



Staff Report

PLANNING DIVISION
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Planning Commission

From: Lex Traughber – Senior Planner
(801) 535-6184 or lex.traughber@slcgov.com

Date: October 23, 2019

Re: Medicinal Cannabis Text Amendments
Petition PLNPCM2019-00678

ZONING ORDINANCE TEXT AMENDMENT

REQUEST: A request by Mayor Jackie Biskupski to amend sections of the Salt Lake City Zoning Ordinance regarding regulation of cannabis related land uses that are now legal under Utah Code. The purpose of these amendments is to update the zoning ordinance to provide consistency with state law concerning the regulation of medicinal cannabis that was passed by the Utah State Legislature in 2019. The proposed text amendments will affect sections 21A.33, 21A.36 and 21A.62 of the zoning ordinance and may include changes to other sections as necessary. The changes would apply citywide.

RECOMMENDATION: Planning Staff recommends that the Planning Commission forward a positive recommendation to the City Council regarding the amendments as proposed.

MOTION: Based on the analysis and findings listed in this staff report, testimony and the proposal presented, I move that the Planning Commission forward a positive recommendation regarding the proposed amendments on to the City Council as proposed. The Planning Commission finds that the proposed project complies with the review standards as demonstrated in Attachment C of this staff report.

BACKGROUND AND TEXT AMENDMENT DESCRIPTION:

In 2019, during the General Session of the Utah State Legislature the Utah Medicinal Cannabis Act was adopted. The Legislature amended the Act during a special session held in September 2019. The bill provided for the cultivation, processing, medical recommendation, and patient use of medical cannabis.

The State has mandated that municipalities adopt regulations to incorporate the new laws concerning medicinal cannabis into local zoning ordinances by January 2021. The purpose of the subject proposed text amendment is to comply with State law and address cannabis related land uses in the Salt Lake City Zoning Ordinance. The proposed changes to the ordinance mirror State law.

The State has mandated that if a municipality has “Agricultural” or “Manufacturing” land uses, “Cannabis Production Establishments” must be allowed in at least one of these districts. Consistent with this requirement, Planning Staff proposes that this land use be allowed in the City’s Agricultural, Manufacturing, and Business Park zoning districts. Additionally, the State mandates that “Medicinal Cannabis Pharmacies” be allowed in all zoning districts with the exception of those districts that are primarily residential subject to specific distancing requirements. The text proposed by Planning Staff specifies which zoning districts in the City are primarily residential and includes the same distancing requirements imposed by State law. State law dictates that municipalities may not adopt regulations that are more restrictive than State regulations. The proposed changes

to the Salt Lake City Zoning Ordinance are consistent with and mirror State law.

Attached is a draft of the proposed medicinal cannabis regulations as they relate to land use in the City. Please note that all the pages in each land use table are not included; only the pertinent pages. The underlined language represents the proposed changes to the Zoning Ordinance. The following is a summary:

1. Definitions for “Cannabis Production Establishment” and “Medicinal Cannabis Pharmacy” have been proposed to be included in Chapter 21A.62 – Definitions.
2. A provision for “Cannabis Production Establishment” as a permitted use in all Manufacturing (M) Agriculture (AG), and Business Park (BP) zoning districts to be included in the land use tables in Chapter 21A.33 – Land Use Tables .
3. A new section (21A.36.310) has been included in Chapter 36 – General Provisions entitled “Medicinal Cannabis Pharmacy Establishments”, establishing regulations for such uses.

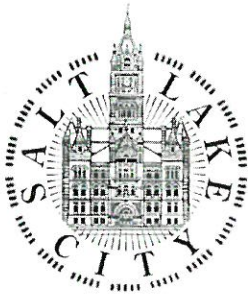
NEXT STEPS:

The recommendation of the Planning Commission will be forwarded to the City Council for a decision.

ATTACHMENTS:

- A. [Petition Initiation Letter](#)
- B. [Proposed Text Amendments](#)
- C. [Analysis of Standards](#)
- D. [Public Process and Comments](#)
- E. [City Comments](#)

ATTACHMENT A: PETITION INITIATION LETTER



Petition Initiation Request

Planning Division
Community & Neighborhoods Department

To: Mayor Biskupski
From: Nick Norris, Planning Director
Date: July 17, 2019
CC: Patrick Leary, Chief of Staff; Jennifer McGrath, CAN Interim Director; file
Re: Initiate Petition to define cannabis related uses and identify zoning districts within which the uses may be allowed

This memo is to request that you initiate a petition directing the Planning Division to begin the process of updating the Salt Lake City Zoning Code to regulate cannabis related land uses that are now legal under Utah Code.

