

Ordinance No. 2019-64

**AN ORDINANCE AMENDING LAND MANAGEMENT CODE § 15-1-11(E) TO
OUTLINE MEDICAL CANNABIS ADMINISTRATIVE PERMIT REQUIREMENTS;
ADOPTING LMC § 15-2.25 TO CREATE A MEDICAL CANNABIS PRODUCTION
ESTABLISHMENT LIGHT INDUSTRIAL/AGRICULTURAL OVERLAY ZONE; AND
AMENDING § 15-15-1 AND § 15-15-2 TO DEFINE MAIN STREET PARKS, MEDICAL
CANNABIS PHARMACY, MEDICAL CANNABIS PRODUCTION ESTABLISHMENT,
AND PRIMARILY RESIDENTIAL ZONING DISTRICT.**

WHEREAS, the State Legislature enacted Title 4, Utah Agricultural Code, Chapter 41a, Cannabis Production Establishments, and Title 26, Utah Health Code, Chapter 61a, Utah Medical Cannabis Act, to establish a medical cannabis program in Utah;

WHEREAS, the State Legislature mandates that medical cannabis production establishments, which include cultivation facilities, processing facilities, and testing labs, are a permitted use in industrial and agricultural zones of municipalities, unless a municipality designates a zone for production establishments;

WHEREAS, Park City establishes a Medical Cannabis Production Establishment Light Industrial/Agricultural Overlay Zone for the property known as the Baingo Wortley property;

WHEREAS, the State Legislature mandates that medical cannabis pharmacies are a permitted use in all zones, except for primarily residential zones;

WHEREAS, the City has outlier Zoning Districts, including the Light Industrial, Community Transition, and Historic Recreation Commercial Districts, wherein residential use is integrated with other uses of the zone, but primarily as residential clusters;

WHEREAS, it is in the best interest of the City to define a *Primarily Residential Zoning District* to clarify the location of medical cannabis pharmacies and to buffer residential clusters within the Light Industrial, Community Transition, and Historic Recreation Commercial Zones from medical cannabis pharmacies;

WHEREAS, it is in the best interest of the City to define a Main Street Park to clarify state-mandated proximity requirements that separate public parks and medical cannabis pharmacies;

WHEREAS, it is in the best interest of the City to require an Administrative Permit and Business License for medical cannabis production establishments and medical cannabis pharmacies;

WHEREAS, it is in the best interest of the City to incorporate state definitions of a *Medical Cannabis Production Establishment* and *Medical Cannabis Pharmacy* into the Land Management Code to clarify the local land use regulations and permitting process;

WHEREAS, the Planning Commission duly noticed and conducted a public hearing at the regularly scheduled meeting on December 11, 2019, and forwarded a positive recommendation for City Council's consideration;

WHEREAS, the City Council duly noticed and conducted a public hearing at the regularly scheduled meeting on December 19, 2019;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah, as follows:

SECTION 1. MEDICAL CANNABIS LAND USE REGULATION AMENDMENT TO THE LAND MANAGEMENT CODE – Land Management Code § 15-1-11; § 15-15-1; and § 15-15-2 are hereby amended as indicated in Exhibit A attached hereto and Land Management Code Chapter 15-2.25, § 15-2.25-1, and § 15-2.25-2 are hereby adopted as indicated in Exhibit A attached hereto.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this 19th day of December, 2019.

PARK CITY MUNICIPAL CORPORATION



A handwritten signature in blue ink, appearing to read "Andy Beerman", is written over a horizontal line.

Mayor Andy Beerman

Attest:

A handwritten signature in blue ink, appearing to read "Michelle Kellogg", is written over a horizontal line.

Michelle Kellogg, City Recorder

Approved as to form:

A handwritten signature in blue ink, appearing to read "Margaret Plane", is written over a horizontal line.

Margaret Plane, Special Counsel

1 **MEDICAL CANNABIS LAND MANAGEMENT CODE AMENDMENTS**

2
3 **General Description:**

4 This amendment to the Land Management Code (I) adopts LMC Chapter 15-2.25, § 15-
5 2.25-1, and § 15-2.25-2 to create a Medical Cannabis Production Establishment
6 (MCPE) Light Industrial/Agricultural Overlay Zone for the property known as the Baingo
7 Wortley property as a temporary zoning solution; (II) amends LMC § 15-15-1 and § 15-
8 15-2 to define *Primarily Residential Zoning Districts* and adopts LMC § 15-2.25-1(B) to
9 define *Main Street Parks* to clarify the potential location of medical cannabis
10 pharmacies; (III) amends LMC § 15-1-11(E) to outline the local Administrative Permit
11 requirement; and (IV) amends § 15-15-1 and § 15-15-2 to define *Medical Cannabis*
12 *Pharmacies* and *Production Establishments*.

