

# WEST BOUNTIFUL CITY

ORDINANCE #429-20

## **AN ORDINANCE (1) ADDRESSING A PETITION FILED UNDER UCA §10-9a-528, (2) AMENDING WBMC TITLE 17 REGARDING MEDICAL CANNABIS REGULATIONS, AND (3) AMENDING THE WBMC ZONING MAP**

**WHEREAS**, Utah Code Annotated § 10-9a-101 *et seq.*, also known as the “Municipal Land Use, Development, and Management Act,” grants authority to the West Bountiful City Council to make changes to its land use ordinances;

**WHEREAS**, U.C.A. § 10-9a-528 requires the city to prepare and adopt a land use regulation, development agreement, or land use decision related to a medical cannabis pharmacy within 45 days of a petition in that regard;

**WHEREAS**, Wholesome Therapy (Cannabis Cultivation) & Canyon 100 N Bountiful L.C. re-filed a petition with West Bountiful City on June 3, 2020 for a land use regulation regarding a medical cannabis pharmacy and a cannabis production establishment;

**WHEREAS**, the West Bountiful Planning Commission held a properly noticed public hearing on June 23, 2020 to consider the petition and appropriate modifications to Title 17 and the city’s zoning map; and,

**WHEREAS**, the West Bountiful Planning Commission has provided a positive recommendation for amendments to WBMC Title 17 regarding cannabis regulations and changes to the zoning map, and a negative recommendation for the land use changes and decisions requested in the petition.

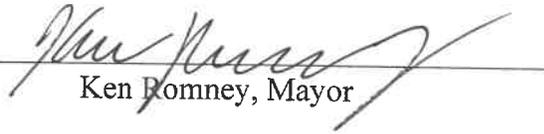
**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF WEST BOUNTIFUL THAT:**

1. WBMC Title 17 be modified as shown in Exhibit A.
2. The West Bountiful Official Zoning Map be modified as shown in Exhibit B, specifically placing the following parcels in the respective districts:
  - a. Commercial Highway: Parcel 060390128.
  - b. Agricultural Specialty: Parcels 060280002, 060260077, 060310030, 060310028, and 060310022.
3. The petition and associated land use requests filed by Wholesome Therapy (Cannabis Cultivation) & Canyon 100 N Bountiful L.C. on June 3, 2020 be denied.

This ordinance will become effective upon signing and posting.

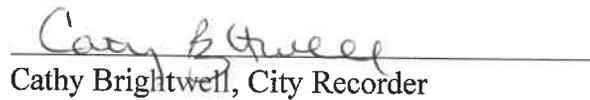
Adopted this 7<sup>th</sup> day of July 2020.

By:

  
Ken Romney, Mayor

<u>Voting by the City Council:</u>	<u>Aye</u>	<u>Nay</u>
Councilmember Ahlstrom	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Bruhn	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Enquist	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Preece	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Wood	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Attest:

  
Cathy Brightwell, City Recorder



**NEW:****17.62 Medical Cannabis Pharmacies and Cannabis Production Establishments****17.62.010 Purpose**

This chapter is intended to implement, within the city, the land use, and other regulations provided in the Utah Medical Cannabis Act, *Utah Code Ann. § 26-61a-101, et seq.*; Cannabis Production Establishments, *Utah Code Ann. § 4-41a-101, et seq.*; and any other applicable state law relative to medical cannabis pharmacies and cannabis production establishments. State law will govern to the extent of any conflict between this chapter and state law.

**17.62.020 Definitions**

Unless the context requires otherwise or another definition is provided in state law, the following definitions shall be used in the interpretation and construction of this title. Words used in this title but not defined herein shall have the meanings defined in any other provision of the West Bountiful Municipal Code.

“**Cannabis**,” also known as marijuana, means all species of the genus cannabis and all parts of the genus, whether growing or not, including seeds; resin extracted from any part of the plant, including the resin extracted from mature stalks; every compound, manufacture, salt, derivative, mixture, or preparation of the plant, seeds, or resin; and any synthetic equivalents of the substances contained in the plant cannabis sativa or any other species of the genus cannabis which are chemically indistinguishable and pharmacologically active. Cannabis does not include the mature stalks of the plant; fiber produced from the stalks; oil or cake made from the seeds of the plant; any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted from them), fiber, oil or cake; or the sterilized seed of the plant which is incapable of germination.

