



PLANNING COMMISSION AGENDA

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE PLANNING COMMISSION WILL HOLD A REGULAR MEETING AT 7:00 PM ON MARCH 13, 2024 AT CENTERVILLE CITY HALL, 250 NORTH MAIN STREET, CENTERVILLE, UTAH.

Centerville City Planning Commission meetings are open to the public, unless otherwise closed for reasons allowed by law. Centerville City Planning Commission meetings may be conducted via electronic means pursuant to Utah Code § 52-4-207. In compliance with the Americans with Disabilities Act, individuals needing special accommodations due to a disability may contact the City Recorder at (801) 295-3477, at least 24 hours in advance of the meeting. The Commission reserves the right to modify the sequence of agenda items in order to facilitate special needs or provide greater efficiency.

The full agenda packet and backup materials can be found on the Centerville City website at:

<https://centervilleutah.gov/129/Agendas-Minutes>

A. CALL TO ORDER

- 1. ROLL CALL**
- 2. LEGISLATIVE PRAYER OR THOUGHT**
- 3. PLEDGE OF ALLEGIANCE**

B. BUSINESS ITEMS

Business action or discussion items to be considered by the Planning Commission.

1. PUBLIC HEARING - Conditional Use Permit for a home occupation license for a microenterprise kitchen - Kathy's Kitchen located at 688 W 1700 N - ADMINISTRATIVE DECISION
The applicant, Kathleen (Kathy) Moore, has applied for a Conditional Use Permit seeking approval for a home occupation business, specifically for a microenterprise kitchen.
2. PUBLIC HEARING - Zone Text Amendment - CZC 12.55.110 Fences and Walls - Bill Richter, Applicant - LEGISLATIVE DECISION
The applicant is proposing a code amendment to allow fences and/or walls in the front yard to have a maximum height of 10'.
3. PUBLIC HEARING - Zone Text Amendment - CZC 12.69.020 Cannabis Production Establishment Standards - J.D. Lauritzen, Applicant - LEGISLATIVE DECISION
The applicant, J.D. Lauritzen, representing Wholesome Ag, LLC and Wholesome Goods, LLC, has applied for a Zoning Code text amendment to CZC 12.69.020 (Cannabis Production Establishment Standards) regarding the emission of dust, fumes, vapors, odors, or waste into the environment from any cannabis production establishment or facility where growing, processing, or testing of cannabis occurs.

C. COMMUNITY DEVELOPMENT DIRECTORS REPORT

1. Community Development Director's Report
The Assistant City Planner will give a report on upcoming meetings and updates to the Planning Commission.

D. MINUTES

Minutes of prior meetings may be reviewed and accepted. Minutes review and approval shall comply

with the Centerville City Minutes Approval Policy.

1. Minutes Review and Approval

E. ADJOURNMENT

CERTIFICATE OF POSTING

I hereby certify that this notice and agenda was posted at Centerville City Hall, published on the Utah Public Notice Website, and provided to a newspaper or media correspondent in accordance with the requirements of the Utah Open and Public Meetings Act, including, but not limited to, provisions of Utah Code § 52-4-202.

**Jennifer Robison
Centerville City Recorder**

**PLANNING
COMMISSION**

Staff Report
3/13/2024

Item No. 1.

Title: PUBLIC HEARING - Conditional Use Permit for a home occupation license for a microenterprise kitchen
- Kathy's Kitchen located at 688 W 1700 N - ADMINISTRATIVE DECISION

Initiated By: Kathy Moore, Applicant

Staff Representative: Whitney Black, Assistant Planner

SUBJECT:

The applicant, Kathleen (Kathy) Moore, has applied for a Conditional Use Permit seeking approval for a home occupation business, specifically for a microenterprise kitchen.

RECOMMENDATION:

CONSIDER APPROVING THE REQUEST

BACKGROUND:

The applicant, Kathleen (Kathy) Moore, has applied for a Conditional Use Permit seeking approval for a home occupation business, specifically for a microenterprise kitchen. This microenterprise kitchen will focus on precooked food for meal-prep. Ms. Moore has provided extensive information on her business operations, and it is included in the corresponding meeting packet. Staff's analysis of this request is explained in the attached Staff Report.

ATTACHMENTS:

1. 03-13-2024 PC Staff Report Conditional Use Permit Kathy's Kitchen
2. CUP Application - Kathy's Kitchen Home Occupation
3. Applicable Definitions - State & Local
4. UCA 26B-7-416 Microenterprise home kitchens
5. CZC 12.62 Home Occupations
6. CZC 12.21.100(e) Conditional Use Permit Approval Standards
7. Operating Procedures Part 1 - Kathy's Kitchen
8. Operating Procedures Part 2 - Kathy's Kitchen
9. Kathy's Kitchen Home Occupation Business License Application
10. Kathy's Kitchen Menu Items
11. 02-27-2024 Kathy's Kitchen Home Occupation CUP Completeness Review Report - COMPLETE
12. Property Owner Affidavit
13. Kathy's Kitchen Conditional Use Permit Noticing Matrix

CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT
655 North 1250 West, Centerville, Utah 84014
(801)292-8232

STAFF REPORT
AGENDA: ITEM 1

APPLICANT & PROPERTY OWNER:	KATHLEEN (KATHY) MOORE 688 W 1700 N CENTERVILLE, UT 84014 <u>kathyskitchen365@gmail.com</u>
APPLICATION:	CONDITIONAL USE PERMIT FOR A HOME OCCUPATION LICENSE (<i>MICROENTERPRISE KITCHEN</i>)
PROPERTY LOCATION:	688 W 1700 N
ZONING:	R-L (<i>0.22 ACRES</i>)
RECOMMENDATION:	CONSIDER APPROVING THE REQUEST

BACKGROUND

The applicant, Kathleen (Kathy) Moore, has applied for a Conditional Use Permit seeking approval for a home occupation business, specifically for a microenterprise kitchen. This microenterprise kitchen will focus on precooked food for meal-prep. Ms. Moore has provided extensive information on her business operations, and it is included in the corresponding meeting packet.

STAFF ANALYSIS AND COMMENTS

Microenterprise kitchens are a fairly new business operation that was approved by the State in 2021. To help introduce this topic to the Planning Commission, Planning Staff has included several code attachments and references to the meeting packet.

Although microenterprise kitchens are not specifically addressed in the Centerville Zoning Code, *CZC 12.62.060* states that anything not listed as a permitted home occupation use can get

approval to be a home occupation through a Conditional Use Permit in an agricultural or residential zone. In short, a Conditional Use Permit is required before a business license can be issued for this operation. The requirements for a microenterprise kitchen are regulated by the Davis County Health Department and not by this Conditional Use Permit. This Conditional Use Permit only pertains to the subsequent business license approval.

From Planning Staff's review, this application is in line with development standards for all home occupations as listed under *CZC 12.62.050*. It is also compliant with the development standards for a conditional use home occupation listed under *CZC 12.62.070*.

Planning Staff believes that this request meets the approval standards listed under *CZC 12.21.100(e)*. If approved, this use will have little to no impact on the health, safety, and general welfare of the immediate vicinity or the City as a whole.

The General Plan does not address home occupations, or more specifically microenterprise kitchens.

SAMPLE MOTIONS

Based on the information provided by the Planning Staff and following the discussion among the Planning Commission, the Planning Commission may make a motion to approve this request as presented, approve with modifications per the discussion, table the matter to a later date, or deny the request with findings determined by the Planning Commission. With any of these decisions appropriate findings of facts should be provided. Sample motions for the Planning Commission's convenience are located below.

#1 – APPROVE

“I hereby make a motion for the Planning Commission to APPROVE the request for a Conditional Use Permit for a home occupation microenterprise kitchen for Kathy’s Kitchen located at 688 W 1700 N for Kathleen (Kathy) Moore. With the following conditions of approval:

- 1. This Conditional Use Permit approval shall not be transferred to another similar user, unless approved by the City.*
- 2. The business operator shall schedule and pass a fire inspection conducted by the South Davis Metro Fire Department.*
- 3. The business operator shall obey all applicable local, state, and federal rules and regulations concerning Conditional Use Permits and microenterprise kitchens.*

Suggested Reasons for Action (Findings)

- A. *The Planning Commission finds that the application complies with the approval standards for a Conditional Use Permit as listed under CZC 12.21.100(e).*
- B. *The Planning Commission finds that the application complies with the development standards for a home occupation listed under CZC 12.62.050 and the development standards for a conditional use home occupation listed under CZC 12.62.070.*
- C. *Therefore, the Planning Commission finds that with the implementation of the conditions listed in the staff report, this application will have little to no impact on the health, safety, and general welfare of the community and should be approved.*

#2 – TABLE

“I hereby make a motion for the Planning Commission to TABLE the request for a Conditional Use Permit for a home occupation microenterprise kitchen for Kathy’s Kitchen located at 688 W 1700 N for Kathleen (Kathy) Moore until such a time as _____.”

3 – DENY

“I hereby make a motion for the Planning Commission to DENY the request for a Conditional Use Permit for a home occupation microenterprise kitchen for Kathy’s Kitchen located at 688 W 1700 N for Kathleen (Kathy) Moore. With the following reasons for action (findings):

(findings discussed and agreed upon by the Planning Commission)

Under Review

Application Review Status

Pre-Review	Ready for Payment	
South Davis Metro Fire Agency	Not Reviewed	02/22/2024
Engineering	Not Reviewed	
Planning Commission	Not Reviewed	
Legal	Not Reviewed	
Final-Review	Not Reviewed	

Fees

Home Occupation Fee	\$150.00
Subtotal	\$150.00
Amount Paid	\$150.00
Total Due	\$0.00

Payments

02/27/2024	Card Mastercard	\$150.00
Total Paid		\$150.00

Application Form Data

(Empty fields are not included)

Applicant/Agent First Name
Kathleen

Applicant/Agent Last Name
Moore

Company Name
Kathy's Kitchen

Contact Email

kathyskitchen365@gmail.com

Phone

(801) 309-6270

Mailing Address (Street)

688 W 1700 N

City

CENTERVILLE

State

UT

Zip Code

84014-1064

Are you the owner of the property in the request for a conditional use permit?

YES

Project Name

Kathy's Kitchen

Is this conditional use permit for a home occupation?

Yes

Parcel ID of Subject Property(s)

021150029

Acreage

.22

Select your zone below

Residential-Low

Proposed use of property

Making home cooked meals to help customers with their weekly meal-prep.

Project Address (Street)

688 W 1700 N

City

CENTERVILLE

State

UT

Zip

84014-1064

Please describe how the conditional use permit request meets the approval standards of subsection 12.21.100(e)

Kathy's Kitchen will be similar to a residential home kitchen. No additional equipment is needed except an additional small refrigerator. There will be no outside storage or structures. I will only operate during business hours 7 am to 7 pm Saturday, Sunday and Monday. There will be no outside sign or advertising. Cooking will be inside and I will not use oil, so there will be no waste of that kind. The waste will be the same as a normal family cooking and the city garbage can will be big enough. No chemicals or hazardous materials will be used. There will be no additional parties, activities or promotions for the business on the premises. The traffic in the area will not be affected since most of the deliveries will be delivered. If a customer picks up at the residence, they will park in one of the 3 parking spots in the drive-way. Orders will be taken online and cooked and delivered on the same day., Saturday through Monday. No food will be consumed on the property. All food, menus and procedures have been approved by the Davis County Health Department when I was approved for the Micro-Enterprise Kitchen permit. I have also passed the required Food Handlers permit and the Food Safety Manager Certification course.

What safeguards are being provided to insure adequate utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian and vehicular circulation?

The safe guards will be the same as a family home dwelling, except I will wear gloves while cooking and preparing foods. I have working smoke detectors and a fire extinguisher near the kitchen. I have a three car parking driveway to accommodate the small amount of customer that will pick up from the property. Most all the orders will be delivered so the traffic will not be affected. The heating, water and electricity will be similar as a normal family. There will be no additional structures needed on the property. There will no outside storage. Cooking will be done inside and only during business hours.

What safeguards are provided or proposed to prevent noxious or offensive omissions such as noise, glare, dust, pollutants and odor from the proposed facility or use?

I will only work during the approved business hours. The cooking will be done inside and there will be no additional noises, or dust. There may be some wonderful smelling food but that is it.

What safeguards are provided or proposed to minimize other adverse effects from the proposed facility or use on persons or property in the area?

I will be cold holding the food in the refrigerator while waiting to be picked up. When delivering the food, I will use coolers and ice sheets to keep the food at or below 41 degrees as per the Health Department. I will inform the surrounding neighbors that I will be operating a micro-enterprise kitchen onsite. ding n

Please upload a notarized signature of the primary property owner.

 Property Owner Affidavit.pdf

I have read and agree to comply with the information above

✓

Signature

I agree that the facts stated in this application are true, and upon changes I will provide notification as needed.

Internal Notes

Application deemed complete! Slated for the March 13th PC meeting.

Home Occupation Business License Application and Health Department Approval

APPLICABLE DEFINITIONS

CENTERVILLE ZONING CODE (CZC 12.12.040):

Use, Conditional: *A main use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.*

Home Occupation: *A commercial or other non-residential use conducted within a dwelling unit that is incidental and secondary to the use of the dwelling unit for residential purposes.*

UTAH STATE CODE (UCA 26b-7-401): MICROENTERPRISE HOME KITCHEN

- (10) (a) "Microenterprise home kitchen" means a non-commercial kitchen facility located in a private home and operated by a resident of the home where ready-to-eat food is handled, stored, prepared, or offered for sale.
- (b) "Microenterprise home kitchen" does not include:
- (i) a catering operation;
 - (ii) a cottage food operation;
 - (iii) a food truck;
 - (iv) an agritourism food establishment;
 - (v) a bed and breakfast; or
 - (vi) a residence-based group care facility.
- (11) "Microenterprise home kitchen permit" means a permit issued by a local health department to the operator for the purpose of operating a microenterprise home kitchen.
- (12) "Ready-to-eat" means:
- (a) raw animal food that is cooked;
 - (b) raw fruits and vegetables that are washed;
 - (c) fruits and vegetables that are cooked for hot holding;

- (d) a time or temperature control food that is cooked to the temperature and time required for the specific food in accordance with rules made by the department in accordance with [Title 63G, Chapter 3, Utah Administrative Rulemaking Act](#); or
- (e) a bakery item for which further cooking is not required for food safety.

(13) "Time or temperature control food" means food that requires time or temperature controls for safety to limit pathogenic microorganism growth or toxin formation.

UTAH STATE CODE (UCA 4-5-501): COTTAGE FOOD OPERATIONS

(1) For purposes of this chapter:

- (a) "Cottage food operation" means a person who produces a cottage food product in a home kitchen .
- (b) "Cottage food product" means a nonpotentially hazardous baked good, jam, jelly, or other nonpotentially hazardous food produced in a home kitchen.
- (c) "Home kitchen" means a kitchen:
 - (i) designed and intended for use by the residents of a home; and
 - (ii) used by a resident of the home for the production of a cottage food product.
- (d) "Potentially hazardous food" means:
 - (i) a food of animal origin;
 - (ii) raw seed sprouts; or
 - (iii) a food that requires time or temperature control, or both, for safety to limit pathogenic microorganism growth or toxin formation, as identified by the department in rule.

Effective 5/3/2023

26B-7-416 Microenterprise home kitchen permits -- Fees -- Safety and health inspections -- Permit requirements.

