



COUNCIL STAFF REPORT

CITY COUNCIL of SALT LAKE CITY

TO: City Council Members

FROM: Nick Tarbet, Policy Analyst

DATE: February 4, 2020

**RE: Text Amendment Medical Cannabis
PLNPCM2019-00678**

PROJECT TIMELINE:

Briefing: February 4, 2020
Set Date: February 4, 2020
Public Hearing: March 3, 2020
Potential Action: March 24, 2020

ISSUE AT-A-GLANCE

The Council will be briefed about an ordinance that would amend various sections of *Salt Lake City Code* pertaining to cannabis-related land uses. 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. Municipalities must adopt regulations to incorporate the new State laws concerning medicinal cannabis into local zoning ordinances by January 2021.

The text amendment would make the following changes:

- Create a definition for "Cannabis Production Establishment" and "Medicinal Cannabis Pharmacy"
- Cannabis Production Establishments would be allowed as a permitted use in all Agricultural, Manufacturing and Business Park zoning districts
- Medicinal Cannabis Pharmacies would be allowed in all zoning districts except for those that are primarily residential
 - They would also be subject to distance requirements from community locations or residential areas

Two open houses were held and no comments from the public were received. Additionally, no one from the public spoke at the Planning Commission public hearing.

The Planning Commission forwarded a positive recommendation to the Council.

ADDITIONAL INFORMATION

Ordinance Clean Up

Page 2 of the Transmittal letter notes that following the Planning Commission hearing, Planning Staff identified a discrepancy in the spacing requirements for medicinal cannabis pharmacies as presented to the Planning Commission. Planning Staff has therefore updated the spacing requirements, following State statute, for this type of land use in the proposed ordinance prepared for City Council consideration.

Summary of Ordinance

1. Create a definition for "Cannabis Production Establishment" and "Medicinal Cannabis Pharmacy."
2. Cannabis Production Establishments would be allowed as a permitted use in all Agricultural, Manufacturing and Business Park zoning districts.
3. A Cannabis Pharmacy must have a valid license issued by the Utah Department of Health and a business license issue by the City.
4. A Cannabis Pharmacy is authorized as a permitted use in all zoning districts except those that are primarily residential.
 - a. Zones that are primarily residential in Salt Lake City are all zoning districts established in Chapter 21A.24, Residential Districts, (Foothills, R-1s, SRs, R-2 RMFs, R-MUs, RB and RO) as well as the FB-UN1 Form Based Urban Neighborhood District, FP Foothills Protection District, and the MH Mobile Home Park District.
5. Distance Requirements:
 - a. Two hundred feet (200') from a community location (public or private school, licensed childcare facility or preschool, church, public library, public playground or public park); or
 - b. Six hundred feet (600') from an area zoned primarily residential.
6. Signs are subject to the requirements outlined in Sections 26-61a-505 and 4-41a-403, Utah Code, as amended.
7. If any regulation in Title 21A – Zoning, regarding medicinal cannabis is in conflict with Utah Code, the provisions of Utah Code shall prevail.


JACQUELINE M. BISKUPSKI
Mayor



DEPARTMENT of COMMUNITY
and NEIGHBORHOODS

Marcia L. White
Director

CITY COUNCIL TRANSMITTAL

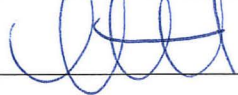

Patrick Leary, Chief of Staff

Date Received: 12/12/2019
Date sent to Council: 12/20/2019

TO: Salt Lake City Council
Charlie Luke, Chair

DATE: 12/12/19

FROM: Marcia L. White, Director Department of Community & Neighborhoods



SUBJECT: Petition PLNPCM2019-00678 – Medicinal Cannabis Text Amendments

STAFF CONTACT: Lex Traugher, Senior Planner
(801)535-6184 or lex.traugher@slcgov.com

DOCUMENT TYPE: Ordinance

RECOMMENDATION: That the City Council amend the zoning ordinance as recommended by the Planning Commission.

BUDGET IMPACT: None

BACKGROUND/DISCUSSION: 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 amendments is to comply with State law and address cannabis related land uses in the Salt Lake City Zoning Ordinance. The proposed changes to the Salt Lake City Zoning Ordinance are consistent with and 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. 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. State law says that municipalities may not adopt regulations that are more restrictive than State regulations.

The proposed ordinance concerning medicinal cannabis regulations related to land use in the City is summarized as follows:

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.

The Planning Commission held a public hearing on the matter on October 23, 2019, and voted unanimously to forward a positive recommendation on to the City Council for consideration (meeting minutes are attached in Exhibit 3(c)). Following the Planning Commission hearing, Planning Staff identified a discrepancy in the spacing requirements for medicinal cannabis pharmacies as presented to the Planning Commission. Planning Staff has therefore updated the spacing requirements, following State statute, for this type of land use in the proposed ordinance prepared for City Council consideration.