“**Cannabis cultivation facility**” means a person that:

1. Possesses cannabis;
2. Grows or intends to grow cannabis; and
3. Sells or intends to sell cannabis to a cannabis cultivation facility, a cannabis processing facility, or a medical cannabis research licensee.

“**Cannabis processing facility**” means a person that:

1. Acquires or intends to acquire cannabis from a cannabis production establishment or a holder of an industrial hemp processor license under the Hemp and Cannabinoid Act, *Utah Code Ann. § 4-41-101, et seq.*;
2. Possesses cannabis with the intent to manufacture a cannabis product;
3. Manufactures or intends to manufacture a cannabis product from unprocessed cannabis or a cannabis extract; and
4. Sells or intends to sell a cannabis product to a medical cannabis pharmacy or a medical cannabis research licensee.

“**Cannabis product**” means a product that is intended for human use; and contains cannabis or tetrahydrocannabinol.

“**Cannabis production establishment**” means a cannabis cultivation facility, a cannabis processing facility, or an independent cannabis testing laboratory.

**“Community Location”** means a public or private school, a licensed child-care facility or preschool, a church, a public library, a public playground, or a public park.

**“Independent cannabis testing laboratory”** means a person that conducts a chemical or other analysis of cannabis or a cannabis product; or acquires, possesses, and transports cannabis or a cannabis product with the intent to conduct a chemical or other analysis of the cannabis or cannabis product.

**“Medical cannabis”** means cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form.

**“Medical cannabis pharmacy”** means a person that:

1. a. acquires or intends to acquire:
  - i. cannabis in a medicinal dosage form or cannabis product in a medicinal dosage form from a cannabis processing facility; or
  - ii. a medical cannabis device; or
- b. possesses cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device; and
2. sells or intends to sell cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device to a medical cannabis cardholder.

**“Medical cannabis research licensee”** means a research university that the Utah Department of Agriculture and Food licenses to obtain and possess medical cannabis for academic research, in accordance with *Utah Code Ann.* § 4-41a-901.

**“Primarily Residential”** zone, for purposes of this chapter and any applicable state law in determining the location of any medical cannabis pharmacy or medical cannabis production establishment, means residential zoning districts A-1, R-1-10, and R-1-22, and all other residential zoning districts, including overlay zones, where the majority of the buildings in the zone are used, in whole or in part, for dwelling units.

### **17.62.030 Medical Cannabis Pharmacies**

The following standards apply to all medical cannabis pharmacies:

1. Generally.
  - a. Medical cannabis pharmacies shall comply with all state law requirements, including those related to security, access, licensing, advertising, and operations.
  - b. A medical cannabis pharmacy shall comply with the land use regulations for the zoning district in which it is located.
  - c. Medical cannabis pharmacies shall not be located in or within 600 feet of a district that is zoned primarily residential or within 200 feet of a community location measured from the nearest entrance to the cannabis production establishment following the shortest ordinary route of pedestrian travel to the boundary of the community location or residential zone.
  - d. An applicant for a land use permit to operate a medical cannabis pharmacy shall comply with the land use requirements and application processes described in the Municipal Land Use, Development, and Management Act, *Utah Code Ann.* § 10-9a-101, *et seq.*; and the West Bountiful Municipal Code.
  - e. Each medical cannabis pharmacy shall obtain a city business license before conducting business within the city and shall be subject to all business license requirements, including any requirements that are specific to medical cannabis pharmacies.

2. Hours of Operation. Unless state law specifies other maximum hours of operation, hours of operation for medical cannabis pharmacies shall commence no earlier than 7:00 am and end by 10:00 pm.
3. Advertising. A medical cannabis pharmacy may not advertise in any medium, except as provided in this section.
  - a. A medical cannabis pharmacy may use signage on the outside of the medical cannabis pharmacy that:
    - i. includes only the medical cannabis pharmacy's name and hours of operation, and a green cross.
    - ii. does not exceed four feet by five feet in size; and
    - iii. complies with city signage regulations.
  - b. A medical cannabis pharmacy may maintain a website that includes information about:
    - i. the location and hours of operation of the medical cannabis pharmacy;
    - ii. a product or service available at the medical cannabis pharmacy;
    - iii. personnel affiliated with the medical cannabis pharmacy;
    - iv. best practices that the medical cannabis pharmacy upholds; and
    - v. educational material related to the medical use of cannabis.
4. Appearance.
  - a. The exterior façade of a medical cannabis pharmacy shall maintain the natural color and appearance of the building in a manner that avoids drawing special attention to the building.
  - b. No cannabis products shall be promoted or visible from outside a medical cannabis pharmacy.

