- 182 39. Printing, including engraving and photo engraving, blueprinting, photostatting and duplication.
- 183 40. Public and quasi public uses.
- 184 41. Public transit yards.
- 185 42. Radio and television transmitting towers.
- 186 43. Retail sale of products produced by, developed in conjunction with or normally required and  
187 used in the performance of a commercial or manufacturing operation permitted in this zone; and  
188 provided the retail sale is clearly an accessory use to the main permitted use and is conducted  
189 within the same building or if the main use is not a building then on the same property provided  
190 however, no retail sale of products may be made in conjunction with a warehousing or wholesale  
191 business.
- 192 44. Rubber welding.
- 193 45. Sand blasting.
- 194 46. Service station.
- 195 47. Sign painting shop.
- 196 48. Temporary building for uses incidental to construction work including living quarters for a guard  
197 or night watchman, which buildings must be removed upon completion or abandonment of the  
198 construction work.
- 199 49. Tire retreading and/or vulcanizing.
- 200 50. Transfer company.
- 201 51. Truck service station.
- 202 52. Trucking terminal.
- 203 53. Upholstering, including mattress manufacturing, rebuilding and renovating.
- 204 54. Used car lot.
- 205 55. Veterinary, and hotel and beauty parlor for cats and dogs.
- 206 56. Warehouse.

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- 207 57. Weaving.
- 208 58. Welding shop.
- 209 59. Wholesale business.
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**Sec 104-22-4 Site Development Standards**

212 The following site development standards shall apply to the Manufacturing Zone M-1:

	Default Standard	Additional Restriction
Minimum lot area.....	None	Except minimum required by health department if not connected to sewer system
Minimum lot width.....	100 feet	
Minimum yard setbacks:		
Front.....	30 feet	Except 50 feet if on streets 80 feet or wider
Rear.....	None	Except 20 feet where building rears on a residential zone
Side.....	None	Except 20 feet where adjacent to residential zone, or for a side yard on a corner lot.
Main building height:		
Minimum.....	one story	
Maximum.....	None feet	

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214 **Sec 104-22-5 Sign Regulations**

215 The height, size and location of permitted signs shall be in accordance with the regulations set forth  
216 in Title 110, Chapter 1, Western Weber Signs.  
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219 **CHAPTER 24. - MANUFACTURING ZONE M-2**

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220 **Sec 104-24-1 Purpose And Intent**

221 The purpose of the heavy manufacturing zone is to provide suitable areas that will accommodate the need  
 222 for heavy intensity manufacturing, extractive and associated uses where the environment impact upon  
 223 community may be substantial and where public regulation may be necessary to preserve the general  
 224 welfare of the community.

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226 **Sec 104-24-4 Site Development Standards**

227 The following site development standards apply to the Manufacturing Zone M-2:

	Default Standard	Additional Restriction
Minimum lot area.....	None	Except minimum required by health department if not connected to sewer system
Minimum lot width.....	100 feet	
Minimum yard setbacks:		
Front.....	30 feet	Except 50 feet if on streets 80 feet or wider
Rear .....	None	Except 20 feet where building rears on a residential zone
Side.....	None	Except 20 feet where adjacent to residential zone, or for a side yard on a corner lot.
Main building height:		
Minimum.....	one story	
Maximum.....	None	
Lot coverage maximum.....	80 percent	

228 **Sec 104-24-5 Sign Regulations**

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

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

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

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

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

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

- 240 (1) Any permitted use in an M-2 Zone.
- 241 (2) Laboratories.
- 242 (3) Machine shop.
- 243
- 244 (4) Office, business, professional and governmental.
- 245 (5) Public buildings and utilities.
- 246 (6) Warehouse.
- 247 (7) Welding shop.

248 **Sec 104-25-4 Site Development Standards**

	<b>Standards</b>
Minimum lot area.....	20,000 sq. ft.
Minimum lot width.....	100 feet
<b>Minimum yard setbacks:</b>	
Front.....	50 feet
Rear .....	None
Side.....	None
<b>Main building height:</b>	
Minimum.....	one story

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Maximum.....	None
Lot coverage maximum.....	80 percent

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

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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.

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**TITLE 108 – STANDARDS**

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**CHAPTER 7 – SUPPLEMENTARY AND QUALIFYING REGULATIONS**

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**Sec. 108-7-34. – Medical cannabis production establishment.**

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In addition to any other site development standard or use regulation, a medical cannabis production establishment, where allowed by the zone, is governed as follows:

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- (1) The establishment shall sufficiently clean waste gasses or exhaust air so that no cannabis odor or other foul odor is exhausted.

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- (2) Medical cannabis cultivation, as defined by state code, shall not be allowed in the M-1 and M-2 zones.

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- (3) In the A-3 zone, the following standards shall apply to the medical cannabis production facility:

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- a. The minimum lot area required is 20 acres.

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- b. The minimum setback from any lot line is 100 feet.

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- c. The architectural, landscape, and screening design standards of Title 108 Chapter 2 are required.

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

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- e. If a residential use exists, or is later located within, 500 feet of the facility, the site shall have a six-foot land berm or an eight-foot masonry wall constructed to shield the view of the facility from the residential properties, except where interruption is necessary to provide vehicle access to the facility.

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