- (1) As used in this section, "operator" means an individual who resides in the private home and who manages or controls the microenterprise home kitchen.
- (2)
 - (a) An operator may not operate a microenterprise home kitchen unless the operator obtains a permit from the local health department that has jurisdiction over the area in which the microenterprise home kitchen is located.
 - (b) In accordance with Section 26A-1-121, and subject to the restrictions of this section, the department shall make standards and regulations relating to the permitting of a microenterprise home kitchen.
 - (c) In accordance with Section 26A-1-114, a local health department shall impose a fee for a microenterprise home kitchen permit in an amount that reimburses the local health department for the cost of regulating the microenterprise home kitchen.
- (3)
 - (a) A local health department with jurisdiction over an area in which a microenterprise home kitchen is located may grant a microenterprise home kitchen permit to the operator.
 - (b) Nothing in this section prevents a local health department from revoking a microenterprise home kitchen permit issued by the local health department if the operation of the microenterprise home kitchen violates the terms of the permit or this section.
- (4) An operator may qualify for a microenterprise home kitchen permit if:
 - (a) food that is served at the microenterprise home kitchen is processed in compliance with state and federal regulations;
 - (b) a kitchen facility used to prepare food for the microenterprise home kitchen meets the requirements established by the department;
 - (c) the microenterprise home kitchen operates only during the hours approved in the microenterprise home kitchen permit; and
 - (d) the microenterprise home kitchen complies with the requirements of this section.
- (5) The department shall, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules regarding sanitation, equipment, and maintenance requirements for microenterprise home kitchens.
- (6) A local health department shall:
 - (a) ensure compliance with the rules described in Subsection (5) when inspecting a microenterprise home kitchen;
 - (b) notwithstanding Section 26A-1-113, inspect a microenterprise home kitchen that requests a microenterprise home kitchen permit only:
 - (i) for an initial inspection, no more than one week before the microenterprise home kitchen is scheduled to begin operation;
 - (ii) for an unscheduled inspection, if the local health department conducts the inspection:
 - (A) within three days before or after the day on which the microenterprise home kitchen is scheduled to begin operation; or
 - (B) during operating hours of the microenterprise home kitchen; or
 - (iii) for subsequent inspections if:
 - (A) the local health department provides the operator with reasonable advanced notice of the inspection; or

- (B) the local health department has a valid reason to suspect that the microenterprise home kitchen is the source of an adulterated food or of an outbreak of illness caused by a contaminated food; and
 - (c) document the reason for any inspection after the initial inspection, keep a copy of that documentation on file with the microenterprise home kitchen's permit, and provide a copy of that documentation to the operator.
- (7) A microenterprise home kitchen shall:
- (a) take steps to avoid any potential contamination to:
 - (i) food;
 - (ii) equipment;
 - (iii) utensils; or
 - (iv) unwrapped single-service and single-use articles;
 - (b) prevent an individual from entering the food preparation area while food is being prepared if the individual is known to be suffering from:
 - (i) symptoms associated with acute gastrointestinal illness; or
 - (ii) a communicable disease that is transmissible through food; and
 - (c) comply with the following requirements:
 - (i) time or temperature control food shall be prepared, cooked, and served on the same day;
 - (ii) food that is sold or provided to a customer may not be consumed onsite at the microenterprise home kitchen operation;
 - (iii) food that is sold or provided to a customer shall be picked up by the consumer or delivered within a safe time period based on holding equipment capacity;
 - (iv) food preparation may not involve processes that require a HACCP plan, or the production, service, or sale of raw milk or raw milk products;
 - (v) molluscan shellfish may not be served or sold;
 - (vi) the operator may only sell or provide food directly to consumers and may not sell or provide food to any wholesaler or retailer; and
 - (vii) the operator shall provide the consumer with a notification that, while a permit has been issued by the local health department, the kitchen may not meet all of the requirements of a commercial retail food establishment.
- (8) When making the rules described in Subsection (5), the department may not make rules regarding:
- (a) hand washing facilities, except to require that a hand washing station supplied with warm water, soap, and disposable hand towels is conveniently located in food preparation, food dispensing, and warewashing areas;
 - (b) kitchen sinks, kitchen sink compartments, and dish sanitation, except to require that the kitchen sink has hot and cold water, a sanitizing agent, is fully operational, and that dishes are sanitized between each use;
 - (c) the individuals allowed access to the food preparation areas, food storage areas, and washing areas, except during food preparation;
 - (d) display guards, covers, or containers for display foods, except to require that ready-to-eat food is protected from contamination during storage, preparation, handling, transport, and display;
 - (e) outdoor display and sale of food, except to require that food is maintained at proper holding temperatures;
 - (f) utensils and equipment, except to require that utensils and equipment used in the home kitchen:
 - (i) retain their characteristic qualities under normal use conditions;

- (ii) are properly sanitized after use; and
- (iii) are maintained in a sanitary manner between uses;
- (g) food contact surfaces, except to require that food contact surfaces are smooth, easily cleanable, in good repair, and properly sanitized between tasks;
- (h) non-food contact surfaces, if those surfaces are made of materials ordinarily used in residential settings, except to require that those surfaces are kept clean from the accumulation of residue and debris;
- (i) clean-in-place equipment, except to require that the equipment is cleaned and sanitized between uses;
- (j) ventilation, except to require that gases, odors, steam, heat, grease, vapors, and smoke are able to escape the kitchen;
- (k) fixed temperature measuring devices or product mimicking sensors for the holding equipment for time or temperature control food, except to require non-fixed temperature measuring devices for hot and cold holding of food during storage, serving, and cooling;
- (l) fixed floor-mounted and table-mounted equipment, except to require that floor-mounted and table-mounted equipment be in good repair and sanitized between uses;
- (m) dedicated laundry facilities, except to require that linens used for the microenterprise home kitchen are stored and laundered separately from household laundry and that soiled laundry is stored to prevent contamination of food and equipment;
- (n) water, plumbing, drainage, and waste, except to require that:
 - (i) sinks be supplied with hot and cold potable water from:
 - (A) an approved public water system as defined in Section 19-4-102;
 - (B) if the local health department with jurisdiction over the microenterprise home kitchen has regulations regarding the safety of drinking water, a source that meets the local health department's regulations regarding the safety of drinking water; or
 - (C) a water source that is tested at least once per month for bacteriologic quality, and at least once in every three year period for lead and copper; and
 - (ii) food preparation and service is discontinued in the event of a disruption of potable water service;
- (o) the number of and path of access to toilet facilities, except to require that toilet facilities are equipped with proper handwashing stations;
- (p) lighting, except to require that food preparations are well lit by natural or artificial light whenever food is being prepared;
- (q) designated dressing areas and storage facilities, except to require that items not ordinarily found in a home kitchen are placed or stored away from food preparation areas, that dressing takes place outside of the kitchen facility, and that food items are stored in a manner that does not allow for contamination;
- (r) the presence and handling of animals, except to require that all animals are kept outside of food preparation and service areas;
- (s) food storage, floor, wall, ceiling, and toilet surfaces, except to require that surfaces are smooth, of durable construction, easily cleanable, and kept clean and free of debris;
- (t) kitchen facilities open to living areas, except to require that food is only prepared, handled, or stored in kitchen and food storage areas;
- (u) submission of plans and specifications before construction or remodel of a kitchen facility;
- (v) the number and type of time or temperature controlled food offered for sale, except:
 - (i) a raw time or temperature controlled food such as raw fish, raw milk, and raw shellfish;
 - (ii) any food requiring special processes that would necessitate a HACCP plan; and
 - (iii) fish from waters of the state;

- (w) approved food sources, except to require that:
 - (i) food in a hermetically sealed container is obtained from a regulated food processing plant;
 - (ii) liquid milk and milk products are obtained from sources that comply with Grade A standards specified by the Department of Agriculture and Food by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
 - (iii) fish for sale or service are commercially and legally caught;
 - (iv) mushrooms picked in the wild are not offered for sale or service; and
 - (v) game animals offered for sale or service are raised, slaughtered, and processed according to rules governing meat and poultry as specified by the Department of Agriculture and Food by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
 - (x) the use of items produced under this section; or
 - (y) the use of an open air barbecue, grill, or outdoor wood-burning oven.
- (9) An operator applying for a microenterprise home kitchen permit shall provide to the local health department:
- (a) written consent to enter the premises where food is prepared, cooked, stored, or harvested for the microenterprise home kitchen; and
 - (b) written standard operating procedures that include:
 - (i) all food that will be stored, handled, and prepared;
 - (ii) the proposed procedures and methods of food preparation and handling;
 - (iii) procedures, methods, and schedules for cleaning utensils and equipment;
 - (iv) procedures and methods for the disposal of refuse; and
 - (v) a plan for maintaining time or temperature controlled food at the appropriate temperatures for each time or temperature controlled food.
- (10) In addition to a fee charged under Subsection (2), if the local health department is required to inspect the microenterprise home kitchen as a source of an adulterated food or an outbreak of illness caused by a contaminated food and finds, as a result of that inspection, that the microenterprise home kitchen has produced an adulterated food or was the source of an outbreak of illness caused by a contaminated food, the local health department may charge and collect from the microenterprise home kitchen a fee for that inspection.
- (11) A microenterprise home kitchen permit:
- (a) is nontransferable;
 - (b) is renewable on an annual basis;
 - (c) is restricted to the location and hours listed on the permit;
 - (d) shall include a statement that reads: "This location is permitted under modified FDA requirements."; and
 - (e) shall provide the operator the opportunity to update the food types and products handled without requiring the operator to renew the permit.
- (12) This section does not prohibit an operator from applying for a different type of food event permit from a local health department.

Renumbered and Amended by Chapter 308, 2023 General Session

12.62 Home Occupations

12.62.010 Purpose

12.62.020 Scope

12.62.030 Definitions

12.62.040 Permitted Use

12.62.050 Development Standards - Permitted Use

12.62.060 Conditional Use Permit Required

12.62.070 Development Standards - Conditional Use

12.62.010 Purpose

The purpose of this Chapter is to establish use and development regulations for home occupations. These regulations are intended to ensure that limited business activities allowed in a residential zone do not disturb the residential character of a neighborhood.

HISTORY

Adopted by Ord. [2016-20](#) on 7/15/2016

12.62.020 Scope

The requirements of this Chapter shall apply to any home occupation conducted within the City. Such requirements shall not be construed to prohibit or limit other applicable provisions of this Title, the Centerville Municipal Code, or other laws.

HISTORY

Adopted by Ord. [2016-20](#) on 7/15/2016

12.62.030 Definitions

Certain words and phrases in this Chapter, including uses, are defined in CZC 12.12 (Definitions).

HISTORY

Adopted by Ord. [2016-20](#) on 7/15/2016

12.62.040 Permitted Use

- (a) Permitted Use. Permitted home occupation uses listed in Subsection (b) may be established as a home occupation in an agricultural or residential zone as a permitted use subject to the development standards of CZC 12.62.050.
- (b) Permitted Uses. The uses set forth below shall be allowed as permitted home occupation uses in any agricultural or residential zone:
 - 1. Family child care facility;
 - 2. Medical service;
 - 3. Personal care service;
 - 4. Personal instruction service; and
 - 5. Office, general.
- (c) Prohibited Uses. The uses set forth below shall be prohibited as home occupation uses:
 - 1. Kennel; and
 - 2. Stable.

HISTORY

Adopted by Ord. [2016-20](#) on 7/15/2016

Amended by Ord. [2018-05](#) on 2/20/2018

Amended by Ord. [2019-08](#) on 5/7/2019

12.62.050 Development Standards - Permitted Use

The development standards set forth in this Section shall apply to any home occupation allowed as a permitted use.

- (a) Employees. A home occupation shall be operated only by persons who reside in a dwelling unit where the home occupation is conducted.
- (b) Fire Inspection. Every facility used in a home occupation may be inspected by the South Davis Metro Fire District prior to initial use and shall meet Fire Department standards at all times.
- (c) Hours of Operation. Family child daycare, family child residential certificate care facility, personal care, and personal instruction home occupations shall not be operated before 7 a.m. or after 9 p.m.
- (d) Inventory. Products produced pursuant to the home occupation may be kept on the premises. No other stock in trade, inventory, commodities, or other merchandise shall be kept on the premises for storage, wholesale, or retail sales, except for incidental or sporadic use.
- (e) Modification of Structures. There shall be no visible evidence from the exterior of a dwelling or structure that they are being used for any other purpose than that of a dwelling or accessory building.
- (f) Nuisance. The home occupation shall not create a nuisance by reason of noise, dust, odor, vibration, fumes, smoke, electrical interference, or other causes.
- (g) Product Display. There shall be no external display of products or merchandise.
- (h) Secondary Use. A home occupation shall be conducted entirely indoors and shall be incidental and secondary to the primary use of a dwelling for residential purposes.
 - 1. A home occupation shall not disrupt the normal residential character of the neighborhood in which the residence is located.
 - 2. Not more than 20% of a dwelling unit shall be used for a home occupation.
 - 3. A home occupation shall not involve the use of any accessory building, yard space, or activity outside the main building not normally associated with residential use.
- (i) Signs. See CZC 12.54 (Signs).
- (j) Traffic, Parking, and Access. No home occupation shall generate pedestrian, parking, or vehicular traffic in excess of that customarily associated with the zone where the home occupation is located.
 - 1. Drop off or customer parking shall be located on paved portions of the lot or parcel in accordance with the requirements of CZC 12.52 (Off-Street Parking and Loading).
 - 2. No additional customer parking spaces shall be created.
- (k) Yards. Yards surrounding a dwelling and any accessory building shall not be used for any activities or storage of any materials or equipment associated with the home occupation.

HISTORY

Adopted by Ord. [2016-20](#) on 7/15/2016

12.62.060 Conditional Use Permit Required

A use not listed in CZC 12.62.040 may be established as a home occupation in an agricultural or residential zone subject to the issuance of a conditional use permit pursuant to the requirements of CZC 12.21.100 and the development standards of CZC 12.62.070.

HISTORY

Adopted by Ord. [2016-20](#) on 7/15/2016

12.62.070 Development Standards - Conditional Use

The development standards of CZC 12.62.050 shall apply to any home occupation established as a conditional use unless expressly modified by a conditional use permit, except as provided in the following Subsections:

- (a) Employees. A home occupation shall have no employees other than persons who reside on the premises where the home occupation is conducted.
- (b) Neighborhood Disturbance. A home occupation shall not alter the residential character of the premises or unreasonably disturb the peace and quiet of the neighborhood, including radio and television reception, by reason of color, construction, design, lighting, materials, noises, sounds, or vibrations, or excessive traffic.
- (c) Promotional Meetings. Promotional meetings for the purpose of selling merchandise, taking orders, or training shall not be held more than one time per month.
- (d) Utility Demand. A home occupation shall not cause a demand for public utilities in excess of that necessarily and customarily provided for residential uses.

HISTORY

Adopted by Ord. [2016-20](#) on 7/15/2016

12.21.100 Conditional Use Permit

- (a) Purpose. This Section sets forth procedures for considering and approving conditional use permits.
- (b) Authority. The Planning Commission is authorized to issue conditional use permits as provided in this Section.
- (c) Initiation. A property owner may request a conditional use permit as provided in this Section. An agent of a property owner shall provide a notarized authorization.
- (d) Procedure. An application for a conditional use permit shall be considered and processed as provided in this Section.
 - 1. A complete application shall be submitted to the office of the Zoning Administrator in a form established by the Zoning Administrator along with any fees and deposits set forth in the City Fee Schedule. The application shall include at least the following information:
 - a. The name, address, email and telephone number of the applicant and the applicant's agent, if any;
 - b. The address and parcel identification of the subject property;
 - c. The zone, zone boundaries and present use of the subject property;
 - d. A description of the proposed conditional use;
 - e. A plot plan showing the following:
 - i. Applicant's name;
 - ii. Site address;
 - iii. Property boundaries and dimensions;
 - iv. Layout of existing and proposed buildings, parking, landscaping, and utilities; and
 - v. Adjoining property lines and uses within 100 feet of the subject property.
 - f. Traffic impact analysis, if required by the City Engineer, Zoning Administrator, or the Planning Commission;
 - g. A statement by the applicant demonstrating how the conditional use permit request meets the approval standards of Subsection (e);
 - h. Such other and further information or documentation as the Zoning Administrator or Planning Commission may reasonably deem necessary for proper consideration and determination of whether the application meets the requirements of this Section and applicable provisions of the Zoning Code.
 - 2. After the application is determined to be complete in accordance with CZC 12.21.040(e), the Zoning Administrator shall prepare a staff report analyzing the application.
 - 3. The Planning Commission shall schedule and hold a public hearing on the proposed conditional use permit application. Public notice of the public hearing and the public meeting shall be provided in accordance with the provisions of CZC 12.21.050. After due consideration the Planning Commission shall approve, approve with conditions, or deny the application pursuant to the standards set forth in Subsection (e).
 - 4. A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of the proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied. Any conditions of approval shall be limited to conditions needed to conform the conditional use permit to approval standards.
 - 5. After the Planning Commission makes a decision, the Zoning Administrator shall give the applicant written notice of the decision.
 - 6. A record of all conditional use permits shall be maintained in the office of the Zoning Administrator.

(e) Approval Standards. The following standards shall apply to the issuance of a conditional use permit.

1. A conditional use permit may be issued only when the proposed conditional use is allowed by the zone where the conditional use will be located, or by another provision of this Title.
2. Conditions may be imposed as necessary to prevent or minimize adverse effects upon other property or improvements in the vicinity of a conditional use, upon the City as a whole, or upon public facilities and services. Such conditions may include, but are not limited to, conditions concerning use, construction, character, location, landscaping, screening, parking, hours of operation, and other matters relating to the purposes and objectives of this Title. Such conditions shall be expressly set forth in the approval authorizing a conditional use permit.
3. No conditional use permit shall be authorized unless the evidence presented establishes:
 - a. The proposed use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;
 - b. The proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood and the community;
 - c. The proposed use will comply with regulations and conditions specified in this Title for such use; and
 - d. The proposed use will comply with applicable provisions of the General Plan.
4. The Planning Commission may request additional information as may be reasonably needed to determine whether the requirements of this Subsection can be met.
5. The following factors should be reviewed and considered in determining whether a conditional use permit application should be approved, approved with conditions, or denied:
 - a. The suitability of the specific property for the proposed use;
 - b. The development or lack of development adjacent to the proposed site and the harmony of the proposed use with existing uses in the vicinity;
 - c. Whether or not the proposed use or facility may be injurious to potential or existing development in the vicinity;
 - d. The economic impact of the proposed facility or use on the surrounding area;
 - e. The aesthetic impact of the proposed facility or use on the surrounding area;
 - f. The present and future requirements for transportation, traffic, water, sewer, and other utilities, for the proposed site and surrounding area;
 - g. The safeguards proposed or provided to insure adequate utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian and vehicular circulation;
 - h. The safeguards provided or proposed to prevent noxious or offensive omissions such as noise, glare, dust, pollutants and odor from the proposed facility or use;
 - i. The safeguards provided or proposed to minimize other adverse effects from the proposed facility or use on persons or property in the area; and
 - j. The impact of the proposed facility or use on the health, safety, and welfare of the City, the area, and persons owning or leasing property in the area.

