

REQUEST FOR COUNCIL ACTION

SUBJECT: Amend the 2009 City Code Title 13-5F-2 and 13-5A-2 adding “Cannabis Production Establishments” as a conditional use in the M-2 (Major Manufacturing) and A-20 (Agricultural 20-acre minimum lot) Zones.

SUMMARY: Cannabis Production Establishments; Amend the 2009 City Code Title 13-5F-2 and 13-5A-2 adding “Cannabis Production Establishments” as a conditional use in the M-2 (Major Manufacturing) and A-20 (Agricultural 20-acre minimum lot) Zones; City-wide applicability; City of West Jordan (applicant) [Larry Gardner #18023, 18024]

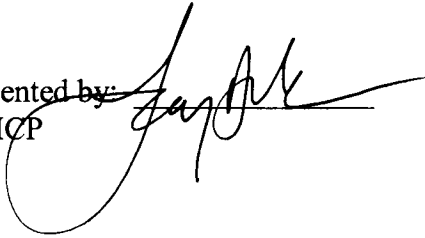
FISCAL AND/OR ASSET IMPACT: None

PLANNING COMMISSION RECOMMENDATION: The Planning Commission forwards a positive recommendation to the City Council for this amendment to 2009 City Code.

STAFF RECOMMENDATION: Based on the analysis and findings contained in the Staff Report, Staff recommends that the City Council amend 2009 City Code Title 13-5F-2 and 13-5A-2 adding “Cannabis Production Establishments” as a conditional use in the M-2 (Major Manufacturing) and A-20 (Agricultural 20-acre minimum lot) Zones.

MOTION RECOMMENDED: “I move to adopt Ordinance No. 1948”

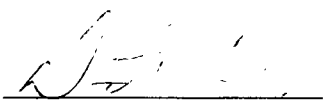
Prepared and presented by:
Larry Gardner, AICP
City Planner



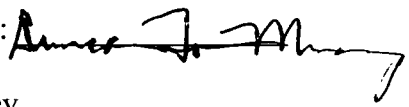
Recommended by:
Scott Langford, AICP
Development Director



Authorized for
Council Consideration:
David R. Brickey
City Manager



Approving as to Form:
Duncan Murray
Assistant City Attorney



I. BACKGROUND

The proposed ordinance will add Cannabis Production Establishments as a Conditional Use in the M-2 and A-20 zones.

II. GENERAL INFORMATION & ANALYSIS

The Utah Legislature passed statute that allows for Cannabis Production Establishments. The statute was passed to regulate the growth and processing of Cannabis. Any grow operations or processing facilities will be under the control and regulation of the State. The only local control is siting of the facilities in either industrial or agricultural zones of a municipality. The statute does not give a municipality the option of not allowing these uses. The statute requires that the uses be allowed in one industrial zone and one agricultural zone of the respective city or county. The statute pertaining to West Jordan reads as follows:

4-41a-406. Local control.

- (1) (a) If a municipality's or county's zoning ordinances provide for an industrial zone, the municipality or county shall ensure that the ordinances allow for cannabis production establishments in at least one type of industrial zone.*
- (b) If a municipality's or county's zoning ordinances provide for an agricultural zone, the municipality or county shall ensure that the ordinances allow for cannabis production establishments in at least one type of agricultural zone.*
- (2) (a) A municipality or county may not deny or revoke a land use permit to operate a cannabis production facility on the sole basis that the applicant or cannabis production establishment violates federal law regarding the legal status of cannabis.*
- (b) A municipality or county may not deny or revoke a business license to operate a cannabis production facility on the sole basis that the applicant or cannabis production establishment violates federal law regarding the legal status of cannabis.*

After discussing the item with the Planning Commission at two meetings it was determined that the use should be a conditional use in the M-2 and A-20 zones. Adding it as a conditional use will make it possible for the Planning Commission to impose conditions of approval that will mitigate any negative impacts to the area.