PUBLIC PROCESS:

- **Open Houses** – An open house was held on August 15, 2019 at the City & County Building. No members of the public attended the open house. A second open house was held at the Day-Riverside library on August 21, 2019. No members of the public attended the second open house.
- **Planning Commission Meeting** – On October 23, 2019, the Planning Commission held a public hearing regarding the proposed text amendments. No one from the public spoke at the public hearing. The Planning Commission voted unanimously to forward a positive recommendation regarding the proposal on to the City Council for decision. The staff report and minutes of the October 23, 2019 Planning Commission meeting are found in Exhibit 3b & 3c respectively.

EXHIBITS:

1. **PROJECT CHRONOLOGY**
2. **NOTICE OF CITY COUNCIL HEARING**
3. **PLANNING COMMISSION**
 - a) **NEWSPAPER NOTICE – October 12, 2019**

b) STAFF REPORT – October 23, 2019

c) AGENDA & MINUTES – October 23, 2019

4. ORIGINAL PETITION

SALT LAKE CITY ORDINANCE
No. _____ of 2020
(Amending various sections of Title 21A of the *Salt Lake City Code*
pertaining to cannabis-related land uses)

An ordinance amending various sections of Title 21A of the *Salt Lake City Code* pertaining to cannabis-related land uses, pursuant to Petition No. PLNPCM2019-00678.

WHEREAS, the Salt Lake City Planning Commission held a public hearing on October 23, 2019 to consider a request made by Salt Lake City Mayor Jacqueline Biskupski (Petition No. PLNPCM2019-00678) to adopt a new Section 21A.36.310 (Zoning: General Provisions: Medicinal Cannabis Pharmacy), and to amend Sections 21A.33.040 (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Manufacturing Districts), 21A.33.070 (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Special Purpose Districts), and 21A.62.040 (Zoning: Definitions: Definitions of Terms) of the *Salt Lake City Code* pertaining to cannabis-related land uses; and

WHEREAS, at its October 23, 2019 hearing, the planning commission voted in favor of forwarding a positive recommendation on said petition to the Salt Lake City Council; and

WHEREAS, the city council finds after holding a public hearing on this matter, that adopting this ordinance is in the city's best interests.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Amending the text of *Salt Lake City Code* Chapter 21A.36. That Chapter 21A.36 of the *Salt Lake City Code* (Zoning: General Provisions) shall be, and hereby is amended to adopt a new Section 21A.36.310, which shall read as follows:

21A.36.310: MEDICINAL CANNABIS PHARMACY:

- A. Purpose Statement: The purpose of this section is to permit the establishment of medicinal cannabis pharmacy use 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 Use: A medicinal cannabis pharmacy shall be permitted pursuant to Chapter 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 established in Chapter 21A.24, Residential Districts, as well as the FB-UN1 Form Based Urban Neighborhood District, FP Foothills Protection District, and the MH Mobile Home Park District.
 - 1. As required by Utah Code Chapter 26-61a, a medicinal cannabis pharmacy shall be located at least:
 - a. Two hundred feet (200') from a community location (public or private school, licensed child care facility or preschool, church, public library, public playground or public park); or
 - b. Six hundred feet (600') from an area zoned primarily residential.
 - 2. The proximity requirements described in Subsection C.1 shall be measured as required in Chapter 26-61a, Utah Code, as amended.
- D. Signs: Signs shall be subject to the dimensional requirements per Sections 26-61a-505 and 4-41a-403, Utah Code, as amended.
- E. Conflict of Laws: If any regulation in Title 21A – Zoning, regarding medicinal cannabis is in conflict with Utah Code, the provisions of Utah Code shall prevail.

SECTION 2. Amending the text of Salt Lake City Code Section 21A.33.040. That Section 21A.33.040 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Manufacturing Districts) shall be, and hereby is amended to read as follows:

**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
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
Cannabis production establishment	P	P
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
Financial institution with or without drive-through facility	P ¹¹	
Flammable liquids or gases, heating fuel distribution and storage		P ¹²
Food processing	P	P
Gas station	P	P
Golf course	P	
Government facility	P	P
Government facility requiring special design features for security purposes	P	P
Grain elevator	C ¹²	P
Greenhouse	P	
Heavy manufacturing		P ¹²
Home occupation	P ¹⁵	P ¹⁵
Hotel/motel	P	
Impound lot	P ¹²	P ¹²
Incinerator, medical waste/hazardous waste		C ¹²
Industrial assembly	P	P
Laboratory (medical, dental, optical)	P	
Laboratory, testing	P	P
Large wind energy system	P ^{13,14}	P
Laundry, commercial	P	P
Light manufacturing	P	P
Limousine service	P	P
Mobile food business (operation in the public right-of-way)	P	P

Mobile food business (operation on private property)		P	P
Mobile food court		P	P
Municipal services uses including City utility uses and police and fire stations		P	
Office		P	
Office, publishing company		P	
Open space		P	P
Package delivery facility		P	P
Paint manufacturing			P
Park		P	P
Parking:			
	Commercial	P	
	Off site	P	P
	Park and ride lot	P	P
	Park and ride lot shared with existing use	P	P
Photo finishing lab		P	P
Poultry farm or processing plant			P ¹²
Printing plant		P	
Radio, television station		P	
Railroad, freight terminal facility		C ⁴	C ⁴
Railroad, repair shop		C	P
Recreation (indoor)		P	
Recreation (outdoor)		P	
Recycling:			
	Collection station	P	P
	Processing center (indoor)	P	P