(f) Appeal. Any person adversely affected by a final decision of the Planning Commission regarding the transfer, issuance, revocation or denial of a conditional use permit may appeal that decision to the Board of Adjustment as provided in CZC 12.21.200.

- (g) Effect of Approval. A conditional use permit shall not relieve an applicant from obtaining any other authorization or permit required under this Title or any other applicable provisions of the Centerville Municipal Code.
1. A conditional use permit may be transferred so long as the use conducted thereunder conforms to the terms of the permit.
 2. Unless otherwise specified by the Planning Commission and subject to the provisions relating to amendment, revocation or expiration of a conditional use permit, a conditional use permit shall be of indefinite duration and shall run with the land.
- (h) Amendment. The procedure for amending a conditional use permit shall be the same as the original procedure set forth in this Section.
- (i) Revocation. A conditional use permit may be revoked as provided in CZC 12.23.070.
1. In addition to the grounds set forth in CZC 12.23.070, any of the following shall be grounds for revocation of a conditional use permit:
 - a. The use for which a permit was granted has ceased for one year or more;
 - b. The holder or user of a permit has failed to comply with the conditions of approval or any city, state, or federal law governing the conduct of the use;
 - c. The holder or user of the permit has failed to construct or maintain the site as shown on the approved site plan or map; or
 - d. The operation of the use or the character of the site has been found to be a nuisance or a public nuisance by a court of competent jurisdiction in any civil or criminal proceeding.
 2. No conditional use permit shall be revoked against the wishes of the holder or user of the permit without first giving such person an opportunity to appear before the Planning Commission and show cause as to why the permit should not be amended or revoked. Revocation of a permit shall not limit the City's ability to initiate or complete other legal proceedings against the holder or user of the permit.
- (j) Expiration. A conditional use permit shall expire and have no further force or effect if the building, activity, construction or occupancy authorized by the permit is not commenced within 180 days after approval, is not substantially completed within two years, or is abandoned.

HISTORY

Adopted by Ord. [2016-20](#) on 7/15/2016

Kathy's Kitchen operating procedures

The following is information on the operating procedures and operating schedule.

Business Hours: Thursday through Monday, 7 am to 7 pm

Thursday- I will take orders and figure the shopping list and quantities of food needed. I will check supplies for the single-use meal prep containers to be used.

Friday- I will clean the kitchen, equipment and meal prep area in the morning. In the afternoon/evening I will shop for the food at the approved stores. I will trim, weigh and date the meat and put into 5-pound bags and place its own refrigerator. Any meat not needed will be dated and placed in refrigerator for the next day or frozen. I will cut up the vegetables and place them into zip-lock bags into the refrigerator.

Saturday, Sunday and Monday- I will only cook the food that is needed for that day to be picked up or delivered. I will cook the meat first. After it has reached the correct temperature using a meat thermometer, I will cut up, weigh and place into the meal-prep containers for the bulk orders, label then place into the refrigerator until pick-up or delivery. The rest of the cooked meat is for the complete meals. I will then cook the rice/noodles, then the vegetables. The complete meals will be placed into meal-prep containers, labeled, placed into delivery bags and chilled until picked up or delivered. The same routine will be for all three days.

I will follow all health and safety guidelines set by the Davis County Health Department for sanitizing, cooking and cold holding. I will use a separate refrigerator to keep the business food separate from the family food. Dry goods are labeled and stored separately. I will cold store the food at or below 41 degrees at all times until customer either picks up or the food is delivered. Most of the orders will be delivered. I will use ice sheets and coolers to keep the food at the appropriate temperature during delivery to avoid any food born illnesses. Food will not be consumed on the premises. Any unused food will be removed from the business refrigerator at the end of the day. Garbage will be taken out to the city dumpster at the end of each shift and put out for pickup on Tuesday.

Kathy's Kitchen 3/7/2024

I am from the generation where we seldom went out to dinner, we ate meals at home and we usually packed a lunch. Meal-prepping has always been a routine for me, but I understand the need for convenience. I started the idea for a meal-prep business years ago when I was cooking for my son to help with his body-building protein needs. He has since made it to the Pro status in the Physique category with the IFBB (International Federation of Body Builders) and now he and his wife train others to make life style changes, as well as competing in the body-building sport. This is my target market and I hope to use their referrals for the need to eat clean, simple and healthy foods that are high in protein. I will also sell to the busy individuals who hate to cook or are unable to, who want to still eat healthy but need the convenience of fast food.

The following is information on the operating procedures and schedule for the micro-enterprise Kathy's Kitchen.

Business Hours: Thursday through Monday, 7 am to 7 pm

Thursday- I will take orders and enter invoices. I will figure out the shopping list and quantities of food needed. I will search the best prices for the supplies and food and check inventory.

Friday- I will clean the kitchen, equipment and meal prep area in the morning. In the afternoon/evening I will shop for the food at the approved stores. I will trim, weigh and date the raw meat and put into 5-pound bags and place its own refrigerator. Any meat not needed will be dated and placed in refrigerator for the next day or frozen. I will cut up the vegetables and place them into zip-lock bags into the refrigerator.

Saturday, Sunday and Monday- I will only cook the food that is needed for that day to be picked up or delivered. I will cook the meat first and after it has reached the correct temperature using a meat thermometer, I will cut up, weigh and place into the meal-prep containers for the bulk orders, label, date and place into refrigerator. The rest of the cooked meat is for the complete meals. I will then cook the rice/noodles, then the vegetables. The complete meals will be placed into meal-prep containers base on the orders. They are labeled, placed into

delivery bags and chilled until picked up or delivered. The same routine will be for Saturday, Sunday and Monday.

I will follow all health and safety guidelines set by the Davis County Health Department for sanitizing, cooking and cold holding for a micro-enterprise kitchen. I will use a separate refrigerator to keep the business food separate from the family food. Dry goods are labeled and stored separately. I will cold store the food at or below 41 degrees until customer either picks up or the food is delivered. Most of the orders will be delivered, so there will be no increased traffic. I will use ice sheets and coolers to keep the food at the appropriate temperature during delivery to avoid any food born illnesses. Food will not be consumed on the premises. Any unused food will be removed from the business refrigerator at the end of the day. Garbage will be taken out to the city dumpster at the end of each shift and put out for pickup on Tuesday.

Thank you,

Kathy Moore

Kathy's Kitchen, LLC



Centerville City Corporation
655 North 1250 West • Centerville UT 84014
Ph 801.292.8232 801.677-6438

Request for a Home Occupation Business License
Request for License Fee \$40
(No credit/debit cards accepted)

Date Received _____

Application # _____

Date Approved _____

BUSINESS INFORMATION

BUSINESS NAME: <i>Kathy's Kitchen, LLC</i>		BUS. PH: <i>(801) 309-6270</i>
BUSINESS ADDRESS: <i>688 W. 1700 No.</i>	CITY & STATE: CENTERVILLE, UT	ZIP CODE: 84014
MAILING ADDRESS: <i>Same</i>	CITY & STATE:	ZIP CODE:
NATURE OF BUSINESS: (Describe business here) <i>Precooked food for meal-prep.</i>		
BUSINESS TYPE: ☐ INDIVIDUAL ☐ PARTNERSHIP ☐ CORPORATION ☒ LIMITED LIABILITY CORPORATION		
DO YOU USE, STORE OR MANUFACTURE ANY CHEMICAL, COMBUSTIBLE OR HAZARDOUS MATERIALS? YES ☐ NO ☒		
DATE OPENED FOR BUSINESS (PROJECTED) <i>3/1/24</i> DAYS/HOURS OF OPERATION <i>7am-7pm</i> (M) T W TH F (S) (Su)		
UTAH SALES TAX NUMBER (Attach sales tax license showing Centerville as outlet) <i>15748581-002-STC</i>	UTAH BUSINESS REGISTRATION (ENTITY). (Attach business registration showing entity number) <i>92-3292797</i>	CONTRACTOR'S LICENSE NUMBER (Attach Utah State Contractor License)
BUSINESS OWNER NAME <i>Kathy Moore</i>	HOME ADDRESS <i>688 W. 1700 No Centerville</i>	PHONE/CELL <i>(801) 309-6270</i> EMAIL <i>KathysKitchen365@gmail.com</i>
BUSINESS OWNER NAME	HOME ADDRESS	PHONE/CELL EMAIL
PROPERTY OWNER'S NAME (If different)	ADDRESS	PHONE/CELL EMAIL
BUSINESS WEBSITE ADDRESS:		

This application is subject to approval by Planning & Zoning, Building and Safety and/or Davis County Health Department. The actual license will be issued only when this application is completed, submitted with payment and meets all ADA and all other pertinent requirements (state, local and federal). **It is a class B misdemeanor to own or operate a business in Centerville City without a business license.**

I do hereby agree to the conditions of this application. I also agree to conduct said business strictly in accordance with the laws and Centerville City Ordinances governing operation of such business and swear under penalty of the law the information contained herein is true.

Kathy Moore
Owner of Business

2/22/24
Date

Property Owner (if different than Owner)

Date

Owner of Business

Date

OFFICE USE ONLY	Department Approval	Required		Signature	Date
	Building (Cert of Occup)	Yes	No		
	South Davis Metro Fire Agency	Yes	No		
	Davis County Health	Yes	No		
	Centerville Police	Yes	No		
	Zoning Administrator	Yes			

List conditions of approval here:



Centerville City Corporation
655 North 1250 West • Centerville UT 84014
Ph 801.292.8232 801.677-6438

Request for a Home Occupation Business License

Request for License Fee \$40
(No credit/debit cards accepted)

Date Received _____

Application # _____

Date Approved _____

PLEASE READ AND ACKNOWLEDGE BY SIGNING BELOW

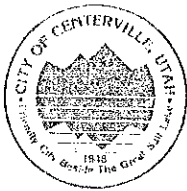
12.62.040 Permitted Use

1. Permitted Use. Permitted home occupation uses listed in Subsection (b) may be established as a home occupation in an agricultural or residential zone as a permitted use subject to the development standards of CZC 12.62.050.
2. Permitted Uses. The uses set forth below shall be allowed as permitted home occupation uses in any agricultural or residential zone:
 1. Family child care facility;
 2. Medical service;
 3. Personal care service;
 4. Personal instruction service; and
 5. Office, general.
3. Prohibited Uses. The uses set forth below shall be prohibited as home occupation uses:
 1. Kennel; and
 2. Stable.

12.62.050 Development Standards - Permitted Use

The development standards set forth in this Section shall apply to any home occupation allowed as a permitted use.

1. Employees. A home occupation shall be operated only by persons who reside in a dwelling unit where the home occupation is conducted.
2. Fire Inspection. Every facility used in a home occupation may be inspected by the South Davis Metro Fire District prior to initial use and shall meet Fire Department standards at all times.
3. Hours of Operation. Family child daycare, family child residential certificate care facility, personal care, and personal instruction home occupations shall not be operated before 7 a.m. or after 9 p.m.
4. Inventory. Products produced pursuant to the home occupation may be kept on the premises. No other stock in trade, inventory, commodities, or other merchandise shall be kept on the premises for storage, wholesale, or retail sales, except for incidental or sporadic use.
5. Modification of Structures. There shall be no visible evidence from the exterior of a dwelling or structure that they are being used for any other purpose than that of a dwelling or accessory building.
6. Nuisance. The home occupation shall not create a nuisance by reason of noise, dust, odor, vibration, fumes, smoke, electrical interference, or other causes.
7. Product Display. There shall be no external display of products or merchandise.
8. Secondary Use. A home occupation shall be conducted entirely indoors and shall be incidental and secondary to the primary use of a dwelling for residential purposes.
 1. A home occupation shall not disrupt the normal residential character of the neighborhood in which the residence is located.
 2. Not more than 20% of a dwelling unit shall be used for a home occupation.
 3. A home occupation shall not involve the use of any accessory building, yard space, or activity outside the main building not normally associated with residential use.
9. Signs. See CZC 12.54 (Signs).
10. Traffic, Parking, and Access. No home occupation shall generate pedestrian, parking, or vehicular traffic in excess of that customarily associated with the zone where the home occupation is located.
 1. Drop off or customer parking shall be located on paved portions of the lot or parcel in accordance with the requirements of CZC 12.52 (Off-Street Parking and Loading).
 2. No additional customer parking spaces shall be created.



Centerville City Corporation
655 North 1250 West • Centerville UT 84014
Ph 801.292.8232 801.677-6438

Request for a Home Occupation Business License
Request for License Fee \$40
(No credit/debit cards accepted)

Date Received _____

Application # _____

Date Approved _____

11. Yards. Yards surrounding a dwelling and any accessory building shall not be used for any activities or storage of any materials or equipment associated with the home occupation.

12.62.060 Conditional Use Permit Required

A use not listed in CZC 12.62.040 may be established as a home occupation in an agricultural or residential zone subject to the issuance of a conditional use permit pursuant to the requirements of CZC 12.21.100 and the development standards of CZC 12.62.070.

HISTORY

Adopted by Ord. 2016-20 on 7/15/2016

12.62.070 Development Standards - Conditional Use

The development standards of CZC 12.62.050 shall apply to any home occupation established as a conditional use unless expressly modified by a conditional use permit, except as provided in the following Subsections:

1. Employees. A home occupation shall have no employees other than persons who reside on the premises where the home occupation is conducted.
2. Neighborhood Disturbance. A home occupation shall not alter the residential character of the premises or unreasonably disturb the peace and quiet of the neighborhood, including radio and television reception, by reason of color, construction, design, lighting, materials, noises, sounds, or vibrations, or excessive traffic.
3. Promotional Meetings. Promotional meetings for the purpose of selling merchandise, taking orders, or training shall not be held more than one time per month.
4. Utility Demand. A home occupation shall not cause a demand for public utilities in excess of that necessarily and customarily provided for residential uses.

Adopted by Ord. 2016-20 on 7/15/2016

Holly Moore
Business Owner

2/22/24
Date

Business Owner

Date

Property Owner

Date

ATTN: Kathy Moore
KATHY MOORE
688 W 1700 N
CENTERVILLE, UT 84014

DETACH FORM HERE AND DISPLAY CONSPICUOUSLY ON THE PREMISES

Permit to Operate
Microenterprise Home Kitchen
Valid thru February 2025

PT0003584

Name of Establishment

KATHY MOORE - MICROENTERPRISE KITCHEN

Address of Establishment

688 W 1700 NORTH
CENTERVILLE, UT 84014

Owner or Operator

KATHY MOORE


Health Official



This permit is issued on the condition that compliance with the Davis County Regulations on the Design, Construction, and Operation of the licensed program/facility is met. Permit revocable for non-compliance.



Microenterprise Home Kitchen – Inspection Form

Environmental Health Division

Physical Address
22 South State Street
Clearfield, UT 84015

Mailing Address
P.O. Box 618
Farmington, UT 84024

Phone Numbers
801-525-5128
Fax: 801-525-5119

Name of Establishment: Kathy Moore (Kathy's Kitchen) Date: 2/20/24
Address: 688 West 1700 North City: Centerville

Reason for Inspection: ☒ Pre-Opening ☐ Routine ☐ Follow Up

Yes	No	N/A	N/O	
☐	☐	☒		Each person who works with unpackaged food, food equipment or utensils, or food-contact surfaces has a food handler permit.
☒	☐			Certified food safety manager certification.
☒	☐			The person in charge is present during all hours of operation.
☒	☐	☐	☐	TCS food is prepared, cooked, and served on the same day.
☒	☐			Food is not consumed onsite by customer.
☐	☐			Food is protected from contamination during storage, preparation, and delivery.
☒	☐			Food preparation does not involve special processes that require a HACCP plan.
☒	☐			Food is not being sold or provided to a wholesaler or retailer.
☒	☐			Molluscan shellfish is not served or sold.
☒	☐			The consumer is notified that the kitchen may not meet all of the requirements of a commercial retail food establishment.
☒	☐			The operator does not offer any of the following foods for sale: • A raw TCS food • Fish that was not commercially caught; • Fish caught or harvested from waters of Utah; • Home-canned or home-bottled foods; • Liquid milk and milk products that were not obtained from sources that comply with Grade A standards; • Mushrooms that were picked in the wild; • Game animals that were not raised, slaughtered, and processed according to rules governing meat and poultry; • Food containing meat or poultry products that were not inspected under Section 4-32-106, or inspected by the USDA.
☒	☐			Physical facilities including floors, walls and ceilings are clean and in good repair.
☒	☐			Utensils and food contact surfaces are safe, smooth and easily cleanable, in good repair and clean.
☒	☐			Handwashing facilities available and adequately supplied.
☒	☐	☐	☐	Re-usable dishes, utensils, and prep surfaces washed, rinsed, sanitized, air-dried and stored.
☒	☐			Approved sanitizer used, test strips available. Type: <u>Bleach</u> Concentration: <u>50-100 ppm</u>
☒	☐	☐	☐	Contamination to food and equipment prevented. No re-use of single use items.
☒	☐	☐		Proper temperature control of TCS foods. (cold holding 41°F or below, hot holding 135°F or above)
☒	☐			Stem thermometer available, thermometers in refrigeration, units at 41°F or below.
☒	☐	☐		Linens used for the microenterprise home kitchen are stored and laundered separately from household laundry.
☒	☐			Insects, rodents, and animals prohibited from food storage and preparation areas.
☒	☐			Chemicals used, stored, and labeled properly.

Comments: OK to operate.