#### **17.62.040 Cannabis Production Establishments**

The following standards apply to all cannabis production establishments:

1. Generally.
  - a. Cannabis production establishments shall comply with all state law requirements, including those related to security, access, licensing, advertising, and operations.
  - b. A cannabis production establishment shall comply with the land use regulations for the zoning district in which it is located.
  - c. Cannabis production establishments shall not be located in or within 600 feet of a district that is zoned as primarily residential or within 1,000 feet of a community location measured from the nearest entrance to the cannabis production establishment following the shortest ordinary route of pedestrian travel to the boundary of the community location or residential zone.
  - d. Cannabis production establishments shall be designed to filter inside air exchanges to the outside through air filter systems to prevent the emission of dust, fumes, vapors, odors or waste into the environment.
  - e. An applicant for a land use permit to operate a medical cannabis pharmacy shall comply with the land use requirements and application processes described in the Municipal Land Use, Development, and Management Act, *Utah Code Ann. § 10-9a-101, et seq.*; and the West Bountiful Municipal Code.
  - f. Each cannabis production establishment shall obtain a city business license before conducting business within the city and shall be subject to all business license requirements, including any requirements that are specific to cannabis production establishments.
2. Advertising. A cannabis production establishment may not advertise to the general public in any medium, except as provided in this section.
  - a. A cannabis production establishment may advertise an employment opportunity at the cannabis production establishment.

- b. A cannabis production establishment may maintain a website that:
    - i. contains information about the establishment and employees; and
    - ii. does not advertise any medical cannabis, cannabis products, or medical cannabis devices.
  - c. A cannabis production establishment may use signage on the outside of the medical cannabis pharmacy that:
    - i. includes only the cannabis production establishment's name and hours of operation, and a green cross.
    - ii. does not exceed four feet by five feet in size; and
    - iii. complies with city signage regulations.
3. Appearance.
- a. If a cannabis production establishment is located in an enclosed building, the exterior façade of the cannabis production establishment shall maintain the natural color and appearance of the building in a manner that avoids drawing special attention to the building.
  - b. No cannabis products shall be promoted or visible from outside a cannabis production establishment.

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**Chapter 17.28 Commercial Neighborhood District, C-N**

**17.28.020 Permitted Uses**

\* \* \*

- M. Ceramic business; ~~and~~
- N. Carpet cleaning; ~~and~~
- O. Medical cannabis pharmacy, as defined in Chapter 17.62.

**17.28.035 Prohibited Uses**

The following uses are prohibited in the C-N commercial neighborhood districts:

\* \* \*

- B. Retail e-cigarette specialty businesses; ~~and~~
- C. Sexually oriented businesses; ~~and~~
- D. Cannabis production establishment, as defined in Chapter 17.62.

**Chapter 17.32 Commercial General District, C-G**

**17.32.20 ~~17.32.020~~ Permitted Uses**

The following uses are permitted in the C-G commercial general districts:

\* \* \*

- K. Medical ~~C~~cannabis ~~P~~pharmacy, as defined ~~by Utah Code in~~ Chapter 17.62.

**17.32.035 Prohibited Uses**

The following uses are prohibited in the C-G commercial general district:

\* \* \*

- B. Retail e-cigarette specialty businesses; ~~and~~
- C. Sexually oriented businesses; ~~and~~
- D. Cannabis production establishment, as defined in Chapter 17.62.