	Processing center (outdoor)	C ^{12,13,14}	P ¹²
Refinery, petroleum products			C ¹²
Restaurant with or without drive-through facilities		P ¹¹	
Retail goods establishment with or without drive-through facility		P ¹¹	
Retail service establishment:			
	Electronic repair shop	P	
	Furniture repair shop	P	P
	Upholstery shop	P	
Rock, sand and gravel storage and distribution		C	P
School:			
	Professional and vocational (with outdoor activities)	P	
	Professional and vocational (without outdoor activities)	P	
	Seminary and religious institute	P	
Seasonal farm stand		P	P
Sexually oriented business		P ⁵	P ⁵
Sign painting/fabrication		P	P
Slaughterhouse			P ¹²
Small brewery		P	P
Solar array		P ¹⁷	P
Storage and display (outdoor)		P	P
Storage, public (outdoor)		P	P
Storage, self		P	P
Store, convenience		P	P
Studio, motion picture		P	

Taxicab facility		P	P
Tire distribution retail/wholesale		P	P
Truck freight terminal		P ¹²	P ¹²
Urban farm		P	P
Utility:			
	Building or structure	P	P
	Electric generation facility	C ^{3,12}	C ^{3,12}
	Sewage treatment plant	C	P
	Solid waste transfer station	C ¹²	P ¹²
	Transmission wire, line, pipe or pole	P ¹	P ¹
Vehicle:			
	Auction	P	P
	Automobile and truck repair	P	P
	Automobile and truck sales and rental (including large truck)	P	P
	Automobile part sales	P	P
	Automobile salvage and recycling (indoor)	P	P
	Automobile salvage and recycling (outdoor)	C ^{12,13,14}	P ¹²
	Recreational vehicle (RV) sales and service	P	P
	Truck repair (large)	P	P
Vending cart, private property		P	P
Warehouse		P	P
Welding shop		P	P
Wholesale distribution		P	P
Wireless telecommunications facility (see Section 21A.40.090, Table 21A.40.090.E of this title)			

Woodworking mill	P	P
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Qualifying provisions:

1. See Subsection 21A.02.050.B of this title for utility regulations.
2. Subject to Salt Lake Valley Health Department approval.
3. Electric generating facilities shall be located within 2,640 feet of an existing 138 kV or larger electric power transmission line.
4. No railroad freight terminal facility shall be located within 1 mile of a Residential Zoning District.
5. Pursuant to the requirements set forth in Section 21A.36.140 of this title.
6. If a place of worship is proposed to be located within 600 feet of a tavern, bar establishment, or brewpub, the place of worship must submit a written waiver of spacing requirement as a condition of approval.
7. Building additions on lots less than 20,000 square feet for office uses may not exceed 50 percent of the building's footprint. Building additions greater than 50 percent of the building's footprint or new office building construction are subject to a design review.
8. A community correctional facility is considered an institutional use and any such facility located within an Airport Noise Overlay Zone is subject to the land use and sound attenuation standards for institutional uses of the applicable Airport Overlay Zone within Chapter 21A.34 of this title.
9. No check cashing/payday loan business shall be located closer than 1/2 mile of other check cashing/payday loan businesses.
10. Subject to conformance with the provisions in Section 21A.36.300, "Alcohol Related Establishments", of this title.
11. Subject to conformance to the provisions in Section 21A.40.060 of this title for drive-through use regulations.
12. Prohibited within 1,000 feet of a Single- or Two-Family Zoning District.
13. Prohibited within the Eco-Industrial Buffer Area of the Northwest Quadrant Overlay District.
14. Prohibited within the Development Area of the Northwest Quadrant Overlay District.
15. Allowed only within legal conforming single-family, duplex, and multi-family dwellings and subject to Section 21A.36.030 of this title.
16. Prohibited within 1/2 mile of any Residential Zoning District boundary and subject to Section 21A.36.110 of this title.
17. Prior to issuance of a building permit in the Development Area and the Eco-Industrial Buffer Area of the Northwest Quadrant Overlay, consultation with the Utah Division of Wildlife Resources is required to obtain recommendations on siting and equipment types for all solar arrays on a particular property to mitigate impacts to wildlife.