Received By (Print): Kathy Moore Signature: Kathy Moore
Inspected By (Print): Loren Allen Signature: Loren Allen

Environmental Health Services Division
P.O. Box 618
Farmington, UT 84025
801-525-5128

RECEIPT

TO: KATHY MOORE
Kathy Moore
688 W 1700 N
CENTERVILLE, UT 84014

Invoice ID	Date
IN0015117	2/15/2024
Facility ID	
FA0002896	

RE: KATHY MOORE

Date	Program/ Element	Description	Amount
02/15/24	FS80	MICROENTERPRISE HOME KITCHEN - PT0003584	\$ 300.00
02/15/24	9999	PAYMENT (CREDIT)	\$ -300.00
Total Due for This Invoice:			\$ 0.00

SALE
Davis County
Health
61 South Main Street
Farmington, UT 84025
801-451-3243

02/15/24 13:58:49
Merchant ID : 176354
Terminal : 450-652-305
Sequence # : 000001
Auth Number : 09223M

AMOUNT: \$ 300.00
CONVENIENCE FEE: \$ 7.50
TOTAL: \$ 307.50

CARD ENTRY MODE MANUAL
MasterCard *****2915

Thank you!

ORIGINAL COPY

1-30 Days	31-60 Days	61-90 Days	91-120 Days	121+ Plus	Account Amount Due
\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

**Utah State Tax Commission**

TAXPAYER SERVICES DIVISION 210 N 1950 W SALT LAKE CITY Utah 84134-9000

Website: tax.utah.gov

atL012 03/2018

Sales Tax License and/or Use Tax Certificate of Registration

KATHYS KITCHEN LLC
KATHYS KITCHEN LLC
688 W 1700 N
CENTERVILLE UT 84014-1064

Account Number: **15748581-002-STC**

This business is registered to make
taxable sales from the
incorporated city of:
Centerville

Outlet: 0001 Issued: April 10, 2023 Valid until revoked or cancelled. Post in a noticeable place.

This business is authorized to make taxable sales, purchase tax free for resale, collect and remit sales and use taxes in the State of Utah. The authority to engage in business is subject to city and/or county business licensing laws and other rules and regulations. This license may be revoked for violations or failure to comply with these laws, rules and regulations. If this business moves, closes or is sold, you must contact the Tax Commission immediately by calling 801-297-2200 or toll free 1-800-662-4335 and return this license to the Tax Commission for cancellation. This license is NOT transferable.

ABOVE IS YOUR
SALES TAX LICENSE

TEAR OFF AT PERFORATION AND POST IN A NOTICEABLE PLACE

Keep this portion for your records.

Account Number: **15748581-002-STC**<<< Use this number for all correspondence or contact
with the Utah State Tax Commission.Jurisdiction: **Centerville**Issued: **April 10, 2023****Your Personal Identification Number (PIN) will be sent in a different notice in a few days.**You are required to register your account at **tap.utah.gov** for electronic filing, paying and managing your account. Your PIN is needed to register.**NOTICE OF LIABILITY**

If you are purchasing a business, have the former business owner provide you a notice/receipt from the Tax Commission stating the sales and use taxes are paid in full. If the notice/receipt is not provided, Utah law requires you keep enough of the purchase money to pay the unpaid taxes. You may be held personally liable for any taxes not paid by the former owner.

TAX FREE PURCHASES

Merchandise purchased tax free, but used or consumed by your company, must be reported on your sales and use tax return. You must pay sales and use tax on goods that you or your company consume.

*Kathys Kitchen 365**Kat 84014-1064*



[Help](#) | [Apply for New EIN](#) | [Exit](#)

EIN Assistant

Kathys Kitchen: 365@gmail.com

- Your Progress:
- 1. Identity ✓
- 2. Authenticate ✓
- 3. Addresses ✓
- 4. Details ✓
- 5. EIN Confirmation

Congratulations! Your EIN has been successfully assigned.

EIN Assigned: **92-3292797**

Legal Name: **KATHYS KITCHEN**

IMPORTANT:

Save and/or print this page and the confirmation letter below for your permanent records.

The confirmation letter below is your official IRS notice and contains important information regarding your EIN.

 **[CLICK HERE for Your EIN Confirmation Letter](#)**

[Help with saving and printing your letter](#)

Once you have saved or printed your letter, click "Continue" to get additional information about using your new EIN.

Continue >>

Help Topics



[What if I do not have access to a printer at this time?](#)



[Can I access this letter at a later date?](#)

[IRS Privacy Policy](#) | [Accessibility](#)



Your Business Owner's Policy Quote

Prepared for:

KATHY'S KITCHEN

688 W 1700 N

CENTERVILLE, UT 84014-1064

Your Primary Location:

688 W 1700 N.

Centerville, UT 84014

Class & Class Code:

Bakery Distributor with Cooking; 51931

Policy Term:

February 15, 2023 – February 15, 2024

Quote Good Through*:

May 10, 2023

Proposal Creation Date:

February 10, 2023, 3:49 PM

Insurance underwritten by: Hartford

Underwriters Insurance Company.

Your Reference Number:

01 SBM AW2X1N-001

Audit Period: Auditable

Primary Class Auditable Basis:

Sales

Primary Class Auditable Exposure:

\$15000

*Premium is based on information provided during the application process and is subject to change should any change be made to the policy. Examples of possible changes include, but are not limited to, changes to coverage, Named Insured(s), location(s), and effective date.

PREMIUM SUMMARY			
COVERAGE		PRICE	
Business Owner's Policy		\$438	
Employment Practices Liability Insurance		Included	
YOUR ESTIMATED ANNUAL PREMIUM		\$438**	
Proposal summary	Page 2	Recommended coverages	
Coverage details	Page 4	Payment options	Page 5

**Your Estimated Premium may change based on coverage changes made through endorsement or if your policy is subject to Premium Audit.

Acknowledged and Accepted by

(Signature of insured)

(Date)

The Hartford's Customer Claims Ratings as of February 2019. Customer claims reviews were collected and tabulated by The Hartford and reviews are not representative of all customers.

This document is only a proposal. It can't be used as proof of coverage, unless bound by an authorized agent.

The Hartford® is The Hartford Financial Services Group, Inc. and its subsidiaries, including Hartford Fire Insurance Company. Its headquarters is in Hartford, CT. © February 2019 The Hartford

Quote Summary:

Coverage for Your Small Business

CONTINUED

AGGREGATE LIMIT	
We'll pay up to this amount for all claims covered under the Employment Practices Liability Coverage Part.	\$25,000
RETROACTIVE DATE	
If no date is entered, the Retroactive Date is the same as the effective date of this Coverage part.	02/15/2023
WAGE AND HOUR DEFENSE COST SUB-LIMIT	
The Wage and Hour Defense Costs Sub-Limit is only available for claim expenses incurred to defend a wage and hour violation that occurred on or after the retroactive date and before the end of the policy period, regardless of whether any such claim for a wage and hour violation is made during the policy period or the Extended Reporting Period, if applicable.	\$25,000

This is a claims-made coverage. Defense costs are included within the limits of liability. However, some states require that defense costs be in addition to the limits of liability displayed in this quote proposal. Refer to actual policy terms for full notice and details.

This is not a guarantee of coverage. Actual premium amounts vary and will depend on an applicant's individual account characteristics and coverages and limits purchased.

This document contains only a general description of coverages that may be provided and do not include all of the terms, conditions, or exclusions that may apply. Please refer to the actual coverage forms for complete details of terms, conditions, and exclusions. In the event of any conflict, the terms of an issued policy prevail.



Standard Operating Procedures Requirements

Employees have current Food Handler Permits: Y ☒ N ☐

Certified Food Safety Manager (Please include copy of certificate): Y ☒ N ☐

Menu: Foods that will be stored, handled, prepared

- Only food items listed below will be approved to serve. All food must be prepared on site and served the same day it is prepared.
- List all foods, beverages and condiments that will be served. Use additional forms as needed.

Menu Item	Ingredient(s)	Check all that apply				
		N/A	Pre-Packaged	Portioning	Cooking	Other (Specify)
Example: Hamburgers	Hamburger patty, cheese, lettuce, onion, tomatoes, pickles	☐	☒	☒	☒	Deliver
16 oz Grilled Chicken	Chicken, minced garlic, FlavorGod seasoning	☐	☒	☒	☒	✓
16 oz Ground Beef	93/7 Ground Beef, garlic, onion, FlavorGod seasoning	☐	☒	☒	☒	✓
16 oz Ground Turkey	93/7 Ground Turkey, garlic, onion, Kinder's seasoning	☐	☒	☒	☒	✓
16 oz Petite Sirloin	Steak, garlic, onion, FeastMode seasoning	☐	☒	☒	☒	✓
16 oz Broccoli	Broccoli, Mrs. Dash seasoning	☐	☒	☒	☒	✓
16 oz Green Beans	Green Beans, Kinders lemon pepper seasoning	☐	☒	☒	☒	✓
16 oz Normandy Blend	Broccoli, cauliflower, zucchini, yellow squash, carrot	☐	☒	☒	☒	✓
16 oz Fajita Mix	Green bell pepper, yellow and red peppers, onion, garlic, chili powder	☐	☒	☒	☒	✓
16 oz White Rice	Rice, Mrs Dash seasoning	☐	☒	☒	☒	✓
16 oz Brown Rice	Brown Rice, Mrs Dash seasoning	☐	☒	☒	☒	✓
16 oz Penne Pasta	Penne Pasta	☐	☒	☒	☒	✓
16 oz Angel Hair Pasta	Angel Hair Pasta	☐	☒	☒	☒	✓

Standard Operating Procedures Requirements

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Certified Food Safety Manager (Please include copy of certificate): Y ☒ N ☐

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Menu Item	Ingredient(s)	Check all that apply				
		N/A	Pre-Packaged	Portioning	Cooking	Other (Specify)
Example: Hamburgers	Hamburger patty, cheese, lettuce, onion, tomatoes, pickles	☐	☐	☐	☐	Delivered
6 oz Grilled Chicken Meal	Grilled Chicken meal, garlic, 1 cup veggie, 1 cup carb from menu list	☐	☒	☒	☒	X
6 oz 93/7 Ground Turkey Meal	Ground Turkey, garlic, 1 cup veggie, 1 cup carb from list	☐	☒	☒	☒	X
6 oz Ground Beef Meal	Ground Beef, garlic, 1 cup veggie, 1 cup carb from list	☐	☒	☒	☒	X
6 oz Petite Sirloin meal	Petite Sirloin, garlic, 1 cup veggie, 1 cup carb from menu	☐	☒	☒	☒	X
Kodiak Protein Pancakes	Kodiak Protein Pancake mix, egg, water	☐	☒	☒	☒	X
Protein Power Balls	Peanut butter, rolled oats, vanilla protein powder, honey, choc chips, water	☐	☒	☒	☒	X
		☐	☐	☐	☐	
		☐	☐	☐	☐	
		☐	☐	☐	☐	
		☐	☐	☐	☐	
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		☐	☐	☐	☐	

**CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT
655 North 1250 West, Centerville, Utah 84014
(801) 292-8232**

STAFF MEMORANDUM

TO: KATHLEEN MOORE, APPLICANT

FROM: WHITTNEY BLACK, CITY ASSISTANT PLANNER

SUBJECT: KATHY'S KITCHEN HOME OCCUPATION CONDITIONAL USE PERMIT – COMPLETENESS REVIEW

BACKGROUND

We have recently received your Conditional Use Permit application for Kathy's Kitchen, located at 688 W 1700 N. I have reviewed this application for completeness and my analysis is detailed below.

CONDITIONAL USE PERMIT APPLICATION REQUIREMENTS (CZC 12.21.100(d)(1))

<u>Item</u>	<u>Status</u>	<u>Comments</u>
The name, address, email, and telephone number of the applicant and the applicant's agent, if any;		Kathleen Moore, kathyskitchen365@gmail.com , 801-309-6270
The address and parcel identification of the subject property;		688 W 1700 N, 021150029
The zone, zone boundaries, and present use of the subject property;		R-L, microenterprise kitchen
A description of the proposed conditional use;		Making home cooked meals to help customers with their weekly meal-prep.
A plot plan showing the following: 1. Applicant's name 2. Site address 3. Property boundaries and dimensions 4. Layout of existing and proposed buildings, parking, landscaping, and utilities; and 5. Adjoining property lines and uses within 100 feet of the subject property		This is for a home occupation CUP, plot plan is not necessary as nothing outside the home will change or be impacted.
Traffic impact analysis, if required by the City Engineer, Zoning Administrator, or the Planning Commission;		If deemed necessary, this will be requested from the applicant.

A statement by the applicant demonstrating how the conditional use permit request meets the approval standards of Subsection(e);		See application!
Such other and further information or documentation as the Zoning Administrator or Planning Commission may reasonable deem necessary for property consideration and determination of whether the application meets the requirements of the Section and applicable provisions of the Zoning Code.	TBD	The necessity of further information will be determined at a later review.
Conditional Use Fees- \$150.00		Paid via card over the phone 2-27-2024.

FINAL COMMENTS & SUMMARY

This application has been deemed complete and is scheduled to go before the Planning Commission on March 13th at 7:00pm.

AFFIDAVIT

PROPERTY OWNER

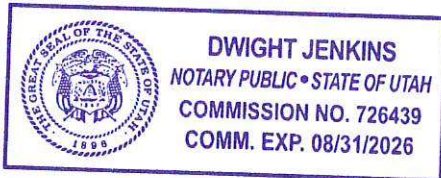
STATE OF Utah }
COUNTY OF Davis }ss
}

I (We), Kathleen Moore, being duly sworn, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my knowledge. I also acknowledge that I have received written instructions regarding the process for which I am applying and the Centerville City Planning Staff have indicated they are available to assist me in making this application.

Kathleen Moore
(Property Owner)

(Property Owner)

Subscribed and sworn to me this 26th day of February, 2024.



Dwight Jenkins
(Notary Public)

Residing in Davis, Utah

My Commission Expires 8-31-2026

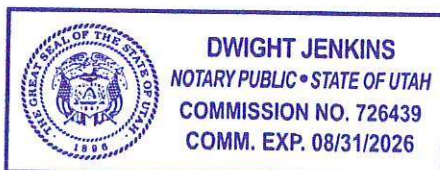
AGENT AUTHORIZATION

I (we), Kathleen Moore, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) Kathleen Moore to represent me (us) regarding the attached application to appear on my (our) behalf before any administrative or legislative body in the City considering this application and to act in all respects as our agent in matters pertaining to the attached application.

Kathleen Moore
(Property Owner)

(Property Owner)

Dated this 26th day of February, 2024, personally appeared before me Kathleen Moore, the signer(s) of the above agent authorization who duly acknowledged to me that they executed the same.



Dwight Jenkins
(Notary Public)

Residing in Davis, Utah

My Commission Expires 8-31-2026

Conditional Use Permit Noticing Matrix

CZC 12.21.050(c)

Updated June 2021

Include: statement summarizing substance of application

Date, time, and place of public hearing

The place where the application may be inspected by the public or the person to contact for further information

Notice of First Public Hearing

		Date Posted
10 days	Utah Public Notice Website	2/29/2024
10 days	City website	2/29/2024
10 days	on site notice	3/1/2024
3 business days	Applicant notice with staff report	3/8/2024

CENTERVILLE CITY

CONDITIONAL USE PERMIT NOTICE OF PUBLIC HEARING

Notice is hereby given that the Centerville City **Planning Commission** will hold a public hearing on **March 13, 2024, at 7:00pm** or as soon thereafter as the matter can be heard, at the Centerville City Hall, 250 North Main Street, Centerville, Utah, regarding proposed **Conditional Use Permit** for the property located at **688 W 1700 N regarding a home occupation license for a micro-enterprise kitchen**. If you have questions regarding this matter or would like further information, contact Centerville City Community Development, at 801.292.8232 or visit the City's website at <https://centervilleutah.gov>.



February 29, 2024

Whitney Black, Assistant Planner
Community Development Department

**PLANNING
COMMISSION**

Staff Report
3/13/2024

Item No. 2.

Title: PUBLIC HEARING - Zone Text Amendment - CZC 12.55.110 Fences and Walls - Bill Richter, Applicant - LEGISLATIVE DECISION

Initiated By: Bill Richter, Applicant

Staff Representative: Whitney Black, Assistant Planner

SUBJECT:

The applicant is proposing a code amendment to allow fences and/or walls in the front yard to have a maximum height of 10'.

RECOMMENDATION:

See Staff Report dated March 13, 2024.

BACKGROUND:

The petitioner, Bill Richter, desires to amend the Zoning Ordinance regarding fences and walls to accommodate decorative fencing in his client's front yard. The applicant is proposing a code amendment to allow fences and/or walls in the front yard to have a maximum height of 10'. This amendment request was applied for in response to a code enforcement case that was opened on the property due to a fence/wall and other zoning issues on December 5, 2023.