### **17.32.100 Medical Cannabis Pharmacies**

~~A medical cannabis pharmacy may only operate between the hours of 7 a.m. and 10 p.m.~~

## **Chapter 17.34 Commercial Highway District, C-H**

### **17.34.020 Permitted Uses**

The following uses are permitted in the C-H commercial highway district:

\* \* \*

H. Contractor offices, including but not limited to general, electrical, mechanical, heat, ventilation and air conditioning, plumbing, and landscaping; ~~and~~

I. Indoor storage units; and

J. Medical cannabis pharmacy, as defined in Chapter 17.62.

### **17.34.040 Prohibited Uses**

\* \* \*

K. Retail tobacco specialty businesses; ~~and~~

L. Single retail unit space over seventy-five thousand (75,000) square feet; and

M. Cannabis production establishment, as defined in Chapter 17.62.

## **Chapter 17.36 Light Industrial District, L-I**

### **17.36.020 Permitted Uses**

The following uses are permitted in the L-I light industrial districts:

\* \* \*

H. Retail commercial uses; ~~and~~

I. Sexually oriented businesses; and

J. Medical cannabis pharmacy, as defined in Chapter 17.62.

### **17.36.030 Conditional Uses**

The following uses are conditional in the L-I light industrial districts:

\* \* \*

B. Cannabis production establishment, as defined in Chapter 17.62.

C. Other uses and businesses which are ~~considered~~ similar to those listed in this section and Section 17.36.020, as determined by the planning commission.

## **Chapter 17.40 Industrial General District, I-G**

### **17.40.020 Permitted Uses**

The following uses are permitted in the I-G industrial general districts:

\* \* \*

G. Public and quasi-public institutions;

H. Medical cannabis pharmacy, as defined in Chapter 17.62; and

I. Cannabis production establishment, as defined in Chapter 17.62.

### 17.40.030 Conditional Uses

The following uses are conditional in the I-G industrial general districts:

\* \* \*

- D. Other uses and businesses which are ~~eonsidered~~ similar to those listed in this section and Section 17.40.020, as determined by the planning commission.

### Chapter 17.16 Agricultural District, A-1

#### 17.16.010 Purpose

The purpose of ~~providing~~ the A-1 agricultural district is primarily residential, to while also promot~~ing~~ and preserv~~ing~~ in appropriate areas conditions favorable to agriculture and ~~to maintain~~ing greenbelt open spaces. This district is intended to include activities normally and necessarily related to the ~~conduct of residential and~~ agricultural use, and to protect the district from the intrusion of uses harmful to the continuance of residential and agricultural activity. It is ~~also~~ intended to allow and promote conditions favorable to large-lot family life, the keeping of limited numbers of animals and fowl, and reduced requirements for public utilities.

NEW:

### Chapter 17.14 Agricultural Specialty District, A-S

#### 17.14.010 Purpose

The purpose of the A-S agricultural specialty district is to promote and preserve in appropriate areas conditions favorable to agriculture and ~~to maintain~~ing greenbelt open spaces. This district is intended to include activities normally and necessarily related to agricultural use, and to protect the district from the intrusion of uses harmful to the continuance of agricultural activity. It is also intended to allow associated residential uses, the keeping of limited numbers of animals and fowl, and reduced requirements for public utilities.

#### 17.14.020 Permitted Uses

The following uses are permitted in the A-S agricultural specialty district:

- A. Agricultural;
- B. Single family dwelling;
- C. Farm Animals;
- D. Home Occupations;
- E. Residential facility for persons with a disability;
- F. Medical cannabis pharmacy, as defined in Chapter 17.62; and
- G. Cannabis production establishment, as defined in Chapter 17.62.

The remainder of Chapter 17.14 mirrors Chapter 17.16 Agricultural District A-1.

#### 17.14.030 Conditional Uses

The following uses are conditional in the A-S agricultural specialty district:

- A. Equestrian facilities, commercial stables;
- B. Public or quasi-public uses;
- C. Child day care or nursery (pursuant to Chapter 5.28 Home Occupations);
- D. Flag lots;
- E. Kennels, (pursuant to Chapter 5.28 Home Occupations);
- F. Residential facility for elderly persons;
- G. Accessory Dwelling Units (ADU); and
- H. Restricted Lots (see definitions, Section 17.04.030); and

#### **17.14.040 Area And Frontage Regulations**

The following area and frontage regulations apply in the A-S agricultural specialty district:

- A. The minimum residential lot size shall be one acre; this shall not apply to PUDs which shall be regulated by provisions of Chapter 17.68;
- B. The minimum lot width shall be eighty-five (85) feet;
- C. Any legally created lot at the time of adoption of this zoning code, which is below the requirements for lot area or lot width for the district in which it is located and on which a dwelling would be permitted if the lot met the area requirements of the zoning code, may be used for a single family dwelling if such a lot is located in the (A-S, A-1, R-1-10, R-1-22) zoning district. The width of each of the side yards for such a dwelling may be reduced to a width which is not less than the same percentage of the lot width as the required side yard would be of the required lot width; provided that in no case shall the smaller of the two side yards be less than five (5) feet nor shall the total width of the two side yards be less than thirteen (13) feet.

#### **17.14.045 Every Dwelling To Be On A Lot; Exceptions**

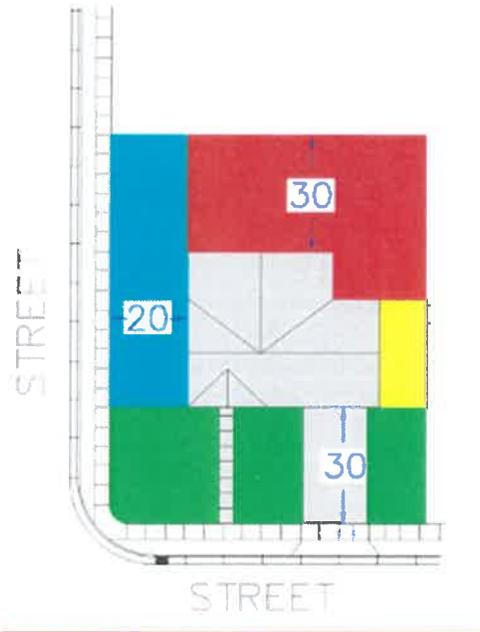
Every dwelling structure shall be located and maintained on a separate lot having no less than the minimum area, width, depth and frontage required by this title for the district in which the dwelling structure is located, except that farm or ranch dwellings, group dwellings, condominiums and other multi structure dwellings, complexes under single ownership and management, which are permitted by this title and have approval by the planning commission, may occupy a single lot.

#### **17.14.050 Yard Regulations**

The following regulations apply in the A-S agricultural specialty district:

- A. Minimum Setbacks. (See diagram below)
  - 1. Front yard. The minimum front yard setback for all structures is thirty (30) feet, except as otherwise allowed in this Code.
  - 2. Side yard. The minimum side yard setback for all structures is ten (10) feet for any one side. Main structures shall have a combined total side setback of twenty-four (24) feet for both sides.
  - 3. Street side yard.
    - 1. On a corner lot, the minimum street side yard setback is twenty (20) feet.
    - 2. Notwithstanding the foregoing, a structure may be constructed within the street side yard of a corner lot if the structure:
      - 1. Is situated behind the rear line of the main structure and no closer than three (3) feet from the street side lot line;

2. Is two hundred (200) square feet or less;
      3. Has a maximum height of nine (9) feet measured from the lowest finished ground level to the highest part of the roof; and
      4. Complies with other requirements of this Code.
4. Rear yard.
  1. The minimum rear yard setback for all main structures is thirty (30) feet.
  2. The minimum rear yard setback for accessory and non-commercial structures, measured from the rear lot line or side lot line, is six (6) feet, or three (3) feet if the structure is built to fire code standards.
  3. For purposes of subsections A.4.d and A.4.e. of this section:
    1. "Patio" means a pad or structure no more than twenty-four (24) inches above the lowest adjacent finished ground level that provides outdoor floor space and does not require a railing under applicable building codes.
    2. "Deck" means a structure higher than twenty-four inches above the lowest adjacent finished ground level that provides outdoor floor space and requires a railing under applicable building codes.
  4. A deck may encroach into the rear yard setback as long as it meets the following requirements:
    1. No portion of the deck is less than twenty-five (25) feet from the rear property line;
    2. The deck is no closer to a side lot line than the minimum required side yard or street side yard setback for the main structure;
    3. The deck does not encroach more than 200 square feet into the setback area;
    4. The floor of the deck is no higher than the highest finished floor of the main structure;
    5. The portion of the deck that extends into the rear yard setback is not covered; and
    6. The railing is no more than forty-eight (48) inches high and is less than twenty-five percent (25%) transparent.
  5. A patio roof may encroach into the rear yard setback as long as it meets the following requirements:
    1. The patio floor surface is no higher than the lowest finished floor elevation;
    2. No portion of the roof is less than twenty-five (25) feet from the rear property line;
    3. The roof is no closer to a side lot line than the minimum required side yard or street side yard setback for the main structure;
    4. The roof does not encroach more than two-hundred (200) square feet into the setback area;
    5. The highest point of the roof is no higher than the adjacent roof the the dwelling or eighteen (18) feet above the patio, whichever is lower;
    6. No wall, fence, or railing is required or constructed along any part of the patio; and
    7. The patio and roof meet all building code requirements.



