

ORDINANCE NO. 2020-03

AN ORDINANCE ENACTING CHAPTER 12.69 (MEDICAL CANNABIS FACILITIES) OF THE CENTERVILLE ZONING CODE TO ADD NEW DEFINITIONS AND STANDARDS FOR MEDICAL CANNABIS FACILITIES PURSUANT TO THE UTAH MEDICAL CANNABIS ACT AND OTHER APPLICABLE LEGISLATION

WHEREAS, the Utah Legislature recently adopted a number of bills regarding the use and sale of medical cannabis, including, but not limited to the Utah Medical Cannabis Act, as set forth in Utah Code §§ 26-61a-101, et seq., the Cannabis Production Establishments Act, as set forth in Utah Code §§ 4-41a-101, et seq., and the Hemp and Cannabinoid Act, as set forth in Utah Code §§ 4-41-101, et seq.; and

WHEREAS, as part of the State legislation regarding the use and sale of medical cannabis, municipalities are required to adopt land use regulations, development agreements, or land use decisions regarding cannabis production establishments and medical cannabis pharmacies as more particularly provided in Utah Code § 10-9a-528; and

WHEREAS, the proposed amendments to the Zoning Code set forth new definitions for cannabis production establishment and medical cannabis pharmacy, amend the use tables for such new uses, and define zones within the City that are considered primarily residential for purposes of location restrictions for such facilities;

WHEREAS, the proposed amendments to the Zoning Code as set forth herein have been reviewed by the Planning Commission and the City Council and all appropriate public notices have been provided and appropriate public hearings have been held in accordance with Utah law to obtain public input regarding the proposed revisions to the Zoning Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Enactment. Chapter 12.69 of the Centerville Zoning Code regarding Medical Cannabis Facilities is hereby enacted as follows:

12.69 Medical Cannabis Facilities

- 12.69.010 Definitions**
- 12.69.020 Cannabis Production Establishment Standards**
- 12.69.030 Cannabis Production Establishment Location Restrictions**
- 12.69.040 Medical Cannabis Pharmacy Standards**
- 12.69.050 Medical Cannabis Pharmacy Location Restrictions**

12.69.010 Definitions

- (a) Cannabis Production Establishment. Cannabis production establishment means a cannabis cultivation facility, a cannabis processing facility, or an independent cannabis testing laboratory, as such terms are more particularly defined in Utah Code § 4-41a-102.

- (b) Community Location. Community location means a public or private school, a licensed child-care facility or preschool, a church, a public library, a public playground, or a public park, as such term is more particularly defined in Utah Code § 4-41a-102.
- (c) Medical Cannabis Pharmacy. Medical cannabis pharmacy means a person or entity that acquires or intends to acquire, possess, and sell cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device to a medical cannabis cardholder, as more particularly defined in Utah Code § 26-61a-102.
- (d) Primarily Residential Zone. Primarily residential zone means the following zones within Centerville City or any similar zones in an adjacent city:
 - (1) Agricultural-Low (A-L)
 - (2) Residential-Low (R-L)
 - (3) Residential-Medium (R-M)
 - (4) Residential-High (R-H)
 - (5) Florentine Villa Special District
 - (6) Hillside Overlay Zone
 - (7) Shorelands Commerce Park - Mixed Node Zone
 - (8) South Main Street Overlay Zone
 - (9) Centerville Deuel Creek Historic District
 - (10) Any residential or mixed use development in the Planned Development Overlay Zone (PDO) or a Planned Unit Development (PUD).
- (e) Other Definitions. The definitions set forth in Utah Code §§ 26-61a-101, et seq., regarding the Utah Medical Cannabis Act, and Utah Code §§ 4-41a-101, et seq., regarding the Cannabis Production Establishments Act, are hereby adopted by this Section.

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.