3-5F-2: PERMITTED AND CONDITIONAL USES:

Uses allowed in manufacturing zones are listed in the table below. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this article, and all other applicable requirements of this title. Uses identified as "conditional" (C) must be approved by the Planning Commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this Code, and comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the Zoning Administrator pursuant to the standards set forth

in chapter 7, article E of this title, except that the public hearing shall be conducted by the Zoning Administrator, and shall comply with title 15 of this Code, and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in manufacturing zones.

PERMITTED AND CONDITIONAL USES IN MANUFACTURING ZONES

Legend:

P	=	Permitted use
C	=	Conditional use
AC	=	Administrative conditional use

Use	M-P	M-1	M-2
Agricultural sales and service		P	P
Animal crematorium		P	
Animal crematorium located within 100 feet of any residential zone or structure		C	
Basic industry (nonhazardous or offensive)		P	
Building moved from another site (see section <u>13-8-12</u> of this title)	C	C	C
Business, equipment rental and supplies		P	P
Business service	P	P	P
<u>Cannabis Production Establishments as defined by Utah Code</u>			<u>C</u>
Church or place of worship	AC	AC	
College or university	P	P	P
Construction sales and rental		P	P
Data center		P	
Freight terminal		P	P
Gasoline and fuel storage sales		P	P

Use	M- P	M- 1	M- 2
Gasoline service station		P	P
Government service	P	P	P
Junk or salvage yard		C	C
Large scale public utilities	C	C	C
Laundry service		P	
Manufacturing, general	P	P	P
Manufacturing, limited	P	P	P
Mass transit railway system	P	P	P
Massage therapy	P	P	P
Media service	P	P	P
Medical or dental laboratory	P	P	
Military facility		C	
Motor vehicle sales and service, new and used		AC	
Office	P	P	P
Parking, commercial		P	
Parking, commercial (no fee)	P	P	
Personal care service	P	P	P
Personal instruction service	AC	C	
Printing, general	P	P	P
Public park	P	P	P
Recreation and entertainment, indoor	C		
Recycling collection station	C	C	C
Recycling facility	C	C	C
Repair services, general		P	P
Repair services, limited		P	P

Use	M-P	M-1	M-2
Research service	P	P	P
Restaurant, fast food (general)		AC	AC
Restaurant, fast food (limited)		AC	AC
Schools, K - 12	C	C	C
Schools, vocational	P	P	P
Sexually oriented business			C ¹
Small equipment rental	P	P	P
Temporary office	P	P	P
Transportation service		P	P
Transportation service (office only)		P	P
Utility, major	C	C	C
Utility, major (office only)	P	P	P
Vehicle and equipment repair, general		P	P
Vehicle and equipment repair, limited		P	P
Warehouse, self-service storage		C	
Wholesale and warehousing, general		P	P
Wholesale and warehousing, limited	P	P	P

Note:

1. See also section 4-21-6 of this Code.

(2001 Code § 89-3-703; amd. 2009 Code; Ord. 10-09, 2-24-2010; Ord. 11-35, 11-22-2011; Ord. 12-05, 2-22-2012; Ord. 14-09, 5-14-2014; Ord. 16-31, 7-13-2016; Ord. 17-25, 6-28-2017)

13-5A-2: PERMITTED AND CONDITIONAL USES:

Uses allowed in agricultural zones are listed in the table below. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this article and all other applicable requirements of this title. Uses identified as "conditional" (C) must be approved by the planning commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this code, and comply

with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the zoning administrator pursuant to the standards set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the zoning administrator, and shall comply with title 15 of this code, and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in agricultural zones.