- B. Distance between main structures and accessory buildings. The minimum distance between all main structures and accessory structures shall be eight (8) feet.
- C. No building on recorded easements. No main structure, non-commercial structure, or permanent accessory structure shall be built on or over any recorded easement such as a public utility easement.
- D. Lot standards and street frontage. Except as otherwise provided in this title, every lot hereafter created or modified shall have such area, width and depth as is required by this title for the district in which such lot is located and shall have frontage upon a public street before a building permit may be issued.
- E. Yard space for one building only. No yard or open space on a property shall be considered as providing a yard or open space for a building on an adjacent property.
- F. Area of structure and accessory building. No accessory structure, non-commercial structure, or group of structures shall cover more than thirty-five percent (35%) of the rear yard or, on a corner lot, the combined rear yard and street side yard behind the main structure.
- G. Sales or lease of space. No space needed to meet the width, yard, area, coverage, parking or other requirements of this title for a lot or building may be sold or leased away from such lot or building.
- H. Other building and structure restrictions. No structure, including any structure exempt from a building permit, shall be allowed in any part of a required front, side, or street side yard setback, except that landscape enhancements, such as trellises and arbors, shall be allowed subject to other applicable regulations. Any such landscape enhancement in the front, side, or street side yard shall be limited to a gross area of ten (10) square feet or less, a width no greater than sixty (60) inches, and a height no greater than ninety-six (96) inches and shall be subject to applicable site triangle area restrictions.

#### **17.14.060 Height Regulations**

- A. Maximum height of structures. No structure shall be erected to a height greater than thirty-five (35) feet as measured from the lowest finished ground level to the highest part of the roof,

except as otherwise provided in this section.

1. The height of a main structure in this district may be increased to a maximum of forty (40) feet if, for every foot of height in excess of thirty-five (35) feet, the structure is set back an additional one (1) foot beyond the minimums required by the chapter in the rear yard, side yards, and as applicable, street side yard.
  2. The height of an accessory or non-commercial structure in this district may be increased to a maximum of forty (40) feet subject to the same requirements listed in subsection A.1. of this section.
- B. Additional height allowed. Public buildings and quasi-public buildings may be erected to a height greater than thirty-five (35) feet when approved as a conditional use by the planning commission.
- C. Exceptions to height limitations. Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building; and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos or similar structures may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for the purpose of providing additional floor space, and such increased height is subject to all other ordinances and regulations of the city.
- D. Minimum height of dwellings. No dwelling shall be erected to a height less than one story above grade.

#### **17.14.070 Density**

The maximum net density allowed shall be one unit per acre.

#### **17.14.080 Farm Animal Regulations**

- A. Farm animals may be kept on properties according to the following requirements:
1. For each acre, a parcel, or adjacent properties, whether owned or leased, shall be eligible to contain or house farm animals rating one hundred (100) points or prorated for any part thereof.
    1. Large animals such as horses, ponies, donkeys, mules, llamas and cows require a minimum area of .40 acres: Forty (40) points each.
    2. Medium animals such as sheep and goats, and other animals of similar size: Twenty (20) points each.
    3. Small animals such as ducks, chickens, geese, rabbits and turkeys: Four (4) points each.
    4. Pigs, provided that pens are located at least two hundred (200) feet from neighboring dwellings: Forty (40) points each.
    5. Miniature or pygmy farm animals will have one-half the points of the normal sized species.
  2. The points listed in Subsection A.1 above may be decreased for large, medium and small animals subject to approval of a conditional use permit by the planning commission pursuant to Chapter 17.60 of the West Bountiful Municipal Code and the provisions below.