13 **Sections Affected:**

14 Section 1. Section 15-1-11 is amended to read:

15 **15-1-11 Special Applications**

- 16 A. **MASTER PLANNED DEVELOPMENT (MPD) REVIEW PROCESS**. Applications
17 for MPDs shall be reviewed according to LMC Chapter 15-6.
- 18 B. **VARIANCES AND NON-CONFORMING USES**. The Board of Adjustment must
19 review Applications for Variances and appeals of Planning Director
20 determinations regarding Non-Conforming Uses and Non-Complying Structures
21 in accordance with the regulations set forth in LMC Chapter 15-9. Such approval
22 must be obtained from the Board of Adjustment prior to the issuance of any
23 Conditional Use permit or Master Planned Development, or other approval by the

EXHIBIT A

24 Planning Commission or Planning Department. All action on an Application shall
25 be stayed upon the determination that a Board of Adjustment approval is
26 required.

27 C. **PLAT AMENDMENTS/SUBDIVISION**. Plat Amendments and Subdivisions must
28 be reviewed pursuant to LMC Chapter 15-7. No Building Permit may be issued
29 prior to such an approval.

30 D. **ADMINISTRATIVE CONDITIONAL USE PERMITS**. The Planning Director, or
31 his or her designee, shall review and take Final Action on Administrative
32 Conditional Use permits. Review process shall be consistent with Section 15-1-
33 10(A-H), with the exception that no published notice, as described in 15-1-12,
34 shall be required.

35 E. **ADMINISTRATIVE PERMITS**. The Planning Department shall review and take
36 Final Action on Administrative Permits. Review process shall be consistent with
37 the requirements herein for those Uses requiring an Administrative Permit, such
38 as a Medical Cannabis Production Establishment or a Medical Cannabis
39 Pharmacy; temporary tents, Structures, and vendors; temporary Special Event
40 and temporary change of occupancy permits; regulated Accessory Apartments;
41 specified outdoor events and Uses; Family Child Care in specified Zoning
42 Districts; and temporary telecommunication Antennas, where these Uses are
43 designated as requiring Administrative Permits. These Uses may require
44 Administrative Conditional Use permits or Conditional Use permits in some
45 Zoning Districts pursuant to Section 15-2.

46 Section 2. Chapter 15-2.25 is adopted to read:

EXHIBIT A

47 15-2.25 Medical Cannabis Production Establishment (MCPE) Light

48 Industrial/Agricultural Overlay Zone

49 Section 3. Section 15-2.25-1 is adopted to read:

50 15-2.25-1 Purpose

51 The purpose of the Medical Cannabis Production Establishment (MCPE) Light

52 Industrial/Agricultural Overlay Zone is to:

53 A. Provide a Zoning District for the location of Medical Cannabis Production
54 Establishments, subject to state licensure, an Administrative Permit pursuant to
55 LMC § 15-1-11(E), and a Business License pursuant to Park City Code Title 4,
56 Licensing.

57 B. MAIN STREET PARKS. For purposes of regulating the location of Medical
58 Cannabis Production Establishments and Medical Cannabis Pharmacies only,
59 public parks on Historic Main Street include 9th Street & Park Avenue Park/North
60 Trolley Turnaround, Crescent Tram Trail, Rodney Schreurs Walkway, Bear
61 Bench Walkway, Washington School Inn Walkway, Raddon Walkway, Miners
62 Park, 3rd Street Right-of-Way Walkway, 2nd Street Right-of-Way Walkway, and
63 Old Town Park.

64 Section 4. Section 15-2.25-2 is adopted to read:

65 15-2.25-2 Related Provisions

- 66 • Administrative Permit. LMC § 15-1-11(E).
67 • Licensing. Park City Code, Title 4.
68 • Frontage Protection Zone. LMC Chapter 15-2.20.
69 • Fences and Retaining Walls. LMC § 15-4-2.