PERMITTED AND CONDITIONAL USES IN AGRICULTURAL ZONES

Legend:

P	=	Permitted use
C	=	Conditional use
AC	=	Administrative conditional use

Use	A-1	A-5	A-20
Agricultural (processing)	P	P	P
Agriculture, except swine, dairies and animal specialties	P	P	P
Agriculture, swine or dairy	C	C	C
Animal specialties	C	C	C
Athletic field	C	C	C
Barn as a primary building (agricultural use)	P	P	P
Building moved from another site (see section <u>13-8-12</u> of this title)	C	C	C
<u>Cannabis Production Establishments as defined by Utah Code</u>			<u>C</u>
Church/place of worship	C	C	C
Dwelling, single-family	P	P	P
Golf course	C	C	C
Household pets, subject to regulations of animals in <u>title 6, chapter 3</u> of this code, or successor ordinance	P	P	P
Kennel	C	C	P
Large scale public utilities	C	C	C
Manufactured/modular home ¹	P	P	P

Use	A-1	A-5	A-20
Agricultural (processing)	P	P	P
Agriculture, except swine, dairies and animal specialties	P	P	P
Mass transit railway system	P	P	P
Public park	P	P	P
Riding academy or commercial stable	C	C	C
Schools, K - 12	C	C	C
Topsoil operations	C	C	C

Note:

1. A manufactured or modular housing structure, constructed to applicable federal or state construction standards, shall be deemed to be a permitted use if occupied as a single-family residence and may be located within this zoning district as though the structure were constructed on the site according to the international building code and other applicable standards if the structure meets or exceeds the pertinent provisions of this article for minimum building size and horizontal living area, setback, side yard, required attached 2 car garage, and other similar building and zoning requirements.

(2001 Code § 89-3-202; amd. 2009 Code; Ord. 11-35, 11-22-2011; Ord. 13-33, 11-13-2013; Ord. 14-09, 5-14-2014)

III. FINDINGS OF FACT

Section 13-7-D-7B, requires that prior to a Zoning Ordinance text amendment, the City Council shall make the following findings:

Criteria 1: *The proposed amendment conforms to the general plan and is consistent with the adopted goals, objectives and policies described therein;*

Discussion: The General Plan supports keeping ordinances relevant and understandable. On Page 19 it states:

“GOAL 2. CONTINUALLY AND CONSISTENTLY UPDATE THE FUTURE LAND USE MAP, ZONING MAP, AND ZONING ORDINANCE FOR EASE OF REFERENCE AND ADMINISTRATION.

Policy 3. The Zoning Ordinance shall be updated to incorporate necessary changes that

are consistent with State Code, and reflect the best and most current land use practices of the time. Zoning Ordinance modifications and updates shall be made easy for the general public and City administration to understand.

1. Consistently review the Zoning Ordinance and edit where necessary in order to eliminate redundancy and replace technical jargon with plain English. ”

Finding: The proposed amendment conforms to the General Plan and is consistent with the adopted goals, objectives and policies described therein.

Criteria 2: *The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to this title;*

Discussion: The proposed amendment will add Cannabis Production Establishments as conditional uses in the M-2 and A-20 zones as required by State Law.

Finding: The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to this title;

Criteria 3: *The proposed amendment will not create a conflict with any other section or part of this title or the general plan; and*

Discussion: The proposed amendment will impact the M-2 and A-20 zones. Staff has not found, at this point, any conflicts with any other sections of the 2009 City Code.

Finding: The proposed amendment will not create a conflict with any other section or part of the Municipal Code or the General Plan.

Criteria 4: *The proposed amendment does not relieve a particular hardship, nor does it confer any special privileges to a single property owner or cause, and it is only necessary to make a modification to this title in light of corrections or changes in public policy.*

Discussion: The draft ordinance as written will have implication in the M-2 and A-20 zones only and will not relieve a particular hardship or grant special privileges to any one person or entity.

Finding: The proposed amendment does not relieve a particular hardship, nor does it confer any special privileges to a single property owner or cause, and it is only necessary to make a modification to this title(s) in light of corrections or changes in public policy.