1. The minimum points allowed shall be twenty-five (25) for each large animal, ten (10) for each medium animal, and two (2) for each small animal.
  2. Neighbors adjoining the applicant's property for which the conditional use permit is requested will be notified by city staff at least five (5) days prior to the public meeting. Such notification will include the name and address of the applicant, the specific reason for the application, and the date, time and location of the planning commission meeting at which the application will be discussed.
  3. Dependent offspring, up to nine (9) months of age, shall not be counted in determining the total number of animals on the parcel(s).
  4. Adopted dependent offspring, up to nine (9) months of age, shall not be counted in determining the total number of animals on the parcel(s), subject to approval of a conditional use permit as outlined in Subsection A.2. above. Such conditional use permit shall be valid for no longer than nine months, as determined by the planning commission.
  5. Honeybees, pursuant to the requirements of Title 4, Chapter 11 of the Utah Code.
- B. For multiple properties to be eligible for combined point calculation under Subsection A, the following criteria must be met:
1. The properties shall be owned or leased by the same person or entity.
  2. All properties used for the combined point calculation must be contiguous.
  3. If one or more properties are leased:
    1. The lease must be in writing and signed by both parties.
    2. The leased property, in its totality, must be used in some meaningful way by lessee in the keeping of farm animals.
- C. All animals, except bees, must be kept in an area enclosed by a fence or structure sufficient to prevent escape.
- D. Setbacks for all structures shall meet applicable zoning requirements for each parcel, as well as the following requirements, as applicable.
1. No animal shelter, including pens, coops and beehives, may be located less than six (6) feet from any property line or dwelling.
  2. Barns, stables, corrals, or similar structures used to house medium and large animals may not be located less than seventy-five (75) feet from any neighboring dwelling.
  3. An apiary, housing colonies of bees, must be at least six (6) inches above the ground and, if located less than fifteen (15) feet from a property line, a solid six (6) foot vertical barrier running along or near the property line and extending at least four (4) feet beyond the apiary in each direction is required.
- E. To protect the health, safety and welfare of the animals and the public, animal waste, debris, noise, odor, and drainage shall be kept in accordance with usual and customary health standards associated with that type of animal.
- F. Failure to comply with any portion of this section shall invalidate any use specified in this section and shall subject the owner to penalties and/or fines as specified elsewhere in this title.

### 17.14.100 Fence Requirements

- A. Fences and walls may not exceed six feet in height within any required rear yard or interior side yard. Notwithstanding the foregoing, the planning commission may approve the erection of a fence to a height greater than six feet within any required rear yard or interior side yard upon a showing that the increased height is reasonably necessary to protect the property from an adjacent incompatible land use.
- B. Notwithstanding any other provision of this Title, no fence, wall, or hedge may exceed four (4) feet in height within any front yard setback. Within any front yard setback, no fence, wall or hedge may exceed two (2) feet in height within three (3) feet of any street right of way or sidewalk (whichever is closer to the primary building on the lot).
- C. When a fence, wall or hedge is located along a property line separating two lots and there is a difference in the grade of the properties on the two sides of the property line, the fence, wall or hedge may be erected or allowed to the maximum height permitted as measured from the higher grade.
- D. Clear view of intersecting streets. In all districts which require a front yard no obstruction to view in excess of two feet in height shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points (40) feet from the intersection of the street lines, except pedestal type identification signs and pumps at a gasoline service station, and a reasonable number of trees pruned so as to permit unobstructed vision to traffic.

**CERTIFICATE OF PASSAGE  
AND POSTING ORDINANCE**

*I, the duly appointed and acting recorder for the City of West Bountiful,  
do hereby certify that the foregoing Ordinance No. 429-2020 was duly  
passed and published, or posted at three public places within the municipality  
on July 27, 2020 which public places are:*

- 1) West Bountiful City Hall,*
- 2) West Bountiful City Park Bowery, and*
- 3) Lakeside Golf Course.*

*Cathy Brightwell*  
Cathy Brightwell, City Recorder

DATE: 7/27/2020