EXHIBIT A

- 70 • Placement Of Satellite Receiving Antennas. LMC § 15-4-13.
- 71 • Parking. LMC Chapter 15-3.
- 72 • Landscaping. Title 14; LMC § 15-3-3(D).
- 73 • Lighting. LMC § 15-3-3(C) and § 15-5-5(J).
- 74 • Sign Code. Park City Code, Title 12.
- 75 • Architectural Design. LMC Chapter 15-5.
- 76 • Snow Storage. LMC § 15-3-3(E).

77 Section 5. Section 15-15-1 is amended to read:

78 **15-15-1 Definitions**

79 **MEDICAL CANNABIS PHARMACY.** A pharmacy as defined in Utah Code § 26-61a-
80 102, as amended, that obtains a Utah Department of Health license, meets the
81 proximity requirements of the Utah Code, is not located in a Primarily Residential
82 Zoning District, and obtains a local land use Administrative Permit pursuant to LMC §
83 15-1-11(E) and a Business License pursuant to Title 4 of the Park City Code.

84 **MEDICAL CANNABIS PRODUCTION ESTABLISHMENT.** A medical cannabis
85 cultivation facility, a medical cannabis production facility, or an independent medical
86 cannabis testing laboratory as defined in Utah Code § 4-41a-102, as amended, that
87 obtains a Utah Department of Food and Agriculture license, meets the proximity
88 requirements of the Utah Code, and obtains a local land use Administrative Permit
89 pursuant to LMC § 15-1-11(E) and a Business License pursuant to Title 4 of the Park
90 City Code. A Medical Cannabis Production Establishment may only be located in the
91 Medical Cannabis Production Establishment Light Industrial/Agricultural Overlay Zoning
92 District.

EXHIBIT A

93 **PRIMARILY RESIDENTIAL ZONING DISTRICT.** For purposes of regulating the
94 location of Medical Cannabis Production Establishments and Medical Cannabis
95 Pharmacies only, the following Zoning Districts shall be considered Primarily
96 Residential: Historic Residential-Low Density (HRL) District; Historic Residential (HR-1)
97 District; Historic Residential (HR-2) District; Historic Residential-Medium Density (HRM)
98 District; Historic Recreation Commercial (HRC) District; Rural Estate (E-40) District;
99 Estate (E) District; Single Family (SF) District; Residential (R-1) District; Residential
100 Development (RD) District; Residential Development-Medium Density (RDM) District;
101 Residential-Medium Density (RM) District; Community Transition (CT) District south of
102 Kearns Boulevard/State Road 248; and the Light Industrial District east of Bonanza
103 Drive.

104 Section 6. Section 15-15-2 is amended to read:

105 **15-15-2 List of Defined Terms**

106 **-M-**

107 Master Festival

108 Master Planned Development (MPD)

109 Material Deconstruction or Dismantling

110 Maximum Extent Feasible

111 Maximum House Size

112 Medical Cannabis Pharmacy

113 Medical Cannabis Production Establishment

114 Model Home

EXHIBIT A

- 115 -P-
- 116 Parcel
- 117 Parking, Public
- 118 Parking, Residential
- 119 Parking, Shared
- 120 Parking Area
- 121 Parking Lot, Commercial
- 122 Parking Space
- 123 Parking Structure
- 124 Passenger Tramway
- 125 Period of Historic Significance
- 126 Person
- 127 Pervious Surface
- 128 Pet Services, Household Pets
- 129 Pet Services, Household Pet Boarding
- 130 Pet Services, Household Pet Daycare
- 131 Pet Services, Household Pet Grooming
- 132 Pet Services, Veterinary Clinic
- 133 Physical Mine Hazard
- 134 Planned Unit Development (PUD)
- 135 Porous Paving
- 136 Preliminary Plat
- 137 Preservation

EXHIBIT A

- 138 Preservation Easement
- 139 Primarily Residential Zoning District
- 140 Private Club (see Club, Private)
- 141 Private Event
- 142 Private Event Facility
- 143 Private Plaza
- 144 Private Residence Club (see Club, Private Residence)
- 145 Private Residence Club Conversion (see Club, Private Residence Conversion)
- 146 Private Residence Club Project (see Club, Private Residence Project)
- 147 Property
- 148 Property, Storefront
- 149 Property Line
- 150 Property Line, Front
- 151 Property Owner
- 152 Public Art
- 153 Public Improvement
- 154 Public Use