Melanie S. Briggs, MMC
City Clerk

8000 South Redwood Road
West Jordan, Utah 84088
(801) 569-5117
Fax (801) 563-4716

A Public Hearing will be held before the City of West Jordan City Council on **Wednesday, April 24, 2019**, at the hour of **5:30 p.m.**, in the City Council Chambers at 8000 South Redwood Road, Third Floor, West Jordan, Utah, to receive public comment prior to consider approval of funding recommendations of the West Jordan CDBG/HOME Committee for FY 2019-2020 as part of the FY 2019-2020 Annual Action Plan. Copies of the City Council agenda packet will be available at the City offices or on the [City Council Agenda](#) webpage the Friday prior to the meeting.

A Public Hearing will be held before the City of West Jordan City Council on **Wednesday, April 24, 2019**, at the hour of **5:30 p.m.**, in the City Council Chambers at 8000 South Redwood Road, Third Floor, West Jordan, Utah, to receive public comment prior to approving the Preliminary Development Plan for Brinkerhoff Bluffs for property located at 7653 South 1300 West in the PRD (M) (SHO) Zoning District, Cannon & Cannon/Gary Cannon, applicant. Copies of the City Council agenda packet will be available at the City offices or on the [City Council Agenda](#) webpage the Friday prior to the meeting.

A Public Hearing will be held before the City of West Jordan City Council on **Wednesday, April 24, 2019**, at the hour of **5:30 p.m.**, in the City Council Chambers at 8000 South Redwood Road, Third Floor, West Jordan, Utah, to receive public comment prior to approving a waiving of fees associated with the use of Veterans Memorial Park for the Kids Circus on July 12, 2019, in an amount not to exceed \$1,100. Copies of the City Council agenda packet will be available at the City offices or on the [City Council Agenda](#) webpage the Friday prior to the meeting.

A Public Hearing will be held before the City of West Jordan City Council on **Wednesday, April 24, 2019**, at the hour of **5:30 p.m.**, in the City Council Chambers at 8000 South Redwood Road, Third Floor, West Jordan, Utah, to receive public comment prior to amending the 2009 West Jordan Municipal Code Title, 'Zoning Regulations,' Chapter 5A and 5F 'Establishment of Zones,' adding 'Cannabis Processing Facilities,' as a conditional use in the M-2 (Major Manufacturing) and A-20 (Agricultural 20-acre minimum lot) Zone, City-wide applicability. Copies of the City Council agenda packet will be available at the City offices or on the [City Council Agenda](#) webpage the Friday prior to the meeting.

A Public Hearing will be held before the City of West Jordan City Council on **Wednesday, April 24, 2019**, at the hour of **5:30 p.m.**, in the City Council Chambers at 8000 South Redwood Road, Third Floor, West Jordan, Utah, to receive public comment prior to approving amending the 2009 West Jordan Municipal Code Title, 'Zoning Regulations,' Chapter 2 'Definitions,' adding definitions of residential 'Density,' City-wide applicability. Copies of the City Council agenda packet will be available at the City offices or on the [City Council Agenda](#) webpage the Friday prior to the meeting.

THE CITY OF WEST JORDAN, UTAH
A Municipal Corporation

ORDINANCE NO. 19-18
[CANNABIS PRODUCTION ESTABLISHMENTS]

AN ORDINANCE AMENDING TITLE 13, "ZONING REGULATIONS."

WHEREAS, the City of West Jordan adopted a City Code in 2009, for the purpose of carrying into effect and discharging all powers and duties conferred by law upon the City and its officers, employees and inhabitants, and to provide for the safety, preserve the health, promote the prosperity, improve the morals, peace, good order, comfort and convenience of the City and its inhabitants, and to protect property in the City; and

WHEREAS, the West Jordan City Council finds and determines that the purpose of the 2009 City Code, and the public health and welfare, will best be reached by the adoption of the following amendments to Title 13, Chapter 5 of the 2009 City Code.

NOW THEREFORE, IT IS ORDAINED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH:

Section 1. Title 13, Chapter 5, Article A, Section 2 of the 2009 City Code shall hereafter read as follows:

13-5A-2: PERMITTED AND CONDITIONAL USES:

Uses allowed in agricultural zones are listed in the table below. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this article and all other applicable requirements of this title. Uses identified as "conditional" (C) must be approved by the planning commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this code, and comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the zoning administrator pursuant to the standards set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the zoning administrator, and shall comply with title 15 of this code, and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in agricultural zones.