ATTACHMENTS:

1. 03-13-2024 PC Staff Report Zone Text Amendment CZC 12.55.110 Fences and Walls, Bill Richter, Applicant
2. 1-31-2024 Richter Application and Letter
3. CZC 12.55.110 Fences and Walls
4. CZC 12.55.230 Visual Obstructions
5. Surrounding Communities - Ordinances
6. Zoning Code Definitions
7. 1-10-2024 Application Status Email - INCOMPLETE
8. 2-7-2024 - Application Status Email - COMPLETE
9. 495 E Pages Lane Decorative Pillars
10. 12.55.110 Fences & Wall - Bill Richter -Zone Code Amendment Noticing Matrix

CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT
655 North 1250 West, Centerville, Utah 84014
(801)292-8232

STAFF REPORT
AGENDA: ITEM 2

PETITIONER:	BILL RICHTER 454 SUMMERWOOD CIRCLE BOUNTIFUL, UT 84010 <u>richterlandscape@yahoo.com</u>
APPLICATION:	ZONING CODE TEXT AMENDMENT
APPLICANT REQUEST:	AMEND THE ZONING CODE TEXT REGARDING FENCES AND WALLS (CZC 12.55.110)
RECOMMENDATION:	CONSIDER RECOMMENDING DENIAL TO THE CITY COUNCIL

BACKGROUND

The petitioner, Bill Richter, desires to amend the Zoning Ordinance regarding fences and walls to accommodate decorative fencing in his client’s front yard. The applicant is proposing a code amendment to allow fences and/or walls in the front yard to have a maximum height of 10’. This amendment request was applied for in response to a code enforcement case that was opened on the property due to a fence/wall and other zoning issues on December 5, 2023.

STAFF ANALYSIS AND COMMENTS

This petition poses significant life and safety concerns. It is important that a clear line of sight be available for those leaving, approaching, and passing residential driveways to identify other vehicles, cyclists, and pedestrians. CZC 12.55.230 discusses this issue and prevents fence, wall, similar structure, or landscaping exceeding two feet (2’) in height from being in the sight triangle for driveways. This petition does not address sight triangles, but the staff is still concerned that fences and walls exceeding 4’ in front yards create visual and traffic safety issues and could be

very intrusive. Safety issues also bring up concerns about liability. If an incident were to occur due to higher walls in front yards, residents could be responsible for any liability.

The limitation of 4' in front yards is very common among cities inside Davis County and around the State of Utah. Municipalities in Davis County also have a visual obstruction or clear view standard like Centerville.

The General Plan does discuss Fences and Walls, but only regarding the materials that are being used. It does not mention height restrictions.

POSSIBLE MOTIONS

Based on the information provided by the Planning Staff and following the discussion among the Planning Commission, the Planning Commission may make a motion to recommend to the City Council denial of this request, table the matter to a later date, or recommend approval of the proposed amendment. With any of these decisions appropriate findings of facts should be provided. Sample motions for the Planning Commission's convenience are located below.

#1 – DENY

“I hereby make a motion for the Planning Commission to recommend to the City Council Denial of the request from Bill Richter for a Zoning Code Text Amendment regarding CZC 12.55.110 Fences and Walls. With the following reasons for action (findings):

- 1. The Planning Commission finds that the application does not promote or protect the public health, safety, and welfare of the public.*
- 2. The Planning Commission finds that the current code language is consistent with surrounding municipalities in Davis County.*
- 3. Therefore, the Planning Commission finds that the request for a Zoning Code Text Amendment regarding CZC 12.55.110 Fences and Walls should not be positively recommended to the City Council.*

#2 – TABLE

“I hereby make a motion for the Planning Commission to TABLE the request from Bill Richter for a Zoning Code Text Amendment regarding CZC 12.55.110 Fences and Walls until such a time as _____.”

3 – APPROVE

“I hereby make a motion for the Planning Commission to APPROVE the request from Bill Richter for a Zoning Code Text Amendment regarding CZC 12.55.110 Fences and Walls. With the following reasons for action (findings):

(findings discussed and agreed upon by the Planning Commission)

Susan Whitney



CENTERVILLE CITY

ZONE TEXT AMENDMENT APPLICATION

655 North 1250 West • Centerville, Utah 84014
Phone 801-292-8232 Fax 801-292-8251

DESCRIPTION OF PROPOSED

CHANGE(S) Change residential entrance column from 4' to 10' open view.

CHAPTER 12.55.110

SECTION A

APPLICANT INFORMATION

NAME Bill Richter COMPANY NAME Richter Landscape Inc.

MAILING ADDRESS 454 Summerwood Cir. CITY / ST / ZIP Beautiful, UT 84010

PHONE 801 301-5263 FAX — EMAIL —

SIGNATURE OF APPLICANT [Signature] SEE NOTE 1 DATE 1/2/24

AGENT INFORMATION

NAME Bill Richter COMPANY NAME Richter Landscape Inc.

MAILING ADDRESS 454 Summerwood Cir. CITY / ST / ZIP BT, UT. 84010

PHONE 801 301-5263 FAX — EMAIL —

SIGNATURE OF AGENT [Signature] **PAID** SEE NOTE 1 DATE 1/2/24

richterlandscape@yahoo.com

JAN 3 2024

Centerville City Corp

DEPOSIT MUST ACCOMPANY THIS APPLICATION – SEE ATTACHED FEE SCHEDULE

Date Rec'd	<u>1-3-24</u>	Rec'd / Initials	<u>DR</u>	Assigned Project Name	<u>Richter Landscape Text change</u>
Fee/Deposit Attached	Y or N	Amount Fee Paid	<u>\$ 0.00</u>	Amount of Deposit Paid	<u>\$ 500.00</u> <u>250.00</u> Check #: <u>5115</u>

Note 1: Deposits will be applied toward the cost of required engineering and/or legal services invoiced to the City. Developer/Applicant will be refunded or billed any difference without markup. Hourly rates for these services will be provided upon request. Also any errors or corrections needed for submitted plans are the responsibility of the developer/applicant. WFC initial here for acknowledgement of deposits

January 24, 2024

To Whom it May Concern in Centerville City
Regarding Marcy Asay at 495 E Pages Lane, Centerville, UT 84014,

My name is Bill Richter, owner of Richter Landscape, Inc., who has been in business for over forty years constructing and beautifying estates all throughout Utah. Though we are located in Bountiful, Utah and have a nursery on Main Street in North Salt Lake, our jobs take us where the clients want to achieve and live in places we create for a lifetime to enjoy. Within the focus of our designs, we start at the curb appeal and it's presentation to draw the eye in inviting way that is unique and distinct which creates a staycation for everyone to enjoy, including neighbors. We have created entrances of all types, sizes, and purposes, on both sides of the Wasatch front, including Centerville City.

Currently, Centerville City has a code that prohibits anything in the front yard (entrance) to be higher than four feet tall. This means that there can be no focus on entering the estate or the development because of the code enforcement 2023-020.

As I drive throughout Centerville, West Bountiful, Farmington, Bountiful, and North Salt Lake, there are many entrances numbering in the hundreds with beautiful structures that exceed 4' high in ways that can't be imagined until seen. These structures are in no way impeding eye sight for safety or intrusive to surrounding neighbors but rather invite beauty and value to everyone's deeds.

These structures are commonly found in excess of 12 feet tall and appropriate in all heights pending on their application. For this reason, I am asking you to consider a change in your city's policy which will enable previous, current, and future citizens who see the value in this matter to live with their estates, HOA's, or development, without anyone looking over their shoulders and complaining as this person did to Marcy Asay.

I would ask all of you to take a drive and look at this application and ask yourselves "why not?" While you are still driving around looking at many entrances who have been according to your standards, have been in violation for years.

Please feel free to contact me to answer any questions or be of any help to you with your heavy responsibility.

Kind regards,

Bill Richter
Richter Landscape, Inc.
801-301-LAND (5263)

RECEIVED JAN 31 2024

12.55.110 Fences And Walls

(a) Height of Fences and Walls. No fence, wall, or other similar structure exceeding six feet in height shall be erected in any rear or side yard except for accessory buildings and structures permitted by this Title, except as provided below.

1. When a difference in grade exists on either side of a fence or wall, the height of the fence or wall shall be measured from:
 - a. The average elevation of the finished grade of adjoining properties at the fence line; or
 - b. If excavated or filled, the native elevation.
2. No fence need be less than 48 inches in height.
3. The Planning Commission may approve a fence, wall or similar structure not to exceed 10 feet in a rear area or side yard in the A-M, R-M, R-H, C-M, C-H, C-VH, I-H, I-VH, PF-L, PF-M, PF-H, or PF-VH zones as part of a site plan review, or amended site plan, with the findings by the Planning Commission that is to be a benefit to the surrounding properties and/or help to buffer the use, and is in the City's best interest.
4. The Zoning Administrator may approve a fence, wall, or similar structure not to exceed a height of eight feet, as a buffering element, where a differing zone district boundary is present. Such fence shall be subject to the following:
 - a. A "permitted use" application shall be submitted to the City for any fence higher than six feet.
 - b. The increased height placement shall be limited to placement or location along a zone district boundary between two differing zones, when and where there is a difference in zone intensity and the higher intensity zone is missing the buffering element of CZC 12.51.070 or between any A-L and R-L Zone boundary.
 - c. In no case shall the increased height be placed, located, or extended into any front yard or street side yard setback requirement of any zone.
 - d. Where utility easements are present, the "permitted use" request shall comply with CZC 12.55.100 Easements.
 - e. All fencing above six feet in height shall comply with any or all applicable building code regulations and/or shall meet the adopted applicable wind loading regulations.
5. South side of Porter Lane, from 400 West to Main Street. For all legally approved rear yard fronting lots along the creek channel, the fence height shall not exceed eight feet in height along the rear yard lot line.
6. Street Side Yard, Corner Lots. For residential zones, fencing up to 6 feet in height may be allowed within the street side yard portion of a corner lot, as measured from an interior lot line of the lot to a line intersecting at the Front Yard Setback line of the lot along the other street. Exception, fences shall not exceed 4 feet in height for a minimum distance of at least 12 feet, when a driveway on an adjacent lot is located within 12 feet of the interior lot line of the corner lot (see Figure 1.1 for a visual reference).

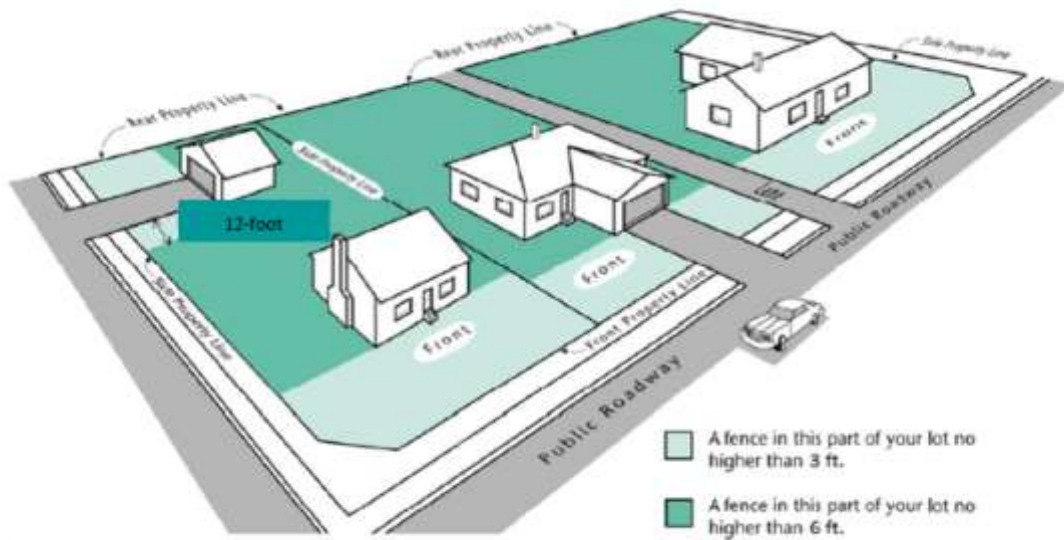


Figure 1.1

- (a) **Fences in Front Yard and Street Side Yard.** Except as otherwise provided herein, no fence or wall or other similar structure exceeding 48 inches in height shall be erected within a front yard or a street side yard.

HISTORY

Adopted by Ord. [2016-20](#) on 7/15/2016

Amended by Ord. [2018-17](#) on 7/17/2018

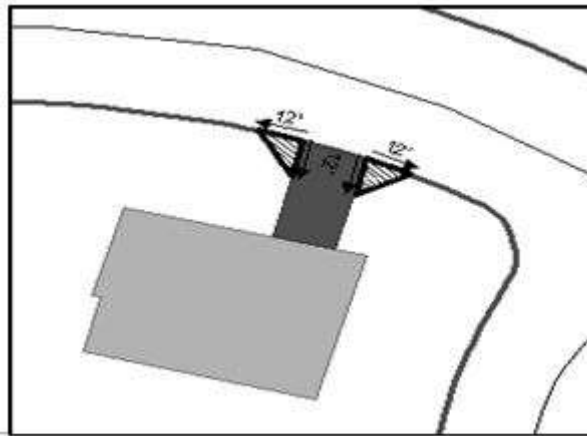
Amended by Ord. [2021-19](#) on 9/7/2021

12.55.230 Visual Obstructions

To avoid creating a visual obstruction and to promote public safety, a fence, wall, sign, or other similar structure or landscaping located in a required front yard shall meet the following requirements:

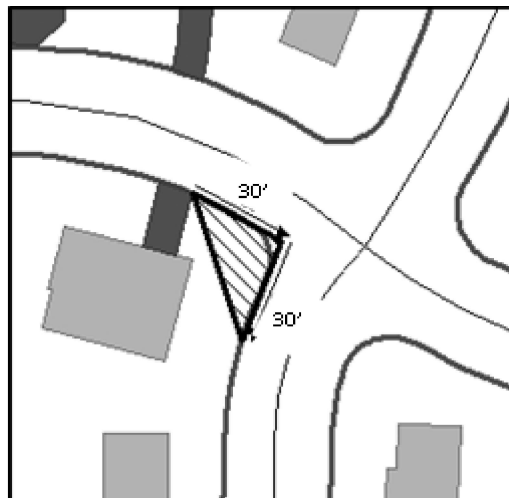
- (a) **Driveway.** No sight-obscuring fence, wall, sign, or other similar structure, or landscaping which exceeds two feet in height shall be placed within a triangular area formed by a driveway line, the street property line, and a line connecting them at points 12 feet along the driveway line and 12 feet along the street property line or back of sidewalk, whichever is greater, except for a reasonable number of trees pruned high enough to permit unobstructed vision for drivers of motor vehicles.

Figure 1. Driveway Sight Triangles



- (b) **Clear View of Intersecting Street.** In all zones, no fence, wall, sign, or other similar structure, or landscaping which exceeds 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 30 feet from the intersection of the street curb lines, except for public safety signs and equipment. Tree canopies pruned to seven feet above grade are permitted provided no tree trunk shall be located inside the clear view area. Trees existing as of the date of adoption of this Ordinance with trunks located within the clear view area defined herein may remain at the discretion of the City based upon safety and visibility standards, but may not be replaced once removed.

Figure 2. Street Intersection Sight Triangles.



HISTORY

Adopted by Ord. [2016-20](#) on 7/15/2016

CITY	FRONT YARD FENCE CODE LANGUAGE	CLEAR VIEW CODE LANGUAGE
Farmington	Front Yard: No fence, wall, hedge, or similar opaque device or open, mesh type fences (e.g., chainlink fences) shall be constructed in a required front yard of a residential zone in excess of four feet (4').	In all zones with a required front yard, no material obstruction to view between a height of two feet (2') and ten feet (10') above the level of the curb shall be permitted on any corner lot within a triangular area formed by the street property lines and a line connecting them between points thirty feet (30') from the intersection of the two (2) street property lines.
West Bountiful	Subject to the clear view area regulations in this chapter, fences installed in a front yard shall comply with the following requirements: A. A fence that is seventy percent (70%) or more open is allowed up to four (4) feet in height. B. A fence, wall, or hedge that is not seventy percent (70%) or more open is allowed up to four (4) feet in height if located three (3) feet or more from the front street right of way or sidewalk, whichever is closer to the primary building on the lot. In addition, such a fence, or hedge is allowed up to six (6) feet in height if located fifteen (15) feet or more from the front street right of way or sidewalk. C. A building permit must be secured for construction of all front yard fences.	The clear view area for the intersection of a driveway and a street is an area on each side of the driveway, beginning at the point of intersection of the driveway edge and the back of curb line or, if there is no curb, the edge of asphalt line, with one side extending along the back of curb or edge of asphalt line ten (10) feet away from the driveway, and the other side extending fourteen (14) feet along the edge of the driveway from the front or street side lot line toward the interior of the lot (see diagram). The City Engineer may reduce the required length of the side along the back of curb or edge of asphalt line to six (6) feet or more where existing conditions will not permit a length of ten (10) feet. Within the clear view area, the following shall apply: 1. Solid fences, walls, sight obscuring vegetation and/or other sight obscuring devices shall not exceed two (2) feet in height above the back of curb lines or, if there is no curb, the edge of asphalt lines. 2. Chain link fences or fences which are seventy percent (70%) or more open shall not exceed four (4) feet in height above the back of curb lines or, if there is no curb, the edge of asphalt lines. 3. Trees in excess of these heights may be located or maintained, provided they are pruned clear of all foliage between the ground and a height of ten (10) feet on the yard side and fourteen (14) feet on the street side and are planted at least ten (10) feet apart. Tree canopies or other growth shall not block signs or signals.
North Salt Lake	Front Yard Regulations: Fences installed in a front yard shall comply with all of the following requirements: (1) A fence seventy five percent (75%) or more open is allowed up to four feet (4') in height within the front yard setback. The front yard setback is that area including side yards, between the front yard setback line and the front property line; (2) A fence which is not seventy five percent (75%) or more open is allowed up to three feet (3') in height;	The clear view area for the intersection of a driveway and a street shall be determined by first establishing the point of intersection of the driveway edge and the street property line, then measuring ten feet (10') along the property line away from the driveway, and ten feet (10') along the edge of the driveway in toward the property. A line is then drawn from the termini of the two (2) lines, forming a triangle. Within this area, a chainlink fence or a fence seventy five percent (75%) or more open shall be a maximum of four feet (4') in height, and any wall or other type of fence or sight obscuring growth shall be a maximum of three feet (3') in height.