SECTION 3. Amending the text of Salt Lake City Code Section 21A.33.070. That

Section 21A.33.070 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Special Purpose Districts) shall be, and hereby is amended to read as follows:

21A.33.070: TABLE OF PERMITTED AND CONDITIONAL USES FOR SPECIAL PURPOSE DISTRICTS:

Legend:	C =	Conditional	P =	Permitted
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[illegible]

Use		Permitted And Conditional Uses By District																
		RP	BP	FP	AG	AG-2	AG-5	AG-20	OS	NOS	A	PL	PL-2	I	UI	MH	EI	MU
	Kennel on lots of 5 acres or larger		C		P ⁸	P ⁸	P ⁸	P ⁸										
	Pet cemetery				P ⁴	P ⁴	P ⁴	P ⁴	P ^{4,5}									
	Stable (private)				P	P	P	P										
	Stable (public)				P	P	P	P										
	Veterinary office		P															P
Antenna, communication tower		P	P	C	P	P	P	P	P ²⁷		P	P	C	P	P		P	
Antenna, communication tower exceeding the maximum building height in the zone		C	C						P ²⁷		P		P ¹¹	C	C		C	
Art gallery									P			P	P	P	P			P
Artisan food production			P															P ²⁴
Bed and breakfast														P ²	P			P
Bed and breakfast inn														P ²	P			P
Bed and breakfast manor														P ²	P			P
Botanical garden		P							P			P	P					
Cannabis production establishment			P		P	P	P	P										
Cemetery									P									
Clinic (medical, dental)		P	P											P	P			P
Commercial food preparation			P															P
Community garden		P	P	P	P	P	P	P	P			P	P	P	P	P		P
Convent/monastery														P	P			
Daycare center, adult		P	P						P			P	P	P	P			P
Daycare center, child		P	P						P		P	P	P	P	P			P

[illegible]

Use		Permitted And Conditional Uses By District																
		RP	BP	FP	AG	AG-2	AG-5	AG-20	OS	NOS	A	PL	PL-2	I	UI	MH	EI	MU
	Single-family (detached)			P		P	P											P
	Twin home and two-family																	P
Eleemosynary facilities												P	P	P ^{16, 21}	P			P
Exhibition hall												C	P	C	P			
Extractive industry																	P	
Fairground												C						
Farm stand, seasonal		P	P		P	P	P	P	P			P	P	P	P	P		P
Financial institution		P	P															P
Financial institution with drive-through facility		P ¹⁴	P ¹⁴															
Gas station			P ⁷															
Golf course									P		P	P						
Government facility		C	C		P	P	P	P	P ²⁶		P	C	C	C ¹³	C		P	C
Government facility requiring special design features for security purposes									C									C
Government office		P	P								P	P	P	P	P			P
Heliport		C	C								P		P	C	C			
Home occupation		P ²³	P ²³	P ²³	P ²³	P ²³	P ²³	P ²³	P ²³	P ²³	P ²³	P ²³	P ²³	P ²³	P ²³	P ²³	P ²³	P ²³
Hospital, including accessory lodging facility		C												P	P			
Hotel/motel		C	C								P							P
Hunting club, duck					P													
Industrial assembly			P								P							
Jail												C						
Jewelry fabrication			P															
Large wind energy system		C	C		C	C	C	C			C			P	P			
Library												P	P	P	P			P

Use	Permitted And Conditional Uses By District																
	RP	BP	FP	AG	AG-2	AG-5	AG-20	OS	NOS	A	PL	PL-2	I	UI	MH	EI	MU
Light manufacturing		C								P							
Manufacturing, concrete or asphalt																P ¹⁵	
Meeting hall of membership organization		P										P	P	P			P
Mixed use development																	P
Mobile food business (operation on private property)	P	P												P	P		P
Municipal service uses, including City utility uses and police and fire stations	C	C		P	P	P	P			P	C	C	C ¹⁴	C		P	C
Museum	C							P			P	P	P	P			P
Nursing care facility													P	P			P
Office	P	P								P	P	P	P	P			P
Open space	P	P	P	P	P	P	P	P	P ⁹	P	P	P	P	P	P	P	P
Park	P	P		P	P	P	P	P		P	P	P	P	P	P		P
Parking:																	
Commercial		C															
Off site										P	P	P	P	P			C
Off site (to support uses in an OS or NOS Zoning District)								P									
Park and ride lot										P	C						
Park and ride lot shared with existing use	P	P								P	P		P	P		P	P
Performing arts production facility		P															P
Philanthropic use												P	P	P			P
Place of worship	P	P											P	P			P

Use	Permitted And Conditional Uses By District																
	RP	BP	FP	AG	AG-2	AG-5	AG-20	OS	NOS	A	PL	PL-2	I	UI	MH	EI	MU
Radio, television station		P ⁶										P					
Reception center								C ²⁸			C	P	P	P			P
Recreation (indoor)		C						P			P	P	P	P			P
Recreation (outdoor)								P			P	P		P			
Research and development facility	P	P									P	P					C
Research facility (medical)	P												P	P			P
Restaurant		P ⁷															P
Restaurant with drive-through facility		P ^{7,14}															P ³
Retail goods establishment		P ⁷										P					P
Retail, sales and service accessory use when located within a principal building								P ²⁶				P					
Retail, sales and service accessory use when located within a principal building and operated primarily for the convenience of employees	P	P						P		P	P	P	P	P			P
Retail service establishment																	P
School:																	
College or university												P	P	P			
K - 12 private											P	P	P	P			
K - 12 public											P	P	P	P			
Music conservatory													P	P			P
Professional and vocational	P	P								P			P	P			