12.69.030 Cannabis Production Establishment Location Restrictions

- (a) Community Locations.
 - (1) Based on applicable State law, including, but not limited to, Utah Code § 4-41a-201, cannabis production establishments shall not be located within 1,000 feet of a community location.
 - (2) The proximity requirement set forth in Subsection (a)(1) shall be measured from the nearest entrance to the cannabis production establishment by following the shortest route of ordinary pedestrian travel to the property boundary of the community location.
- (b) Primarily Residential Zone.
 - (1) Based on applicable State law, including, but not limited to, Utah Code § 4-41a-201, a cannabis production establishment shall not be located within 600 feet of a primarily residential zone.
 - (2) The proximity requirement set forth in Subsection (b)(1) shall be measured from the nearest entrance to the cannabis production establishment by following the shortest route of ordinary pedestrian travel to the property boundary of the primarily residential zone.

12.69.040 Medical Cannabis Pharmacy Standards

The following standards shall apply to all medical cannabis pharmacies:

- (a) The medical cannabis pharmacy shall comply with the location restrictions set forth in applicable State law, including, but not limited to, Utah Code § 26-61a-301.
- (b) The medical cannabis pharmacy shall comply with the advertising and signage restrictions set forth in applicable State law, including, but not limited to, Utah Code § 26-61a-505.
- (b) No cannabis products shall be visible from outside the medical cannabis pharmacy.
- (c) The medical cannabis pharmacy shall meet the land use and permit requirements for the zone in which it is located.

- (d) The medical cannabis pharmacy shall obtain a City business license before conducting business within the City.

12.69.050 Medical Cannabis Pharmacy Location Restrictions

- (a) Community Locations.
 - (1) Based on applicable State law, including, but not limited to, Utah Code § 26-61a-301, medical cannabis pharmacies shall not be located within 200 feet of a community location.
 - (2) The proximity requirement set forth in Subsection (a)(1) shall be measured from the nearest entrance to the medical cannabis pharmacy by following the shortest route of ordinary pedestrian travel to the property boundary of the community location.
- (b) Primarily Residential Zone.
 - (1) Based on applicable State law, including, but not limited to, Utah Code § 26-61a-301, a medical cannabis pharmacy shall not be located within 600 feet of a primarily residential zone.
 - (2) The proximity requirement set forth in Subsection (b)(1) shall be measured from the nearest entrance to the medical cannabis pharmacy by following the shortest route of ordinary pedestrian travel to the property boundary of the primarily residential zone.

Section 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

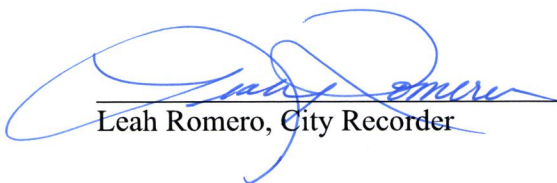
Section 3. Omission Not a Waiver. The omission to specify or enumerate in this ordinance those provisions of general law applicable to all cities shall not be construed as a waiver of the benefits of any such provisions.

Section 4. Effective Date. This Ordinance shall become effective immediately upon publication or posting, or thirty (30) days after passage, whichever occurs first.

PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, ON THIS 21st DAY OF JULY, 2020.

ATTEST:

CENTERVILLE CITY


Leah Romero, City Recorder

By: 
Mayor Clark A. Wilkinson

Voting by the City Council:

	“AYE”	“NAY”
Councilmember Fillmore	<u>✓</u>	<u> </u>
Councilmember Ince	<u>✓</u>	<u> </u>
Councilmember Ivie	<u>✓</u>	<u> </u>
Councilmember McEwan	<u>✓</u>	<u> </u>
Councilmember Mecham	<u>✓</u>	<u> </u>



CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provisions of the U.C.A. § 10-3-713, as amended, I, the municipal recorder of Centerville City, hereby certify that foregoing ordinance was duly passed by the City Council and published, or posted at: (1) 250 North Main; (2) 655 North 1250 West; and (3) RB’s Gas Station, on the foregoing referenced dates.

Leah Romero
LEAH ROMERO, City Recorder

DATE: July 23, 2020

RECORDED this 23rd day of July, 2020.

PUBLISHED OR POSTED this 23rd of July, 2020.