	(3) No person shall locate a fence exceeding four feet (4') in height between the principal structure and the front property line; and (4) Fences which exceed three feet (3') in height shall not encroach within clear view areas as regulated in section 10-1-31 of this chapter.	
Bountiful	In the minimum front yard setback area, an "open style" fence shall be a maximum of four (4) feet in height, and any wall or other type of fence shall be a maximum of three (3) feet in height, except as further restricted in a clear-view area.	The clear-view area for the intersection of a driveway and a street shall be determined by first establishing the point of intersection of the driveway edge and the street property line, then measuring ten (10) feet along the property line away from the driveway, and ten (10) feet along the edge of the driveway in toward the property. A line is then drawn from the termini of the two lines, forming a triangle. This is accomplished on both sides of the driveway. Within the triangles and the area between them, the following shall apply: 1. An open style fence shall be a maximum of four (4) feet in height. 2. Any wall or other type of solid fence or sight obscuring growth shall be a maximum of three (3) feet in height. 3. Tree trunks shall not be located within this clear view triangle; however, tree canopies may extend into the clear view area if they are trimmed at least seven (7) feet above the sidewalk and eleven (11) feet above the street. 4. Tree canopies or other growth shall not block signs or signals. 5. Sight obscuring growth shall be a maximum of three (3) feet in height in the parkstrip. 6. The driveway clear-view fencing provisions may not be required on corner and double frontage lots for a secondary drive access that is gated, locked and that accesses the rear yard, if it is determined by the Planning Director that the drive access is not a primary access.

Applicable Zoning Code Definitions – CZC 12.12.040

Fence: A structure serving as an enclosure, barrier, or boundary, which defines an outdoor space.

Fence, Sight-Obscuring: A fence which permits vision through not more than 10% of each square foot more than eight inches above the ground.

Fence, Open: A fence which permits vision through more than 50% of each square foot more than eight inches above the ground.

Yard, Front: A space extending across the full width of a lot or parcel between the front building line and the front lot line. The depth of the front yard is the minimum distance required by this Title between the front lot line and the front building line.

Zone Text Amendment Application

Whittney Black <whittney.black@centervilleutah.gov>

Wed 1/10/2024 2:33 PM

To:richterlandscape@yahoo.com <richterlandscape@yahoo.com>

Cc:Donna Wilkinson <donna.wilkinson@centervilleutah.gov>

Bill,

I've had a chance to review your Zone Text Amendment Application. Part of the application requires a written statement explaining the reasons supporting the request. I did not see this included in your submittal. In addition, we need clarification in writing on what you are proposing to change. The ordinance does not mention residential entrance columns or open view. For these reasons your application is considered incomplete, and staff cannot continue processing it. To change the status of your application you will need to submit a written statement explaining your proposed changes in more detail and in comparison, to what is currently in the code and submit reasons why this request should be approved. Once those things are submitted staff will be able to continue with the process. For your convenience I've included what the ordinance says below and a link to the ordinance online.

Fences in Front Yard and Street Side Yard. Except as otherwise provided herein, no fence or wall or other similar structure exceeding 48 inches in height shall be erected within a front yard or a street side yard.

Link: https://centerville.municipalcodeonline.com/book?type=zoning#name=12.55.110_Fences_And_Walls

If nothing is submitted within 30 days of this email staff will consider your application withdrawn.

Thanks,

Whittney Black

Assistant City Planner

Centerville City, Utah

801-677-6097

Zoning Code Text Amendment Application

Whittney Black <whittney.black@centervilleutah.gov>

Wed 2/7/2024 2:42 PM

To:richterlandscape@yahoo.com <richterlandscape@yahoo.com>

Bill,

I received your letter and will attach it to your zoning code text amendment submittal. Your application is now ready to go before the Planning Commission. Their next meeting will be held on February 28th at 7:00pm at City Hall. You or a representative for this application is encouraged to attend. I will send you an agenda for the meeting and a copy of the Staff Report regarding your request the Friday before the meeting. If you have any questions in the meantime let me know.

Thanks,

Whittney Black

Assistant City Planner

Centerville City, Utah

801-677-6097



Zone Code Amendment Noticing Matrix

CZC 12.21.050(c)

Updated June 2021

Include: statement summarizing substance of application

Date, time, and place of public hearing

The place where the application may be inspected by the public or the person to contact for further information

Notice of First Public Hearing

When	Where	Date Posted
10 days	Utah Public Notice Website	2/16/2024
10 days	City website	2/16/2024
	Mailed to each affected entity (Utah code 10-91-103)	2/16/2024
3 business days	Applicant notice with staff report	2/23/2024
*Applicant called on 2-27-2024 and requested to be rescheduled for the 3-13-2024 meeting. No other items were on the agenda, so the PC meeting was cancelled.		

When	Where	Date Posted
10 days	Utah Public Notice Website	2/29/2024
10 days	City website	2/29/2024
	Mailed to each affected entity (Utah code 10-91-103)	3/1/2024
3 business days	Applicant notice with staff report	3/8/2024

Subsequent Public Hearing

When	Where	Date Posted
3 days	Utah Public Notice Website	
3 days	City Website	

CENTERVILLE CITY ZONE CODE AMENDMENT NOTICE OF PUBLIC HEARING

Notice is hereby given that the Centerville City **Planning Commission** will hold a public hearing on **Wednesday March 13, 2024, at 7:00pm** or as soon thereafter as the matter can be heard, at the Centerville City Hall, 250 North Main Street, Centerville, Utah, regarding proposed **Zone Code Amendment to CZC 12.55.110 concerning the maximum height of fences and walls in front yards.** If

you have questions regarding this matter or would like further information, contact Centerville City Community Development, at 801.292.8232 or visit the City's website at <https://centervilleutah.gov>.

A handwritten signature in black ink, appearing to read 'Whitney Black', written over the printed name.

Whitney Black, Assistant City Planner
Community Development Department

"Affected entity" means a county, municipality, local district, special service district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified public utility, property owner, property owners association, or the Utah Department of Transportation, if:

- (a) the entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;
- (b) the entity has filed with the municipality a copy of the entity's general or long-range plan; or
- (c) the entity has filed with the municipality a request for notice during the same calendar year and before the municipality provides notice to an affected entity in compliance with a requirement imposed under this chapter.

**PLANNING
COMMISSION**

Staff Report
3/13/2024

Item No. 3.

Title: PUBLIC HEARING - Zone Text Amendment - CZC 12.69.020 Cannabis Production Establishment Standards - J.D. Lauritzen, Applicant - LEGISLATIVE DECISION

Initiated By: J.D. Lauritzen, Applicant

Staff Representative: Lisa Romney, City Attorney, Whitney Black, Assistant Planner

SUBJECT:

The applicant, J.D. Lauritzen, representing Wholesome Ag, LLC and Wholesome Goods, LLC, has applied for a Zoning Code text amendment to CZC 12.69.020 (Cannabis Production Establishment Standards) regarding the emission of dust, fumes, vapors, odors, or waste into the environment from any cannabis production establishment or facility where growing, processing, or testing of cannabis occurs.

RECOMMENDATION:

RECOMMEND DENIAL

BACKGROUND:

The applicant, J.D. Lauritzen, representing Wholesome Ag, LLC and Wholesome Goods, LLC, has applied for a Zoning Code text amendment to CZC 12.69.020 (Cannabis Production Establishment Standards) regarding the emission of dust, fumes, vapors, odors, or waste into the environment from any cannabis production establishment or facility where growing, processing, or testing of cannabis occurs. The applicant's proposed language for the amendment is summarized below. The applicant's original submittal and supporting documentation is also included in the corresponding agenda packet. This amendment request was applied for in response to a code enforcement case and ongoing complaints regarding odors emanating from the medical cannabis cultivation and processing operation known as Wholesome Goods located at 1041 North 950 West, Suites 300 and 400.

ATTACHMENTS:

1. 03-13-2024 PC Staff Report Zone Text Amendment - 12.69.020 Cannabis Production Establishment Standards - J.D. Lauritzen, Applicant
2. Application 1-31-2024
3. Wholesome - Proposed Cannabis Odor Ordinance Amendments
4. Wholesome - Reasons Supporting Request for an Amendment
5. 2-14-2024 Completeness Review - Code Text Amendment - CZC 12.69
6. CZC 12.69.020 Cannabis Production Establishment Standards
7. CZC 12.10.030 Purpose - Zoning Code
8. CZC 12.30.020 Zone Purposes
9. 12.55.110 Fences & Wall - Bill Richter -Zone Code Amendment Noticing Matrix

CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT
655 North 1250 West, Centerville, Utah 84014
(801)292-8232

STAFF REPORT
AGENDA: ITEM 3

PETITIONER:	J.D. LAURITZEN 580 W 100 N STE 1 WEST BOUNTIFUL, UT 84010 <u>jd.lauritzen@wholesome.co</u>
APPLICATION:	ZONING CODE TEXT AMENDMENT
APPLICANT REQUEST:	AMEND THE ZONING CODE TEXT REGARDING CANNABIS PRODUCTION ESTABLISHMENT STANDARDS (CZC 12.69.020)
RECOMMENDATION:	RECOMMEND DENIAL

BACKGROUND

The applicant, J.D. Lauritzen, representing Wholesome Ag, LLC and Wholesome Goods, LLC, has applied for a Zoning Code text amendment to CZC 12.69.020 (Cannabis Production Establishment Standards) regarding the emission of dust, fumes, vapors, odors, or waste into the environment from any cannabis production establishment or facility where growing, processing, or testing of cannabis occurs. The applicant’s proposed language for the amendment is summarized below. The applicant’s original submittal and supporting documentation is also included in the corresponding agenda packet.

This amendment request was applied for in response to a code enforcement case and ongoing complaints regarding odors emanating from the medical cannabis cultivation and processing operation known as Wholesome Goods located at 1041 North 950 West, Suites 300 and 400.

CURRENT ZONING CODE PROVISIONS

The current provisions of CZC 12.69.020 read as follows:

12.69.020 Cannabis Production Establishment Standards

The following standards shall apply to all cannabis production establishments:

- (a) The cannabis production establishment shall comply with the location restrictions set forth in applicable State law, including, but not limited to, Utah Code § 4-41a-201.*
- (b) The cannabis production establishment shall comply with the advertising and signage restrictions set forth in applicable State law, including, but not limited to, Utah Code § 4-41a-403.*
- (c) There shall be no emission of dust, fumes, vapors, odors, or waste into the environment from any cannabis production establishment or facility where growing, processing, or testing of cannabis occurs.*
- (d) The cannabis production establishment shall meet the land use and permit requirements for the zone in which it is located.*
- (e) The cannabis production establishment shall obtain a City business license before conducting business within the City.*

PROPOSED ZONING CODE TEXT AMENDMENTS

The applicant is requesting the following optional changes to Subsection (c) of CZC 12.69.020:

Option #1: Add “excessive” to list of emissions

- (c) There shall be no emission of excessive dust, fumes, vapors, odors, or waste into the environment from any cannabis production establishment or facility where growing, processing, or testing of cannabis occurs.*

Option #2: Delete Subsection (c) entirely

- ~~(c) There shall be no emission of dust, fumes, vapors, odors, or waste into the environment from any cannabis production establishment or facility where growing, processing, or testing of cannabis occurs.~~*

Option #3: Delete Subsection (c) and replace with alternative language

- (c) ~~*There shall be no emission of dust, fumes, vapors, odors, or waste into the environment from any cannabis production establishment or facility where growing, processing, or testing of cannabis occurs. The cannabis production establishment or facility where growing, processing, or testing of cannabis occurs shall be designed to the extent possible in such a way as to filter inside air exchanges to the outside through air filter systems that reasonably limit excessive dust, fumes, vapors, odors, or waste from air that exits the building into the environment.*~~

ZONING CODE TEXT AMENDMENT REVIEW PROCESS

Pursuant to CZC 12.21.080 (Zoning Map and Zoning Code Amendments), the Planning Commission is required to schedule and hold a public hearing on the proposed Zoning Code text amendment. Public notice of this public hearing has been provided in accordance with applicable law and City ordinances. After hearing presentations from the Staff and the applicant regarding the application, the Planning Commission shall open the public hearing on the matter. After the public hearing, the Planning Commission shall review and discuss the application and thereafter submit a recommendation for approval, approval with modifications, or denial to the City Council. The Planning Commission may also table action on the matter for further information or documentation. Following receipt of a recommendation from the Planning Commission, the City Council will schedule and hold a public hearing on the matter and thereafter make a final decision regarding the proposed Zoning Code text amendment.

ZONING CODE TEXT AMENDMENT APPROVAL STANDARDS

A decision to amend the Zoning Code is a legislative decision to be made by the City Council with review and recommendation from the Planning Commission. When considering a Zoning Code text amendment, the Planning Commission and City Council should consider the approval standards set forth in CZC 12.21.080(e). These factors include the following:

- (f) *Approval Standards. A decision to amend the Zoning Code or the Zoning Map is a matter within the legislative discretion of the City Council as described in CZC 12.21.060(a). In making an amendment, the following factors should be considered:*
- (1) *Whether the proposed Zoning Code or Zoning Map amendment is consistent with goals, objectives and policies of the General Plan;*
 - (2) *Whether the proposed Zoning Map amendment is harmonious with the overall character of existing development in the vicinity of the subject property;*

(3) The extent to which the proposed Zoning Map amendment may adversely affect adjacent property; and

(4) For proposed Zoning Map amendments, the adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and waste water and refuse collection.

Factors (2) through (4) of CZC 12.21.080(e) relate specifically to Zoning Map amendments and do not apply to Zoning Code text amendments. Thus, the Planning Commission and City Council review is focused on factor (1) regarding whether the proposed Zoning Code text amendment is consistent with the goals, objectives, and policies of the General Plan. Staff's analysis of this factor and other considerations is provided as follows.

STAFF ANALYSIS AND COMMENTS

The following analysis and discussion is provided regarding Staff's review of the proposed Zoning Code text amendments for CZC 12.69.020.

1. The proposed Zoning Code text amendment is not consistent with the goals, objectives, and policies of the General Plan

The proposed amendments to CZC 12.69.020 effect any cannabis production establishment located within the City. Thus, the applicable General Plan provisions to analyze include any General Plan provisions regarding business, commercial, and/or industrial uses in general as well as any specific provisions regarding industrial and manufacturing zones and/or uses. Industrial and manufacturing zones and/or uses are typically located on the west side of I-15. These areas of the City are governed by the provisions of the West Centerville Neighborhood Plan set forth in Section 12-430 of the Centerville General Plan.

Goal 6 of the West Centerville Neighborhood Plan is to "preserve and develop the area for future business and job growth." Furthermore, Section 12-430-1 states that "Centerville City should provide for the establishment and viability of commercial and industrial services in designated areas of the community." The potential emissions of odors, dust, fumes, vapors, and waste into the environment from cannabis production establishments in these areas could have a detrimental effect on adjacent businesses and residential areas of the City. Such detrimental effects are inconsistent with the goals, objectives, and policies of the General Plan.

During recent enforcement actions and from on-going complaints regarding odor emissions into the environment, business owners have communicated to the City how emissions have the potential to impact their product, employees, location, and quality of work. All these factors impact the viability of commercial and industrial services and future business and job growth within the City. Section 12-430 of the General Plan also affirms that, “minimizing the impact of new businesses on existing uses in the area, and vice versa, is a priority.” Allowing emissions into the environment that could impact other businesses is inconsistent with this priority.

The proposed Zoning Code text amendments are also inconsistent with the protection of residential development within the City. Section 12-420-2(4) of the General Plan provides: “Residential areas should be afforded protection from the impact of more intensive commercial, industrial, and institutional uses and from the visual and noise impacts of major roadways and railways by the creation of protective buffering (transitional uses, landscaping, etc.). Noise, odors, fumes, and other emissions from cannabis production establishments into residential neighborhoods would have a detrimental impact on public health, safety, and general welfare of current and future residents of the City. Section 12-435-1 of the General Plan regarding Buffering and Screening Guidelines, provides that Buffers should be used between incompatible land uses including, but not limited to, industrial, commercial, residential, and high density or low density uses. As explained in the General Plan, it is not desired that these uses occur in close proximity, but if they do, the adverse impacts of one use on the other shall be mitigated with distance, visual screening, access control, sound control, and other mitigation and buffering techniques. Emissions regulations set forth in the Zoning Code for manufacturing, limited and cannabis production establishments accomplishes these desired goals and objectives of the General Plan. Allowing additional noise or omissions from such uses would be inconsistent with such stated purposes and objectives.