[illegible]

Use	Permitted And Conditional Uses By District																
	RP	BP	FP	AG	AG-2	AG-5	AG-20	OS	NOS	A	PL	PL-2	I	UI	MH	EI	MU
Section 21A.40.090, Table 21A.40.090.E of this title)																	
Zoological park								P									

Qualifying provisions:

1. Subject to conformance to the provisions in Subsection 21A.02.050.B of this title.
2. When located in a building listed on the Salt Lake City Register of Cultural Resources.
3. When located on an arterial street.
4. Subject to Salt Lake Valley Health Department approval.
5. In conjunction with, and within the boundaries of, a cemetery for human remains.
6. Radio station equipment and antennas shall be required to go through the site plan review process to ensure that the color, design and location of all proposed equipment and antennas are screened or integrated into the architecture of the project and are compatible with surrounding uses.
7. When approved as part of a business park planned development pursuant to the provisions of Chapter 21A.55 of this title.
8. Kennels, whether within penned enclosures or within enclosed buildings, shall not be permitted within 200 feet of an existing single-family dwelling on an adjacent lot.
9. Trails and trailheads with signage are subject to Section 21A.46.120, "Sign Regulations for Special Purpose Districts", of this title.
10. Greater than 3 ambulances at location require a conditional use.
11. Maximum of 1 monopole per property and only when it is government owned and operated for public safety purposes.
12. Subject to conformance with the provisions in Section 21A.36.300, "Alcohol Related Establishments", of this title.
13. If located on a collector or arterial street according to the Salt Lake City Transportation Master Plan - major street plan: roadway functional classification map.
14. Subject to conformance to the provisions in Section 21A.40.060 of this title for drive-through use regulations.
15. Prohibited within 1,000 feet of a Single- or Two-Family Zoning District.
16. Occupancy shall be limited to 25 persons.
17. No large group home shall be located within 800 feet of another group home.
18. No small group home shall be located within 800 feet of another group home.
19. No large residential support shall be located within 800 feet of another residential support.
20. No small residential support shall be located within 800 feet of another residential support.
21. No eleemosynary facility shall be located within 800 feet of another eleemosynary, group home or residential support.
22. Allowed only within legal conforming single-family, duplex, and multi-family dwellings and subject to Section 21A.36.130 of this title.
23. Allowed only within legal conforming single-family, duplex, and multi-family dwellings and subject to Section 21A.36.030 of this title.
24. Must contain retail component for on-site food sales.
25. Prior to issuance of a building permit in the Development Area and the Eco-Industrial Buffer Area of the Northwest Quadrant Overlay, consultation with the Utah Division of Wildlife Resources is required to obtain recommendations on siting and equipment types for all solar arrays on a particular property to mitigate impacts to wildlife.

26. When customarily provided with the principal use and is accessory to the principal use.
27. New antennae and communication towers are allowed outside the telecommunication corridor in the OS Open Space District for public safety, public security or Salt Lake City Public Utilities Department purposes only.
28. Reception centers may be allowed in parks of 100 acres or more where the reception center is a subordinate use to the principal use of the property as a park. Reception centers are allowed in existing buildings, are limited to 1 reception center per park, and hours of operation are limited to park hours. Removal of existing recreation areas to accommodate the stand alone reception center use, including areas to accommodate parking for the reception center use, is not permitted.

SECTION 4. Amending the text of *Salt Lake City Code* Section 21A.62.040. That Section 21A.62.040 of the *Salt Lake City Code* (Zoning: Definitions: Definitions of Terms) shall be, and hereby is amended to add definitions for the terms CANNABIS PRODUCTION ESTABLISHMENT, and MEDICINAL CANNABIS PHARMACY, which definitions shall be inserted into Section 21A.62.040 in alphabetical order and which definitions shall read as follows:

CANNABIS PRODUCTION ESTABLISHMENT: A facility as defined in Chapter 4-41a, Utah Code, as amended.

MEDICINAL CANNABIS PHARMACY: An establishment as defined in Chapter 26-61a, Utah Code, as amended.

The codifier is instructed to only insert the above definitions and make no other revisions to Section 21A.62.040 as part of this ordinance.

SECTION 5. Effective Date. This Ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this _____ day of _____, 2020.

CHAIRPERSON

ATTEST:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER

(SEAL)

Bill No. _____ of 2020.

Published: _____.