PERMITTED AND CONDITIONAL USES IN AGRICULTURAL ZONES

Legend:

- | | | |
|----|---|--------------------------------|
| P | = | Permitted use |
| C | = | Conditional use |
| AC | = | Administrative conditional use |

Use	A-1	A-5	A-20
Agricultural (processing)	P	P	P
Agriculture, except swine, dairies and animal specialties	P	P	P
Agriculture, swine or dairy	C	C	C
Animal specialties	C	C	C
Athletic field	C	C	C
Barn as a primary building (agricultural use)	P	P	P
Building moved from another site (see section 13-8-12 of this title)	C	C	C
Cannabis Production Establishments			C
Church/place of worship	C	C	C
Dwelling, single-family	P	P	P
Golf course	C	C	C
Household pets, subject to regulations of animals in title 6, chapter 3 of this code, or successor ordinance	P	P	P
Kennel	C	C	P
Large scale public utilities	C	C	C
Manufactured/modular home ¹	P	P	P
Mass transit railway system	P	P	P
Public park	P	P	P
Riding academy or commercial stable	C	C	C
Schools, K - 12	C	C	C
Topsoil operations	C	C	C

Note:

1. A manufactured or modular housing structure, constructed to applicable federal or state construction standards, shall be deemed to be a permitted use if occupied as a single-family residence and may be located within this zoning district as though the structure were constructed on the site according to the international building code and other applicable standards if the structure meets or exceeds the pertinent provisions of this article for minimum building size and horizontal living area, setback, side yard, required attached 2 car garage, and other similar building and zoning requirements.

(2001 Code § 89-3-202; amd. 2009 Code; Ord. 11-35, 11-22-2011; Ord. 13-33, 11-13-2013; Ord. 14-09, 5-14-2014; Ord. 19-__, __-__-2019)

Section 2. Title 13, Chapter 5, Article F, Section 2 of the 2009 City Code shall hereafter read as follows:

13-5F-2: PERMITTED AND CONDITIONAL USES:

Uses allowed in manufacturing zones are listed in the table below. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this article, and all other applicable requirements of this title. Uses identified as "conditional" (C) must be approved by the Planning Commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this Code, and comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the Zoning Administrator pursuant to the standards set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the Zoning Administrator, and shall comply with title 15 of this Code, and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in manufacturing zones.

**PERMITTED AND CONDITIONAL USES
IN MANUFACTURING ZONES**

Legend:

P	=	Permitted use
C	=	Conditional use
AC	=	Administrative conditional use

Use	M-P	M-1	M-2
Agricultural sales and service		P	P
Animal crematorium		P	
Animal crematorium located within 100 feet of any residential zone or structure		C	
Basic industry (nonhazardous or offensive)		P	
Building moved from another site (see section 13-8-12 of this title)	C	C	C
Business, equipment rental and supplies		P	P
Business service	P	P	P
Cannabis Production Establishments			C
Church or place of worship	AC	AC	

Use	M-P	M-1	M-2
College or university	P	P	P
Construction sales and rental		P	P
Data center		P	
Freight terminal		P	P
Gasoline and fuel storage sales		P	P
Gasoline service station		P	P
Government service	P	P	P
Junk or salvage yard		C	C
Large scale public utilities	C	C	C
Laundry service		P	
Manufacturing, general	P	P	P
Manufacturing, limited	P	P	P
Mass transit railway system	P	P	P
Massage therapy	P	P	P
Media service	P	P	P
Medical or dental laboratory	P	P	
Military facility		C	
Motor vehicle sales and service, new and used		AC	
Office	P	P	P
Parking, commercial		P	
Parking, commercial (no fee)	P	P	
Personal care service	P	P	P
Personal instruction service	AC	C	
Printing, general	P	P	P
Public park	P	P	P
Recreation and entertainment, indoor	C		
Recycling collection station	C	C	C