Utah Code 26-61a and 4-41a regulates cannabis related facilities and requires cities to allow cannabis production facilities and cannabis pharmacies in certain zoning districts. State Code provides specific definitions of the cannabis related uses, list what zones cities have to allow the uses within, and includes specific spacing requirements from residential uses and community locations, such as schools, playgrounds and churches. State code section 4-41a-406 states “the municipality or county shall ensure that the ordinances allow for cannabis production establishments” when the municipality has an agriculture or industrial zones. Salt Lake City has four Agricultural zoning districts (AG, AG-5, AG-10 and AG-20; the differences are minimum lot size) and two industrial districts (M-1 light manufacturing and M-2 heavy manufacturing).

As part of the process, the Planning Division will follow the City adoption process for zoning text amendments, which includes citizen input and public hearings with the Planning Commission and City Council.

Please contact me at ext. 6173 or nick.norris@slcgov.com if you have any questions. Thank you.

Concurrence to initiate the zoning text amendment petition as noted above.

Jackie Biskupski, Mayor

Date

ATTACHMENT B: PROPOSED TEXT AMENDMENTS

Chapter 21A.62 – DEFINITIONS

Cannabis Production Establishment – A facility as defined in Chapter 4-41a, Utah Code, as amended.

Section 4-41a-102 of Utah State Code reads, “Cannabis Production Establishment means a cannabis cultivation facility, a cannabis processing facility, or an independent cannabis testing laboratory.”

Medicinal Cannabis Pharmacy – An establishment as defined in Chapter 26-61a, Utah Code, as amended.

Section 26-61a-102 of Utah State Code reads, “Medicinal Cannabis Pharmacy means a person that:

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

21A.33.040: TABLE OF PERMITTED AND CONDITIONAL USES FOR MANUFACTURING DISTRICTS:

Legend: C = Conditional P = Permitted

Use	Permitted And Conditional Uses By District	
	M-1	M-2
Accessory use, except those that are otherwise specifically regulated elsewhere in this title	P	P
Adaptive reuse of a landmark site	C	C ⁷
Agricultural use	P	P
Alcohol:		
Bar establishment	C ^{6,10}	C ^{6,10}
Brewpub	P ^{6,10}	P ^{6,10}
Distillery	P	P
Tavern	C ^{6,10}	C ^{6,10}
Winery	P	P
Ambulance services (indoor and/or outdoor)	P	P
Animal:		
Cremation service	P	P
Kennel	P ¹³	P
Pet cemetery	P ²	P ²
Pound	P ^{12,13}	P ¹²
Raising of furbearing animals	C	P
Stockyard	C ¹²	P ¹²
Veterinary office	P	P
Antenna, communication tower	P	P
Antenna, communication tower, exceeding the maximum building height	C	C
Artisan food production	P	P
Bakery, commercial	P	P

Use	Permitted And Conditional Uses By District	
	M-1	M-2
Accessory use, except those that are otherwise specifically regulated elsewhere in this title	P	P
Blacksmith shop	P	P
Bottling plant	P	P
Brewery	P	P
Building materials distribution	P	P
Bus line station/terminal	P	P
Bus line yard and repair facility	P ¹²	P
<u>Cannabis production establishment</u>	<u>P</u>	<u>P</u>
Check cashing/payday loan business	P ⁹	
Chemical manufacturing and/or storage		C
Commercial food preparation	P	P
Community correctional facility, large	C ^{8,16}	
Community correctional facility, small	C ^{8,16}	
Community garden	P	
Concrete and/or asphalt manufacturing	C ^{12,13}	P ¹²
Contractor's yard/office	P	P
Crematorium	P	P
Daycare center, adult	P	
Daycare center, child	P	
Drop forge industry		P
Dwelling, living quarters for caretaker or security guard, limited to uses on lots 1 acre in size or larger and is accessory to a principal use allowed by the zoning district	P	P
Equipment, heavy (rental, sales, service)	P	P
Equipment rental (indoor and/or outdoor)	P	P
Explosive manufacturing and storage		C ¹²

21A.36.310: MEDICINAL CANNABIS PHARMACY ESTABLISHMENT:

A. Purpose Statement: The purpose of this section is to permit the establishment of medicinal cannabis pharmacy(ies) as defined in [chapter 21A.62](#) of this title, subject to licensing procedures required by the State of Utah.

B. License Required: No medicinal cannabis pharmacy shall be established, operated, or maintained within the City without a valid license issued by the Utah Department of Health, and without a valid business license issued by the City.