Ordinance adopting medicinal cannabis provisions (final)

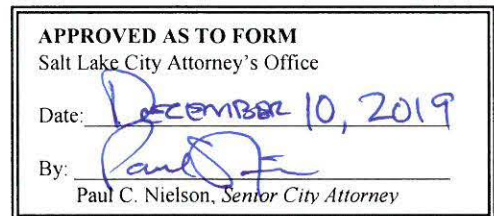


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 - c) AGENDA & MINUTES – October 23, 2019**
- 4. ORIGINAL PETITION**

1. PROJECT CHRONOLOGY

PROJECT CHRONOLOGY
MEDICINAL CANNABIS TEXT AMENDMENTS
PLNPCM2019-00678

July 18, 2019	Petition initiated by Mayor Jackie Biskupski
July 18, 2019	Petitions assigned to and received by Lex Traugher.
August 15, 2019	Held Open House at City & County Building. No members of the public attended
August 21, 2019	Held Open House at the Day-Riverside library. No members of the public attended
October 10, 2019	Listserve notification of Planning Commission agenda emailed. Agenda posted on the Planning Division and State websites
October 12, 2019	Newspaper notice appears in the newspaper.
October 23, 2019	Planning Commission Public Hearing. The Planning Commission voted to forward a positive recommendation regarding the proposed text amendments on to the City Council for a decision.
October 24, 2019	Requested that the City Attorney's Office draft an ordinance reflecting the Planning Commission's recommendation regarding the master text amendments.
December 10, 2019	Received ordinance from the City Attorney's Office.
December 11, 2019	Transmittal submitted to CAN.

2. NOTICE OF COUNCIL HEARING

NOTICE OF PUBLIC HEARING

The Salt Lake City Council is considering Petition **PLNPCM2019-00678 – Medicinal Cannabis Text Amendments** – 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.

As part of their study, the City Council is holding an advertised public hearing to receive comments regarding the petition. During this hearing, anyone desiring to address the City Council concerning this issue will be given an opportunity to speak. The hearing will be held:

DATE:

TIME: 7:00 p.m.

PLACE: Room 315
City & County Building
451 South State Street
Salt Lake City, Utah

If you have any questions relating to this proposal or would like to review the file, please call Lex Traugher at (801) 535-6184 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday or via e-mail at lex.traugher@slcgov.com

The City & County Building is an accessible facility. People with disabilities may make requests for reasonable accommodation, which may include alternate formats, interpreters, and other auxiliary aids and services. Please make requests at least two business days in advance. To make a request, please contact the City Council Office at council.comments@slcgov.com, 801-535-7600, or relay service 711.

3. PLANNING COMMISSION

A. Newspaper Notice

October 12, 2019

4770 S. 5600 W.
WEST VALLEY CITY, UTAH 84118
FED.TAX I.D.# 87-0217663
801-204-6910

Deseret News



Notice of Public Hearing

On Wednesday, October 23, 2019, the Salt Lake City Planning Commission will hold a public hearing to consider making recommendations to the City Council regarding the following petitions:

1. **Text Amendment for Increased Height Limits in part of the G-MU Zone** - A zoning text amendment petition from Doug Thimm, on behalf of STACK Real Estate, to increase the maximum height of buildings within a portion of the G-MU zoning district. The G-MU zone currently allows for building heights of 75 feet but heights of up to 120 feet can be approved through the Design Review process. The applicant proposes to increase maximum heights up to 120 feet for buildings located on street corners and 100 feet for midblock sections in the area located between 500 West and the railroad tracks (approximately 625 West) and approximately 250 South and 350 South. The purpose of the request is to accommodate a large-scale development within the subject area. (Staff Contact: Christopher Lee at (801) 535-7706 or christopher.lee@slcgov.com) Case number PLNPCM2019-00639

2. **Medicinal Cannabis Text Amendment** - A text amendment to amend section(s) of Title 21A (Zoning) of the Salt Lake City Code to establish regulations, in accordance with recently adopted State law, concerning the cultivation, production, and distribution of medicinal cannabis. Related provisions of Title 21A may also be amended as part of this petition as necessary. The changes would apply citywide. (Staff contact: Lex Traugher at (801) 535-6184 or lex.traugher@slcgov.com) Case number PLNHLC2019-00678

3. **Business Park-I Overlay Zoning Map and Text Amendment** - Bryon Prince, representing Ivory Development, is requesting to rezone property located at approximately 2691 N 2200 West. The property is currently zoned Business Park (BP). The applicant is proposing to add a new overlay zone to the property, which would add additional development regulations to the property. The overlay regulations are proposed to add additional allowed uses, allow required open space to be distributed across the property, require additional buffering, increase the building height limit, limit vehicle access from 2200 West, and add environmental protections related to potential bird and water quality impacts. The purpose of the requested rezoning and text amendment is to accommodate a future "Research Park" development involving businesses and industries related or similar to those in the existing "Research Park" located next to the University of Utah. The proposal includes two petitions:

a. **PLNPCM2019-00677** - Text amendment to adopt the proposed "Business Park-I" overlay zone ordinance as a new overlay zone in the City Zoning Code (Title 21A).

b. **PLNPCM2018-00856** - Map amendment to map the proposed "Business Park-I" overlay zone over the property on the official City zoning map.

Related provisions of Title 21A-Zoning may also be amended within Council District 1, represented by James Rogers. (Staff Contact: Daniel Echeverria at (801) 535-7165 or daniel.echeverria@slcgov.com)

The public hearing will begin at 5:30 p.m. in room 326 of the City County Building, 451 South State Street, Salt Lake City, UT.