2. The proposed Zoning Code text amendment is not consistent with other applicable Zoning Code standards regarding industrial and manufacturing zones and/or uses

The City has classified cannabis production establishments as a “manufacturing, limited” use. Per CZC 12.36.050 regarding the Table of Uses for Industrial Uses, manufacturing, limited is permit in all industrial zones including Industrial-Medium (I-M), Industrial-High (I-H), and Industrial (I-VH). The definition of manufacturing, limited as provided in CZC 12.12.040 (Definitions), prohibits such uses from having any “noise, odor, vibration, or other impacts discernible outside a building.” The definition set forth in CZC 12.12.040 specifically provides as follows:

Manufacturing, Limited: *An establishment engaged in the limited processing, fabrication, assembly and/or packaging of products utilizing processes that:*

- a) Have no noise, odor, vibration, or other impacts discernible outside a building; and*
- b) Do not violate any applicable noise ordinance.*

The requested Zoning Code amendments to CZC 12.69.020 are inconsistent and in conflict with existing odor restrictions for manufacturing, limited uses as provided in CZC 12.12.040. By definition, all manufacturing, limited uses are treated similarly with regards to emissions. Since cannabis production establishments are classified as a manufacturing, limited use, such establishments are held to the same emissions standards as any other similarly situated use.

Industrial zones within the City are intended to provide areas for conducting business, manufacturing, and industrial activities. The zone purposes outlined in CZC 12.30.020 (Zone Purposes) explain standards for uses located in the I-H Zone: *“The purpose of the I-H Zone is to provide areas for uses involving processing and assembly of manufactured goods, warehousing, and material storage. Uses which generate excessive noise, vibration, odor, dust, and fumes are excluded from this zone”* (emphasis added). In addition, the purposes for uses located in the I-M Zone are set forth as follows: *“The purpose of the I-M Zone is to provide aesthetically attractive planned developments having a mix of office, research and development, light manufacturing, and limited retail uses, which have less than 10,000 square feet in floor area in a building. Typical uses include offices, clean indoor manufacturing facilities, service retail, restaurants, athletic clubs, medical offices, office/warehouse buildings, and research facilities”* (emphasis added).

These existing provisions of the Zoning Code regarding industrial and/or manufacturing zones and/or uses indicate the City’s desire to regulate possible noise and emissions from businesses that are classified as manufacturing, limited and other businesses located in industrial zones.

3. The proposed Zoning Code text amendment is not consistent with the stated purposes of the Zoning Code

CZC 12.10.030 (Purpose) outlines six purposes of the Zoning Code. These purposes are set forth as follows.

12.10.030 Purpose

This Title is designed and enacted to:

- (a) Protect public health, safety, and welfare;*
- (b) Promote the prosperity, peace and good order, comfort, convenience, and aesthetics of the City and its present and future inhabitants, and businesses;*
- (c) Protect the City tax base;*
- (d) Promote economy in government expenditures;*
- (e) Protect urban and non-urban development; and*
- (f) Preserve and protect property value.*

Allowing the emissions of dust, fumes, vapors, odors, or waste into the environment, from manufacturing, light uses, including cannabis production establishments, may create negative impacts that do not promote the stated legislative purposes of the Zoning Code, including, but not limited to, protecting the public welfare, promoting peace, comfort, convenience, and aesthetics of the City and its present and future inhabitants, and businesses, and preserving property values, both commercial and residential.

LEGAL CONSIDERATIONS

Utah Code § 10-8-84 authorizes the City Council to pass all ordinances and rules, and make all regulations, not repugnant to law, necessary for carrying into effect or discharging all powers and duties conferred by Title 10 of the Utah Code and as are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the city and its inhabitants, and for the protection of property in the City.

The Utah Land Use, Development, and Management Act (LUDMA), as set forth in Utah Code §§ 10-9a-101, et seq., authorizes municipalities to adopt land use regulations the municipality considers necessary or appropriate for the use and development of land within the municipality. Such regulations and land use controls may address and govern land uses, buildings, open space, light and air, and air quality, among other listed matters. Such land use regulations may be

imposed for purposes of providing for the health, safety, and welfare of the public, protecting the tax base, and protecting property values.

Utah Code § 10-9a-528 requires municipalities to adopt land use regulations regarding cannabis production establishments, medical cannabis pharmacies, and industrial hemp producers. In connection with such requirement, Section 10-9a-528 provides that municipalities are authorized to enact land use regulations regarding cannabis production establishments and medical cannabis pharmacies so long as such regulations are not in conflict with the Cannabis Production Establishments and Pharmacies and the Utah Land Use, Development, and Management Act. The regulations set forth in Section 12.69.020 of the Centerville Zoning Code prohibiting the emission of dust, fumes, vapors, odors, or waste into the environment from any cannabis production establishments or facilities are not in conflict with provisions of State law and are lawful land use regulations regarding such uses.

The Cannabis Production Establishments and Pharmacies Act, as set forth in Utah Code §§ 4-41a-101, et seq., recognizes local control and land use authority regarding the regulation of cannabis production establishments. Section 4-41a-406, entitled Local Control, provides certain permitted use requirements for cannabis production establishments in industrial and agricultural zones and prohibits certain distance requirements for such facilities from other establishments, pharmacies, and tobacco specialty businesses. However, Section 4-41a-406 also requires any applicant for a land use permit to operate a cannabis production establishment to comply with the land use requirements and application processes set forth in the Land Use Development and Management Act, including Section 10-9a-528.

LEGISLATIVE DECISION STANDARD OF REVIEW

A Zoning Code text amendment is a legislative decision establishing public law and policy. Legislative decisions are based on the “reasonably debatable” standard of review. As set forth in CZC 12.21.060 (General Decision-Making Standards), in considering a legislative decision, the decision-making authority shall determine what action, in its judgment, will reasonably promote the public interest, conserve the values of other properties, avoid incompatible development, encourage appropriate use and development, and promote the general welfare. The decision-making body should state on the record the reasons and basis for its decision.

STAFF RECOMMENDATION

Based on the reasons set forth in this Staff Report, Staff recommends denial of the proposed Zoning Code text amendment. As indicated, a Zoning Code text amendment is a legislative decision. The proposed Zoning Code text amendment to allow certain emissions, however limited, of dust, fumes, vapors, odors and/or waste into the environment from a cannabis

production establishment or facility will not reasonably promote public interest nor conserve the values of other properties within the City including adjacent commercial uses and nearby residential uses. From a policy standpoint and land use regulation, Staff recommends the City retain the current regulations. Such regulations are in the best interest of the general welfare of the citizens and businesses within the City and are lawful local control regulations authorized in accordance with Utah Code § 4-41a-406 and Utah Code § 10-9a-508.

SAMPLE MOTIONS

Based on the information provided by City Staff, the applicant, public comment, and discussion among the Planning Commission, the Planning Commission may make a motion to recommend to the City Council approval of the proposed amendment, denial of the request, or may table the matter to a later date. With any recommendation, appropriate findings of facts should be provided. Sample motions for the Planning Commission's convenience are located below.

DENY

"I hereby make a motion for the Planning Commission to recommend to the City Council DENIAL of the request from J.D. Lauritzen for a Zoning Code Text Amendment regarding CZC 12.69.020 (Cannabis Production Establishment Standards), with the following reasons for action (findings):

- 1. The request is not consistent with the goals, objectives, and policies of Section 12-430 of the General Plan regarding the West Centerville Neighborhood Plan.*
- 2. The potential emission of odors, dust, fumes, vapors, and/or waste into the environment from cannabis production establishments does not preserve and protect the development of the West Centerville Neighborhood area for future businesses and does not foster the establishment and viability of commercial and industrial services in the area.*
- 3. The request is not consistent with the goals, objectives, and policies of Section 12-420 of the General Plan regarding Residential Development.*
- 4. Section 12-420-2 of the General Plan provides that residential areas should be afforded protection from the impact of more intensive commercial, industrial, and institutional uses.*
- 5. Noise, odors, fumes, and other emissions from cannabis production establishments into nearby residential neighborhoods just east of I-15 and to the south on the west of I-15 would have a detrimental impact on public health, safety, and general welfare of current and future residents of the City.*
- 6. The request is not consistent with other applicable Zoning Code standards regarding industrial and/or manufacturing zones and/or uses, including CZC 12.12.040 (Definitions) regarding the definition of "manufacturing, limited" which prohibits such*

uses from having any “noise, odor, vibration, or other impacts discernable outside a building.”

7. By definition under CZC 12.12.040, all “manufacturing, limited” uses including cannabis production establishments are treated similarly with regards to emissions.
8. The request is inconsistent with other applicable Zoning Code provisions regarding the purpose of industrial zones as set forth in CZC 12.30.020 (Zone Purposes).
9. Existing provisions of the Zoning Code indicate the City’s desire to regulate noise and emissions from “manufacturing, limited” uses and other businesses located in the industrial zones.
10. The request is inconsistent with the intent and objectives of the Zoning Code as set forth in CZC 12.10.030 (Purpose) including the intent to protect public health and safety; to promote the prosperity, peace and good order, comfort, convenience, and aesthetics of the City and its present and future inhabitants, and businesses; and to protect property values.
11. The request is not consistent with the standards for the applicable zoning or use designation for cannabis production establishments as described in CZC 12.12.040 (Definitions) and CZC 12.30.020 (Zone Purposes).
12. The request does not comply with the approval standards outlined in CZC 12.21.080(e), specifically regarding consistency with the goals, objectives, and policies of the General Plan.
13. The City is authorized under Utah Code § 10-8-84 to pass ordinances as are necessary and proper to provide for the safety, preserve the health, and promote the comfort and convenience of the City and its inhabitants, and for the protection of property in the City.
14. The regulation of the emission of dust, fumes, vapors, odors, and waste into the environment from a cannabis production establishment are necessary and proper to provide for the safety, preserve the health, and promote the comfort and convenience of the City and its inhabitants, and for the protection of property in the City in accordance with Utah Code § 10-8-84.
15. The City is authorized under Utah Code § 10-9a-528 (Cannabis Production Establishments...) to enact land use regulations regarding cannabis production establishments so long as such regulations are not in conflict with the Cannabis Production and Pharmacies Act and the Utah Land Use, Development, and Management Act.
16. The regulations set forth in Section 12.69.020 of the Centerville Zoning Code prohibiting the emission of dust, fumes, vapors, odors, or waste into the environment from any cannabis production establishment or facility are not in conflict with provisions of State law and are lawful land use regulations regarding such uses in accordance with Utah Code § 10-9a-528.
17. The City is authorized under Utah Code § 4-41a-406 (Local Control) to enact land use regulations regarding cannabis production establishments and requires applicants for

land use permits to operate cannabis production establishments to comply with the land use requirements and application processes of the City in accordance with the Utah Land Use, Development, and Management Act.

- 18. The request to allow certain emission, however limited, of dust, fumes, odors, or waste into the environment from any cannabis production establishment does not reasonably promote the public interest or conserve the values of properties within the City including adjacent commercial uses and nearby residential uses.*
- 19. It is in the City’s best interest and in the best interest for the general welfare of its citizens and businesses to regulate and restrict the emission of dust, fumes, odors, or waste into the environment from cannabis production establishments.*

TABLE

“I hereby make a motion for the Planning Commission to TABLE the request from J.D. Lauritzen for a Zoning Code Text Amendment regarding CZC 12.69.020 (Cannabis Production Establishment Standards), until such a time as _____.”

(Direction to Staff may be provided for additional information or documentation)

APPROVE

“I hereby make a motion for the Planning Commission to recommend to the City Council APPROVAL of the request from J.D. Lauritzen for a Zoning Code Text Amendment regarding CZC 12.69.020 (Cannabis Production Establishment Standards), with the following reasons for action (findings):

(Findings discussed and agreed upon by the Planning Commission)

Under Review

Application Review Status

Pre-Review	Application Accepted	01/31/2024
Planning Commission	Not Reviewed	
City Council	Not Reviewed	
Planning & Zoning	Not Reviewed	
Final-Review	Not Reviewed	

Fees		Payments		
Zoning Code Amendment Application Fee	\$250.00	01/31/2024	Online	\$500.00
Professional Services Fee	\$250.00	Total Paid		
		\$500.00		
Subtotal	\$500.00			
Amount Paid	\$500.00			
Total Due	\$0.00			

Application Form Data

(Empty fields are not included)

I have read, understand, and agree to comply with the information above
✓

Applicant's First Name
J. D.

Applicant's Last Name

Lauritzen

Applicant Email Address

jd.lauritzen@wholesome.co

Applicant Phone Number

(801) 599-3262

Mailing Address

580 W 100 N, Ste. 1

City

West Bountiful

State

UT

Zip Code

84010

As the applicant are you representing any other persons and/or companies?

Yes

Name	Address
Wholesome Ag, LLC	1041 North 950 West, Units 300 & 400, Centerville, Utah 84014
Wholesome Goods, LLC	1041 North 950 West, Units 300 & 400, Centerville, Utah 84014

Provide the Zoning Code reference to the title, chapter, and section you are proposing to amend.

12.69.020 Cannabis Production Establishment Standards

Provide a draft of the proposed text amendment

 Wholesome - Proposed Cannabis Odor Ordinance Amendments.docx

Provide reasons supporting your request for an amendment

 Wholesome - Reasons Supporting Request for an Amendment.docx

Is the proposed amendment consistent with the goals, objectives, and policies of the General Plan?

Yes

Explain how the proposed amendment is consistent with the goals, objectives, and policies of the General Plan.

The proposed amendment is consistent with the goals, objectives, and policies of the General Plan in the sense that it recognizes the need to control odor emitting from cannabis production establishment, while recognizing that Utah's voters and its lawmakers have determined to legalize medical cannabis in Utah. The amendment also allows new and existing cannabis businesses to locate in Centerville City, but only in a way that it does not negatively impact the others in the community that live and work in the City. The proposed amendment is further consistent with the statements set forth in section 12-430 of the General Plan, which section specifically states that

“Centerville should provide for the establishment and viability of ... industrial services in designated areas of the community” as those industrial services “not only add to the tax base of the community, they also provide significant sources of employment for area residents.”

Signature

I agree that the facts stated in this application are true, and upon changes I will provide notification as needed.

J. D. Lauritzen - 01/31/2024 4:52 pm

Messages

We have received your application and we'll be in touch after we've had a chance to review it for completeness. Thanks!

Comments:

Thank you for the response. I look forward to connecting more after you all have had a chance to review the application.

We have reviewed your application and determined that it is complete. See attached report for more details. Due to the transition to a new director I'm unsure when your application will be scheduled to go before the Planning Commission, but I'll be in touch with a meeting date soon. If you have any questions in the meantime, let me know.

 2-14-2024 Completeness Review - Code Text Amendment - CZC 12.69.pdf

✓ Thank you for the update. We appreciate you reviewing our application for completeness. We look forward to going in front of the planning commission as soon as the schedule will allow for it. Have a nice rest of your week.

12.69.020 Cannabis Production Establishment Standards

The following standards shall apply to all cannabis production establishments:

- (a) The cannabis production establishment shall comply with the location restrictions set forth in applicable State law, including, but not limited to, Utah Code § 4-41a-201.
- (b) The cannabis production establishment shall comply with the advertising and signage restrictions set forth in applicable State law, including, but not limited to, Utah Code § 4-41a-403.
- (c) There shall be no emission of dust, fumes, vapors, odors, or waste into the environment from any cannabis production establishment or facility where growing, processing, or testing of cannabis occurs.

We recommend amending subsection (c) as follows: There shall be no emission of **excessive** dust, fumes, vapors, odors, or waste into the environment from any cannabis production establishment or facility where growing, processing, or testing of cannabis occurs.

OR We recommend deleting subsection (c) entirely. ~~There shall be no emission of dust, fumes, vapors, odors, or waste into the environment from any cannabis production establishment or facility where growing, processing, or testing of cannabis occurs.~~

OR We recommend deleting subsection (c) and replacing it with the following: **The cannabis production establishment or facility where growing, processing, or testing of cannabis occurs shall be designed to the extent possible in such a way as to filter inside air exchanges to the outside through air filter systems that reasonably limit excessive dust, fumes, vapors, odors, or waste from air that exits the building into the environment.**

- (d) The cannabis production establishment shall meet the land use and permit requirements for the zone in which it is located.
- (e) The cannabis production establishment shall obtain a City business license before conducting business within the City.

Reasons Supporting Request for an Amendment

Wholesome Ag and Wholesome Goods are seeking to amend code section 12.69.020 on the grounds that: 1) medical cannabis operators should be treated equally to other similarly situated businesses operating in Centerville City (which includes subjecting cannabis businesses to the same or similar rules and regulations as other equivalent businesses); and 2) Utah's medical cannabis laws prohibit cities and other local municipalities from opting out of having cannabis businesses locate in their jurisdiction. At present, medical cannabis production establishments are subject to a zero odor tolerance ordinance when it comes to odor emitting into the outside environment. This type of zero tolerance requirement is simply untenable, as the cultivation and production of cannabis will always produce some level of odor, even when significant odor mitigation efforts are undertaken. So, while cannabis odor may be reduced to a level that is not "excessive," it is unlikely that it can be eliminated entirely.

Given that some level of odor will always be associated with cannabis, and to bring cannabis in line with other "excessive" odor requirements in place within Centerville City (especially in the I-H zone where Wholesome's facility is located), Wholesome is proposing an amendment that would prohibit a cannabis production from emitting excessive odors into the outside environment. We believe this type of amendment strikes a proper balance between Wholesome's ability to reasonably do business and the concerns of the other citizens/businesses that call Centerville home. Without this type of change, even the faintest smell of cannabis outside of our facility could lead to further complaints and jeopardize both the tremendous investment that Wholesome has made in its facility and the ~75 jobs that Wholesome has brought to Centerville City. This is true even if the odor is not injurious to public health or is otherwise injurious to the business operations of others outside of the building that we operate in. Ultimately, Wholesome wants nothing more than to be a good partner to the City and its other businesses/citizens. We want to see that same sentiment from the City. As such, it makes good sense to partner together to amend the cannabis odor ordinance to treat Wholesome like other similarly situated businesses in the city when it comes to odor emissions.