Use	M-P	M-1	M-2
Recycling facility	C	C	C
Repair services, general		P	P
Repair services, limited		P	P
Research service	P	P	P
Restaurant, fast food (general)		AC	AC
Restaurant, fast food (limited)		AC	AC
Schools, K - 12	C	C	C
Schools, vocational	P	P	P
Sexually oriented business			C ¹
Small equipment rental	P	P	P
Temporary office	P	P	P
Transportation service		P	P
Transportation service (office only)		P	P
Utility, major	C	C	C
Utility, major (office only)	P	P	P
Vehicle and equipment repair, general		P	P
Vehicle and equipment repair, limited		P	P
Warehouse, self-service storage		C	
Wholesale and warehousing, general		P	P
Wholesale and warehousing, limited	P	P	P

Note:

1. See also section 4-2I-6 of this Code.

(2001 Code § 89-3-703; amd. 2009 Code; Ord. 10-09, 2-24-2010; Ord. 11-35, 11-22-2011; Ord. 12-05, 2-22-2012; Ord. 14-09, 5-14-2014; Ord. 16-31, 7-13-2016; Ord. 17-25, 6-28-2017; Ord. 19-__, __-__-2019)

Section 3. Additions or amendments to the 2009 City Code when passed in such form as to indicate the intention of the City Council to make the same a part of the 2009 City Code shall be deemed to be incorporated in the 2009 City Code, so that reference to the 2009 City Code hereafter includes the additions and amendments.

Section 4. This Ordinance shall become effective immediately upon passage and having been published in accordance with Utah Code Annotated § 10-3-711.

Passed and adopted by the City Council of the City of West Jordan, Utah this ____ day of ____, 2019.

CITY OF WEST JORDAN

By: _____
JIM RIDING
Mayor

ATTEST:

MELANIE S. BRIGGS, MMC
City Clerk

Voting by the City Council	“YES”	“NO”
Council Member Alan Anderson	_____	_____
Council Member Dirk Burton	_____	_____
Council Member Zach Jacob	_____	_____
Council Member Chad R. Lamb	_____	_____
Council Member Chris McConnehey	_____	_____
Council Member Kayleen Whitelock	_____	_____
Mayor Jim Riding	_____	_____

CITY CLERK/RECORDER'S CERTIFICATE OF PUBLICATION

I, Melanie S. Briggs, certify that I am the City Clerk/Recorder of the City of West Jordan, Utah, and that the foregoing ordinance was published in the Legal Section, of the Salt Lake Tribune, on the ____ day of _____, 2019, pursuant to Utah Code Annotated, 10-3-711.

MELANIE S. BRIGGS, MMC
City Clerk/Recorder

[SEAL]

Legislative

13-5A-2: PERMITTED AND CONDITIONAL USES:

Uses allowed in agricultural zones are listed in the table below. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this article and all other applicable requirements of this title. Uses identified as "conditional" (C) must be approved by the planning commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this code, and comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the zoning administrator pursuant to the standards set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the zoning administrator, and shall comply with title 15 of this code, and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in agricultural zones.

PERMITTED AND CONDITIONAL USES IN AGRICULTURAL ZONES

Legend:

P	=	Permitted use
C	=	Conditional use
AC	=	Administrative conditional use

Use	A-1	A-5	A-20
Agricultural (processing)	P	P	P
Agriculture, except swine, dairies and animal specialties	P	P	P
Agriculture, swine or dairy	C	C	C
Animal specialties	C	C	C
Athletic field	C	C	C
Barn as a primary building (agricultural use)	P	P	P
Building moved from another site (see section 13-8-12 of this title)	C	C	C
<u>Cannabis Production Establishments</u>			<u>C</u>
Church/place of worship	C	C	C
Dwelling, single-family	P	P	P