The City & County Building is an accessible facility. People with disabilities may make requests for reasonable accommodation, which may include alternate formats, interpreters, and other auxiliary aids and services. Please make requests at least two business days in advance. To make a request, please contact the Planning Office at 801-535-7757, or relay service 711. 1270072 UPAXLP

PROOF OF PUBLICATION CUSTOMER'S COPY

CUSTOMER NAME AND ADDRESS

PLANNING DIVISION,
ACCOUNTS PAYABLE,
PO BOX 145480

SALT LAKE CITY UT 84114

ACCOUNT NAME

PLANNING DIVISION,

TELEPHONE

8015357759

PUBLICATION SCHEDULE

START 10/12/2019 END 10/12/2019

CUSTOMER REFERENCE NUMBER

Planning Commission 10/23/19

CAPTION

Notice of Public Hearing On Wednesday, October 23, 2019, the Salt Lake City Planning C

SIZE

83 LINES

2 COLUMN(S)

TIMES

2

TOTAL COST

212.50

AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY COMPANY, LLC dba UTAH MEDIA GROUP LEGAL BOOKER, I C
ADVERTISEMENT OF **Notice of Public Hearing On Wednesday, October 23, 2019, the Salt Lake City Planning Commission will hold a public hearing to consider making recommendations t** FOR **PLANNING DIVISION**, WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba UTAH MEDIA GROUP, AGENT FOR DESERET NEWS AND THE SALT LAKE TRIBUNE, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINITELY. COMPLIES WITH UTAH DIGITAL SIGNATURE ACT UTAH CODE 46-2-101; 46-3-104.

PUBLISHED ON Start 10/12/2019 End 10/12/2019

DATE 10/14/2019

SIGNATURE

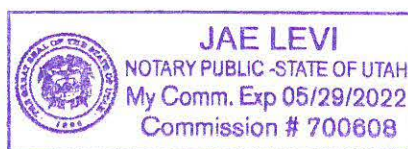
[Signature]

STATE OF UTAH)

COUNTY OF SALT LAKE)

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS 14TH DAY OF OCTOBER IN THE YEAR 2019

BY LORAIN GUDMUNDSON.



[Signature]
NOTARY PUBLIC SIGNATURE

3. PLANNING COMMISSION

B. Staff Report

October 23, 2019



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.

A handwritten signature in blue ink that reads "Jackie Biskupski".

Jackie Biskupski, Mayor

A handwritten date in blue ink that reads "July 18, 2019".

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.

3. PLANNING COMMISSION

C. Agenda & Minutes

October 23, 2019

SALT LAKE CITY PLANNING COMMISSION MEETING AGENDA

In Room 326 of the City & County Building

October 23, 2019, at 5:30 p.m.

(The order of the items may change at the Commission's discretion)

FIELD TRIP - The field trip is scheduled to leave at 4:00 p.m.

DINNER - Dinner will be served to the Planning Commissioners and Staff at 5:00 p.m. in Room 126 of the City and County Building. During the dinner break, the Planning Commission may receive training on city planning related topics, including the role and function of the Planning Commission.

PLANNING COMMISSION MEETING WILL BEGIN AT 5:30 PM IN ROOM 326

APPROVAL OF MINUTES FOR OCTOBER 9, 2019

REPORT OF THE CHAIR AND VICE CHAIR

REPORT OF THE DIRECTOR

PUBLIC HEARINGS

1. **Home Replacement at approximately 828 W Duluth Avenue** - Bill Whitaker, property owner, is requesting a Conditional Use to demolish the existing single-family residential structure and build a new single-family residential structure on the property located at 828 W Duluth Avenue in a manufacturing zoning district. The subject property is in the M-2 Heavy Manufacturing zoning district and located within Council District 3, represented by Chris Wharton. (Staff contact: Chris Earl at (801) 535-7932 or christopher.earl@slcgov.com) **Case number PLNPCM2019-00552**
2. **Text Amendment for Increased Height Limits in part of the G-MU Zone** - A zoning text amendment petition from Doug Thimm, on behalf of STACK Real Estate, to increase the maximum height of buildings within a portion of the G-MU zoning district. The G-MU zone currently allows for building heights of 75 feet but heights of up to 120 feet can be approved through the Design Review process. The applicant proposes to increase maximum heights up to 190 feet for buildings located on street corners and 100 feet for midblock sections in the area located between 500 West and the railroad tracks (approximately 625 West) and approximately 250 South and 350 South. The purpose of the request is to accommodate a large-scale development within the subject area. (Staff Contact: Christopher Lee at (801) 535-7706 or christopher.lee@slcgov.com) **Case number PLNPCM2019-00639**
3. **Medicinal Cannabis Text Amendment** - A text amendment to amend section(s) of Title 21A (Zoning) of the Salt Lake City Code to establish regulations, in accordance with recently adopted State law, concerning the cultivation, production, and distribution of medicinal cannabis. Related provisions of title 21A may also be amended as part of this petition as necessary. The changes would apply citywide. (Staff contact: Lex Traughber at (801) 535-6184 or lex.traughber@slcgov.com) **Case number PLNHLC2019-00678**