Turning to the second reason for the amendment, Utah's medical cannabis laws prohibit cities and other municipalities from opting out of having cannabis businesses locate in their jurisdiction (see Utah Code section 4-41a-406). While the odor provision of section 12.69.020 does not outright prohibit a cannabis production establishment from locating in Centerville City, that is the practical effect of the language. Or in other words, if a cannabis production establishment is unable to emit any kind of odor into the outside environment, and such a standard cannot be realistically met by such an establishment, then Centerville City has effectively opted out of the state's medical cannabis program. In order to avoid any kind of incongruence between the state's medical cannabis laws and the City's cannabis ordinances, we believe it is prudent to amend the odor ordinance in such a way that allows cannabis production establishments to emit some kind of odor, as long as that odor is not excessive.

Ultimately, Wholesome has loved being a part of the Centerville community. We have developed good relationships with the City's police force and other City personnel. We want this relationship to continue for many years to come, and our true hope is that we will be treated the same as other businesses operating in the City. However, we do recognize that a balance must be struck between

our business operations and the needs/lives of others. By holding us to a specific excessive odor standard, or holding us to the general excessive odor standard that applies to businesses in an I-H zone, or by ensuring that our building is designed in such a way as to prevent excessive odor emissions from our facility, we believe this strikes that appropriate balance, and one that we can meet without further issue.

**CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT
655 North 1250 West, Centerville, Utah 84014
(801) 292-8232**

STAFF MEMORANDUM

TO: J.D. LAURITZEN, APPLICANT

FROM: WHITTNEY BLACK, CITY ASSISTANT PLANNER

**SUBJECT: CZC 12.69.020 CANNABIS PRODUCTION ESTABLISHMENT
STANDARDS – ZONING CODE AMENDMENT COMPLETENESS
REVIEW**

BACKGROUND

We have recently received your zoning code amendment application. I have reviewed this submittal for completeness and my analysis is detailed below.

<u>Item</u>	<u>Status</u>	<u>Comments</u>
Requirements for Code Text Amendment per CZC 12.21.080(d)(1):		
The name, address, email, telephone number of the applicant and the applicant's agent;	✓	
The name and address of every person or company the applicant represents;	✓	
The requested amendment and reasons supporting the request; and	✓	
If the proposed amendment requires a change in the Zoning Code text, the application shall include chapter and section references and a draft of the proposed text.	✓	
Zoning Code Amendment Fees - \$500	✓	

FINAL COMMENTS & SUMMARY

This application is considered **COMPLETE**. Staff will begin preparing the application to go before the Planning Commission. We will be in touch with any questions and with the date of the Planning Commission meeting your application will be scheduled for.

12.69.020 Cannabis Production Establishment Standards

The following standards shall apply to all cannabis production establishments:

- (a) The cannabis production establishment shall comply with the location restrictions set forth in applicable State law, including, but not limited to, Utah Code § 4-41a-201.
- (b) The cannabis production establishment shall comply with the advertising and signage restrictions set forth in applicable State law, including, but not limited to, Utah Code § 4-41a-403.
- (c) There shall be no emission of dust, fumes, vapors, odors, or waste into the environment from any cannabis production establishment or facility where growing, processing, or testing of cannabis occurs.
- (d) The cannabis production establishment shall meet the land use and permit requirements for the zone in which it is located.
- (e) The cannabis production establishment shall obtain a City business license before conducting business within the City.

HISTORY

Adopted by Ord. [2020-03](#) on 7/21/2020

12.10.030 Purpose

This Title is designed and enacted to:

- (a) Protect public health, safety, and welfare;
- (b) Promote the prosperity, peace and good order, comfort, convenience, and aesthetics of the City and its present and future inhabitants and businesses;
- (c) Protect the City tax base;
- (d) Promote economy in governmental expenditures;
- (e) Protect urban and non-urban development; and
- (f) Preserve and protect property value.

HISTORY

Adopted by Ord. [2016-20](#) on 7/15/2016

12.30.020 Zone Purposes

In addition to the general purposes of this Title as set forth in CZC 12.10.030, the various zones each serve more specific purposes as set forth below.

- (a) Agricultural Zones. Agricultural zones preserve and protect agricultural lands and related activities, permit activities normally and necessarily related to agricultural production, and prohibit land uses that may undermine continued agricultural activity.
 - 1. The purpose of the A-L Zone is to provide areas where single family residences can be located along with low intensity agricultural activities, such as pasturing of animals and farming activities on relatively small lots or parcels.
 - 2. The purpose of the A-M Zone is to permit commercial agricultural activities of medium intensity such as greenhouses and specialty crops.
- (b) Residential Zones. Residential zones allow a wide range of residential land uses at various densities. These zones are intended to protect the stability of neighborhoods and encourage, collectively, different kinds of compatible residential development.
 - 1. The purpose of the R-L Zone is to permit development of detached single-family homes on individual lots or parcels at densities of one to four units per acre.
 - 2. The purpose of the R-M Zone is to permit well-designed townhomes, two-family dwellings, and condominiums at densities of four to six units per acre that are appropriately buffered from and compatible with surrounding land uses. Single-family dwellings are also permitted in the R-M Zone.
 - 3. The purpose of the R-H Zone is to permit well-designed apartments, townhomes, two-family dwellings, and condominiums at densities of eight to twelve units per acre that are appropriately buffered from and compatible with surrounding land uses.
- (c) Public Facility Zones. Public facility zones accommodate public and quasi-public uses.
 - 1. The purpose of the PF-L Zone is to recognize on the Zoning Map areas of open space, such as parks, conservation areas, United States Forest Service property, and other publically-owned property.
 - 2. The purpose of the PF-M Zone is to recognize on the Zoning Map property of medium intensity uses which is used, owned, or operated by a public or quasi-public entity and which has a relatively low impact on adjacent property. Typical uses include cemeteries, power substations, telephone service buildings, public parks, public schools, and small public office buildings.
 - 3. The purpose of the PF-H Zone is to provide areas for facilities used, owned, or operated by public and quasi public entities and which utilize relatively large areas of land or high intensity uses. This zone is intended to provide immediate recognition of such areas on the official Zoning Map. Typical uses include hospitals, open-air theaters, public parks, public schools, and public utility facilities.
 - 4. The purpose of the PF-VH Zone is to provide a zone where intense land use activities by public and quasi-public entities can be located. Typical uses include maintenance yards and motor vehicle service areas with outside storage areas.

(d) Commercial Zones. Commercial zones provide areas where a combination of business, commercial, entertainment, office, and related activities may be established, maintained and protected. Commercial zones are intended to provide a suitable environment for those commercial and service uses vital to the economic base of the City.

1. The purpose of the C-M Zone is to provide areas for commercial activities and professional offices which have less than 10,000 square feet of floor area. This zone is intended to promote a combination of retail and service facilities that meet day to day needs of nearby residents and which are compatible in character and scale with adjacent development.
2. The purpose of the C-H Zone is to accommodate a wide range of commercial uses which have 10,000 to 50,000 square feet of floor area. Typical uses include offices, retail stores, restaurants, and institutional uses.
3. The purpose of the C-VH Zone is to accommodate a wide range of commercial uses which have 50,000 square feet or more of floor area in a building, or which have relatively heavy vehicle traffic. Typical uses include offices, retail stores, fast food stores, vehicle service facilities, heavy commercial, and institutional uses. Uses in this zone may also include lodging facilities, travel plazas, restaurants, and commuter parking.

(e) Industrial Zones. Industrial zones provide areas for conducting business, manufacturing and industrial activities.

1. The purpose of the I-M Zone is to provide aesthetically attractive planned developments having a mix of office, research and development, light manufacturing, and limited retail uses, which have less than 10,000 square feet in floor area in a building. Typical uses include offices, clean indoor manufacturing facilities, service retail, restaurants, athletic clubs, medical offices, office/warehouse buildings, and research facilities.
2. The purpose of the I-H Zone is to provide areas for uses involving processing and assembly of manufactured goods, warehousing, and material storage. Uses which generate excessive noise, vibration, odor, dust, and fumes are excluded from this zone.
3. The purpose of the I-VH Zone is to provide areas where uses involving industrial processes, natural resource extraction, and other heavy uses may be permitted without negatively impacting other areas of the City, especially when undertaken on a large scale. To assure compatibility with uses in other adjacent zones, many such uses are allowed only as a conditional use.

(f) Special Purpose and Overlay Zones. Special purpose zones are intended to accomplish objectives unique to the particular zone. Overlay zones implement supplemental regulations that apply geographically, regardless of the underlying base zone. Whenever the regulations of a base zone and an overlay zone conflict, overlay zone regulations shall apply.

1. The purpose of the PDO zone is to permit a compatible, master-planned mix of various types of residential uses in combination with open space components on land that has unique or unusual characteristics that warrant customized development requirements. Although residential dwelling type and development size may vary from location to location, each development is intended to consist of well-designed, architecturally integrated structures which are appropriately landscaped and buffered from surrounding land uses.
2. The purpose of the SD zone is to encourage master-planned, architecturally-designed, mixed-use development, where customized zoning requirements apply in order to permit flexibility and initiative in site development.

HISTORY

Adopted by Ord. [2016-20](#) on 7/15/2016

Amended by Ord. [2017-28](#) on 11/21/2017

Zone Code Amendment Noticing Matrix

CZC 12.21.050(c)

Updated June 2021

Include: statement summarizing substance of application

Date, time, and place of public hearing

The place where the application may be inspected by the public or the person to contact for further information

Notice of First Public Hearing

When	Where	Date Posted
10 days	Utah Public Notice Website	2/16/2024
10 days	City website	2/16/2024
	Mailed to each affected entity (Utah code 10-91-103)	2/16/2024
3 business days	Applicant notice with staff report	2/23/2024
*Applicant called on 2-27-2024 and requested to be rescheduled for the 3-13-2024 meeting. No other items were on the agenda, so the PC meeting was cancelled.		

When	Where	Date Posted
10 days	Utah Public Notice Website	2/29/2024
10 days	City website	2/29/2024
	Mailed to each affected entity (Utah code 10-91-103)	3/1/2024
3 business days	Applicant notice with staff report	3/8/2024

Subsequent Public Hearing

When	Where	Date Posted
3 days	Utah Public Notice Website	
3 days	City Website	

CENTERVILLE CITY ZONE CODE AMENDMENT NOTICE OF PUBLIC HEARING

Notice is hereby given that the Centerville City **Planning Commission** will hold a public hearing on **Wednesday March 13, 2024, at 7:00pm** or as soon thereafter as the matter can be heard, at the Centerville City Hall, 250 North Main Street, Centerville, Utah, regarding proposed **Zone Code Amendment to CZC 12.55.110 concerning the maximum height of fences and walls in front yards.** If

you have questions regarding this matter or would like further information, contact Centerville City Community Development, at 801.292.8232 or visit the City's website at <https://centervilleutah.gov>.

A handwritten signature in black ink, appearing to read 'Whitney Black', written over the printed name.

Whitney Black, Assistant City Planner
Community Development Department

"Affected entity" means a county, municipality, local district, special service district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified public utility, property owner, property owners association, or the Utah Department of Transportation, if:

- (a) the entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;
- (b) the entity has filed with the municipality a copy of the entity's general or long-range plan; or
- (c) the entity has filed with the municipality a request for notice during the same calendar year and before the municipality provides notice to an affected entity in compliance with a requirement imposed under this chapter.

**PLANNING
COMMISSION**

Staff Report
3/13/2024

Item No. 1.

Title: Community Development Director's Report

Initiated By: Whitney Black, Assistant Planner

Staff Representative: Whitney Black, Assistant Planner

SUBJECT:

The Assistant City Planner will give a report on upcoming meetings and updates to the Planning Commission.

RECOMMENDATION:

BACKGROUND:

The City has hired a new Community Development Director - Mike Eggett!

Updates from January 24, 2024, agenda items:

1. Zone Text Amendment, CZC 12.55.110 Fences and Walls, Richard Jensen - The applicant has submitted an amendment to his application. Staff will bring that amendment to the Planning Commission soon.

Upcoming Meeting: March 27, 2024, tentative agenda items:

1. Zone Text Amendment, CZC 12.55.110 Fences and Walls, Richard Jensen
2. Conceptual Site Plan, Hoskin Trucks located at 1175 W 500 N, Kaden Hoskin
3. Zone Map Amendment, 1193 N Main Street from A-L to R-L

ATTACHMENTS:



CENTERVILLE
city

PLANNING COMMISSION

Staff Report
3/13/2024

Item No. 1.

Title: Minutes Review and Approval

Initiated By:

Staff Representative:

SUBJECT:

RECOMMENDATION:

BACKGROUND:

ATTACHMENTS:

1. 01-24-2024

1 **PLANNING COMMISSION MINUTES OF MEETING**

2 **Wednesday, January 24, 2024**

3 **7:00 p.m.**

4
5 A quorum being present at City Hall, 250 North Main Street, Centerville, Utah, the
6 meeting of the Centerville City Planning Commission was called to order at 7:00 p.m.

7
8 **MEMBERS PRESENT**

9 Shawn Hoth
10 Mason Kjar, Chair
11 Lane Jenkins
12 Amanda Jorgensen
13 Matt Larsen
14 LaRae Patterson, Vice Chair

15
16 **MEMBER ABSENT**

17 Tyler Moss

18
19 **STAFF PRESENT**

20 Lisa Romney, City Attorney
21 Whitney Black, Interim Community Development Director
22 Jennifer Robison, City Recorder

23
24 **VISITOR**

25 Richard Jensen

26
27 **LEGISLATIVE THOUGHT/PRAYER** Chair Kjar

28
29 **PLEDGE OF ALLEGIANCE**

30
31 **PUBLIC HEARING – ZONE TEXT AMENDMENT, CZC 12.55.110 FENCES AND**
32 **WALLS**

33
34 Interim Community Development Director Whitney Black explained the applicant,
35 Richard Jensen, desired to amend the Zoning Ordinance regarding fences and walls to
36 accommodate a retaining wall and fence combination he wanted to construct on the east side of
37 his lot. The applicant applied for a building permit in October 2023 for the construction of a
38 concrete retaining wall, and explained to staff that he had a retaining wall in the subject location
39 that was failing, and wanted to replace it and put a 6-foot fence on top. Staff found that the
40 retaining wall and fence combination would exceed the maximum height allowed by City Code,
41 and initially denied the permit. The applicant resubmitted plans several times but ultimately
42 could not achieve what he was wanting within the parameters of the ordinance.

43
44 In December 2023, the applicant applied for a text amendment hoping to get the Code
45 changed to build his desired project. Mr. Jensen proposed to amend the allowed fence height
46 from 6-feet to 7-feet for non-structurally engineered walls (typically chain-link, wood, or vinyl)
47 and 8-feet for structurally engineered walls (typically concrete or CMU).

48
49 Ms. Black suggested factors to consider included weather, whether or not the City
50 should differentiate between fences and walls in code, and the fact that retaining walls up to 8
51 feet were allowed in the Hillside Overlay Zone, but the Code was ambiguous regarding
52 placement of a fence on top. She said staff suggested the Planning Commission recommend
53 denial to the City Council pending a more comprehensive review by staff. Commissioner
54 Patterson referred to requirements in the International Residential Code (IRC).

1 Richard Jensen, applicant, said he would like to have a wall/fence higher than currently
2 allowed for privacy, but he would be fine if the proposed amendments were not approved. He
3 showed photographs of his property, and explained the desired project, which would replace a
4 railroad tie retaining wall with concrete, with a fence on top. Mr. Jensen answered questions
5 from the Commission.
6

7 Chair Kjar opened a public hearing at 7:25 p.m., and closed the public hearing seeing no
8 one come forward. Chair Kjar said he did not believe the proposed changes were adequate to
9 address all of the related needs across the City. Commissioner Patterson expressed the opinion
10 that the application did not sufficiently address all of the factors mentioned by staff. City Attorney
11 Lisa Romney suggested staff could look into what had been done in other cities regarding fence
12 calculations with a grade change.
13

14 Commissioner Larsen **moved** to table the application. Commissioner Hoth seconded the
15 motion, which passed by unanimous vote (6-0).
16

17 **OPEN AND PUBLIC MEETINGS TRAINING**

18
19 City Recorder Jennifer Robison provided annual Open and Public Meetings Act training.
20

21 **COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**

22
23 The Planning Commission was scheduled to meet next on February 28, 2024.
24

25 **MINUTES REVIEW AND APPROVAL**

26
27 Minutes of the January 10, 2024 meeting were reviewed. Commissioner Patterson
28 **moved** to accept the minutes. Commissioner Larsen seconded the motion, which passed by
29 unanimous vote (6-0).
30

31 **ADJOURNMENT**

32
33 At 8:17 p.m., Commissioner Larsen **moved** to adjourn the meeting. Commissioner
34 Patterson seconded the motion, which passed by unanimous vote (6-0).
35
36
37
38

39 _____
Jennifer Robison, City Recorder

Date Approved