Use	A-1	A-5	A-20
Agricultural (processing)	P	P	P
Agriculture, except swine, dairies and animal specialties	P	P	P
Golf course	C	C	C
Household pets, subject to regulations of animals in title 6, chapter 3 of this code, or successor ordinance	P	P	P
Kennel	C	C	P
Large scale public utilities	C	C	C
Manufactured/modular home ¹	P	P	P
Mass transit railway system	P	P	P
Public park	P	P	P
Riding academy or commercial stable	C	C	C
Schools, K - 12	C	C	C
Topsoil operations	C	C	C

Note:

1. A manufactured or modular housing structure, constructed to applicable federal or state construction standards, shall be deemed to be a permitted use if occupied as a single-family residence and may be located within this zoning district as though the structure were constructed on the site according to the international building code and other applicable standards if the structure meets or exceeds the pertinent provisions of this article for minimum building size and horizontal living area, setback, side yard, required attached 2 car garage, and other similar building and zoning requirements.

(2001 Code § 89-3-202; amd. 2009 Code; Ord. 11-35, 11-22-2011; Ord. 13-33, 11-13-2013; Ord. 14-09, 5-14-2014; Ord. 19-__, __-__-2019)

13-5F-2: PERMITTED AND CONDITIONAL USES:

Uses allowed in manufacturing zones are listed in the table below. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this article, and all other applicable requirements of this title. Uses identified as "conditional" (C) must be approved by the Planning Commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this Code, and comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the Zoning Administrator pursuant to the standards set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the Zoning Administrator, and shall comply with title 15 of this Code, and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in manufacturing zones.

**PERMITTED AND CONDITIONAL USES
IN MANUFACTURING ZONES**

Legend:

P = Permitted use

C = Conditional use

AC = Administrative conditional use

Use	M-P	M-1	M-2
Agricultural sales and service		P	P
Animal crematorium		P	
Animal crematorium located within 100 feet of any residential zone or structure		C	
Basic industry (nonhazardous or offensive)		P	
Building moved from another site (see section 13-8-12 of this title)	C	C	C
Business, equipment rental and supplies		P	P
Business service	P	P	P
<u>Cannabis Production Establishments</u>			<u>C</u>
Church or place of worship	AC	AC	
College or university	P	P	P
Construction sales and rental		P	P
Data center		P	
Freight terminal		P	P
Gasoline and fuel storage sales		P	P
Gasoline service station		P	P
Government service	P	P	P
Junk or salvage yard		C	C
Large scale public utilities	C	C	C
Laundry service		P	

Use	M-P	M-1	M-2
Manufacturing, general	P	P	P
Manufacturing, limited	P	P	P
Mass transit railway system	P	P	P
Massage therapy	P	P	P
Media service	P	P	P
Medical or dental laboratory	P	P	
Military facility		C	
Motor vehicle sales and service, new and used		AC	
Office	P	P	P
Parking, commercial		P	
Parking, commercial (no fee)	P	P	
Personal care service	P	P	P
Personal instruction service	AC	C	
Printing, general	P	P	P
Public park	P	P	P
Recreation and entertainment, indoor	C		
Recycling collection station	C	C	C
Recycling facility	C	C	C
Repair services, general		P	P
Repair services, limited		P	P
Research service	P	P	P
Restaurant, fast food (general)		AC	AC
Restaurant, fast food (limited)		AC	AC
Schools, K - 12	C	C	C
Schools, vocational	P	P	P
Sexually oriented business			C ¹
Small equipment rental	P	P	P

Use	M-P	M-1	M-2
Temporary office	P	P	P
Transportation service		P	P
Transportation service (office only)		P	P
Utility, major	C	C	C
Utility, major (office only)	P	P	P
Vehicle and equipment repair, general		P	P
Vehicle and equipment repair, limited		P	P
Warehouse, self-service storage		C	
Wholesale and warehousing, general		P	P
Wholesale and warehousing, limited	P	P	P

Note:

1. See also section 4-2I-6 of this Code.

(2001 Code § 89-3-703; amd. 2009 Code; Ord. 10-09, 2-24-2010; Ord. 11-35, 11-22-2011; Ord. 12-05, 2-22-2012; Ord. 14-09, 5-14-2014; Ord. 16-31, 7-13-2016; Ord. 17-25, 6-28-2017; Ord. 19-__, __-__-2019)

MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD MARCH 19, 2019 IN THE WEST JORDAN COUNCIL CHAMBERS

PRESENT: Matt Quinney, Jay Thomas, Trish Hatch, Kelvin Green, Nichole Luthi, Corbin England, and Bob Bedont.

STAFF: Larry Gardner, Mark Forsythe, Nathan Nelson, Paul Brockbank, Duncan Murray, and Julie Davis

OTHERS: Jeff Young, Guy Larson, Charlie Taylor, Velvet Hernandez, Dan Milich

8. Text Amendment – Cannabis Processing Facilities; Amend the 2009 City Code Title 13-5F-2 and 13-5A-2 adding “Cannabis Processing Facilities” as a conditional use in the M-2 (Major Manufacturing) and A-20 (Agricultural 20-acre minimum lot) Zones; City-wide applicability; City of West Jordan (applicant) [#18023, 18024]

Larry Gardner said this amendment to the use table in the Manufacturing and Agricultural zones will allow for cannabis production establishments as defined by Utah Code as a conditional use in the M-2 and A-20 zones. The conditional use process will allow the City to put standards and conditions in place that will mitigate any detrimental impact as outlined in Utah Code.

Based on the analysis and findings contained in the staff report, staff recommended that the Planning Commission forward a positive recommendation to the City Council amending 2009 City Code Title 13-5F-2 and 13-5A-2 adding “Cannabis Production Establishments” as a conditional use in the M-2 (Major Manufacturing) and A-20 (Agricultural 20-acre minimum lot) Zones.

Nichole Luthi asked for clarification that only four acres within the 20 acres of an A-20 zone can be used for the production establishment.

Larry Gardner said that is correct. He explained that a production establishment allows for growing and processing the product on the same site. So, there could be both a grow operation and production establishment, or they could have only a grow operation, or only a processing facility. Utah Code allows the product to be grown indoors or outdoors. However, he felt that the City could specify an indoor only growing operation due to the odor, and that would be his recommendation. The person hired at the Department of Agriculture to administer this program said four acres of cannabis could be very odoriferous.

Nichole Luthi asked if one of the conditions of approval could be that the four-acre operation be in the middle of the 20-acre parcel to help mitigate those impacts.

Larry Gardner said if the City could say that is how they are mitigating the detrimental impact then he could support it.

Duncan Murray said they would have to look at the individual circumstances, because typically you want to look at the least egregious condition that meets the same result.

Trish Hatch asked what the restrictions are for the remaining 16 acres of property and if they could be sold off.

Larry Gardner said the A-20 zone requires a minimum lot size of 20 acres. He thought that there are still several A-5 and A-1 zoned properties that are very near residential uses, and that is why the A-20 zone is better. Most of those large property owners are reluctant to sell off small portions. Any remaining acreage would have to be maintained.

Matt Quinney opened the public hearing.

Further public comment was closed at this point for this item.

MOTION: Trish Hatch moved, based on the findings and information set forth in the staff report and upon the evidence and explanations received today, to forward a positive recommendation to the City Council for the Text Amendment – Cannabis Processing Facilities; Amend the 2009 City Code Title 13-5F-2 and 13-5A-2 adding “Cannabis Processing Facilities” as a conditional use in the M-2 (Major Manufacturing) and A-20 (Agricultural 20-acre minimum lot) Zones; City of West Jordan (applicant). The motion was seconded by Corbin England.

Kelvin Green explained that he would vote no because he has a Federal security clearance and he doesn’t want to be seen as undermining Federal law.

VOTE: The motion passed 5-1 in favor with Kelvin Green casting the negative vote. Jay Thomas was absent.