4. **Business Park-I Overlay Zoning Map and Text Amendment** - Bryon Prince, representing Ivory Development, is requesting to rezone property located at approximately 2691 N 2200 West. The property is currently zoned Business Park (BP). The applicant is proposing to add a new overlay zone to the property, which would add additional development regulations to the property. The overlay regulations are proposed to add additional allowed uses, allow required open space to be distributed across the property, require additional buffering, increase the building height limit, limit vehicle access from 2200 West, and add environmental protections related to potential bird and water quality impacts. The purpose of the requested rezone and text amendment is to accommodate a future "Research Park" development involving businesses and industries related or similar to those in the existing "Research Park" located next to the University of Utah. The proposal includes two petitions:

a. **PLNPCM2019-00677** – Text amendment to adopt the proposed "Business Park-I" overlay zone ordinance as a new overlay zone in the City Zoning Code (Title 21A).

b. **PLNPCM2018-00856** – Map amendment to map the proposed "Business Park-I" overlay zone over the property on the official City zoning map.

Related provisions of Title 21A-Zoning may also be amended as part of this petition. The property is located within Council District 1, represented by James Rogers. (Staff Contact: Daniel Echeverria at (801) 535-7165 or daniel.echeverria@slcgov.com)

The files for the above items are available in the Planning Division offices, room 406 of the City and County Building. Please contact the staff planner for information, Visit the Planning Division's website at www.slcgov.com/planning for copies of the Planning Commission agendas, staff reports, and minutes. Staff Reports will be posted the Friday prior to the meeting and minutes will be posted two days after they are ratified, which usually occurs at the next regularly scheduled meeting of the Planning Commission. Planning Commission Meetings may be watched live on SLCTV Channel 17; past meetings are recorded and archived and may be viewed at www.slctv.com. The City & County Building is an accessible facility. People with disabilities may make requests for reasonable accommodation, which may include alternate formats, interpreters, and other auxiliary aids and services. Please make requests at least two business days in advance. To make a request, please contact the Planning Office at 801-535-7757, or relay service 711.

- Clarification on why applicants feel they meet the requirements
- How much of the property is currently owned by the applicant?
- Clarification as to why the applicant is not requesting an entire zone versus just partial

PUBLIC HEARING [6:18:30 PM](#)

Vice Chairperson Scheer opened the Public Hearing; seeing no one wished to speak; Vice Chairperson Scheer closed the Public Hearing.

The Commission and Staff further discussed the following:

- Whether there are mixed use requirements in the zone

MOTION [6:28:07 PM](#)

Commissioner Lyon stated, based on the findings listed in the staff report, the information presented, and input received during the public hearing, I move that the Planning Commission forward a negative recommendation to the City Council in regard to the zoning text amendment to increase height limits for a portion of the G-MU zone (petition PLNPCM2019-00639.

Commissioner Bachman seconded the motion.

Further discussion was made regarding the motion.

Commissioners Lee, Clark, Bachman, Hoskins, Barry, Mano, and Lyon voted “Aye”. The motion passed unanimously.

[6:30:50 PM](#)

Medicinal Cannabis Text Amendment - A text amendment to amend section(s) of Title 21A (Zoning) of the Salt Lake City Code to establish regulations, in accordance with recently adopted State law, concerning the cultivation, production, and distribution of medicinal cannabis. Related provisions of title 21A may also be amended as part of this petition as necessary. The changes would apply citywide. (Staff contact: Lex Traughber at (801) 535-6184 or lex.traughber@slcgov.com) **Case number PLNHLC2019-00678**

Lex Traughber, Senior Planner, reviewed the petition as outlined in the Staff Report (located in the case file). He stated Staff recommended that the Planning Commission forward a positive recommendation to the City Council regarding as proposed.

PUBLIC HEARING [6:34:55 PM](#)

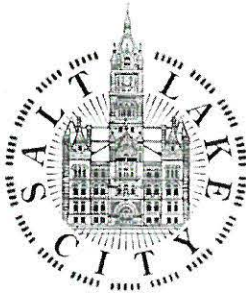
Vice Chairperson Scheer opened the Public Hearing; seeing no one wished to speak; Vice Chairperson Scheer closed the Public Hearing.

MOTION [6:35:34 PM](#)

Commissioner Barry stated, based on the analysis and findings listed in the staff report, testimony, and the proposal presented, I move that the Planning Commission forward a positive recommendation regarding the amendments on to the City Council as proposed. The Planning Commission finds that the proposed amendments comply with the review standards as demonstrated in Attachment C of the staff report.

Commissioner Lee seconded the motion. Commissioners Lyon, Mano, Barry, Hoskins, Bachman, Clark, and Lee voted “Aye”. The motion passed unanimously.

4. ORIGINAL PETITION



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.

A handwritten signature in blue ink that reads "Jackie Biskupski".

Jackie Biskupski, Mayor

A handwritten date in blue ink that reads "July 18, 2019".

Date