C. Medicinal Cannabis Pharmacy; Authorized As Permitted Uses: A medicinal cannabis pharmacy shall be permitted pursuant to Title 26-61a, Utah Code, as amended, in all City zoning districts, except zoning districts that are primarily residential. Residential zones that are primarily residential in Salt Lake City are all zoning districts in Chapter 21A.24 – Residential Districts, as well as the FB-UN1 – Form Based Urban Neighborhood, FP – Foothill Protection, and the MH – Mobile Home Park zoning districts.

As required by Title 26-61a, a medicinal cannabis pharmacy shall be located at least:

- i. Six hundred feet (600') from a community location (public or private school, licensed child care facility or preschool, church, public library, public playground or public park) property boundary following the shortest route of ordinary pedestrian travel;
- ii. Two hundred feet (200') from the patron entrance to the community location (public or private school, church, public library, public playground or public park) property boundary; and
- iii. Six hundred feet (600') from an area zoned primarily residential.

D. Signs: Signs shall be subject to the dimensional requirements per sections 26-61a.505 and 4-41a.403, Utah Code, as amended.

E. Regulation Precedence: If any regulation, in Title 21A – Zoning, regarding medicinal cannabis is in conflict with Utah Code, State code takes precedence.

ATTACHMENT C: ANALYSIS OF STANDARDS

21A.50.050: STANDARDS FOR GENERAL AMENDMENTS:

A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the city council and is not controlled by any one standard.

A. In making its decision concerning a proposed text amendment, the city council should consider the following factors:

Standard	Finding	Rationale
Whether a proposed text amendment is consistent with the purposes, goals, objectives, and policies of the city as stated through its various adopted planning documents	Complies	The proposed text revisions are for the purpose of maintaining, updating, and clarifying the Zoning Ordinance for consistency with State Code.
Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance	Complies	The proposed text amendments will not have an effect on the overall purpose of the zoning ordinance or specific purpose statements of the zoning ordinance.
Whether a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards	Complies	The proposed text amendments will work in concert with any applicable overlay zoning districts which may impose additional standards.
The extent to which a proposed text amendment implements best current, professional practices of urban planning and design	Complies	The code changes are proposed as a result of changes to State law. It is necessary for Salt Lake City to make code revisions that lead to a greater ease of use and understanding of the zoning ordinance itself.

ATTACHMENT D: PUBLIC PROCESS AND COMMENTS

Public Notice, Meetings and Comments

The following is summary of the public notice that has occurred, as well a list of meetings that have been held, and other public input opportunities, related to the proposed project.

Notice of the public hearing for the proposal include:

- Newspaper notification on October 12, 2019
- Notice mailed on October 10, 2019.
- Agenda posted on the Planning Division and Utah Public Meeting Notice websites on October 10, 2019.

Meetings

- Two Open House meetings were held on August 15 & 21, 2019. No members of the public specifically attended the open house meetings to discuss the medicinal cannabis text amendment proposal.

Public Comments:

- As of the publication of this staff report, Staff has not received any comments related to the proposed text amendments.

ATTACHMENT E: CITY COMMENTS



Work Flow History Report

451 S STATE St

PLNPCM2019-00678

Date	Task/Inspection	Status/Result	Action By	Comments
7/19/2019	Staff Assignment	Assigned	Traughber, Lex	
7/19/2019	Staff Assignment	In Progress	Traughber, Lex	
8/20/2019	Staff Assignment	In Progress	Traughber, Lex	
8/22/2019	Planning Dept Review	In Progress	Traughber, Lex	
8/22/2019	Staff Assignment	Routed	Traughber, Lex	
8/27/2019	Building Review	Complete	Collett, Steven	No additional Building Code comments
8/27/2019	Zoning Review	Complete	Hardman, Alan	Drafts look good. No zoning comments.
9/6/2019	Engineering Review	Complete	Weiler, Scott	Engineering replied "No comment".
9/12/2019	Fire Code Review	Complete	Bateman, Douglas	No fire code comments at this time
9/25/2019	Community Open House	Complete	Traughber, Lex	Held two open houses, Aug 15 & 21.
9/25/2019	Planning Dept Review	Complete	Traughber, Lex	
9/25/2019	Police Review	Complete	Traughber, Lex	Received no comments from the Police Department.
9/25/2019	Public Utility Review	Complete	Traughber, Lex	Received no comments from Public Utilities.
9/25/2019	Staff Review and Report	In Progress	Traughber, Lex	
9/25/2019	Transportation Review	Complete	Traughber, Lex	Received no comments from Transportation.