

CHAPTER 12-38 CANNABIS FACILITIES

12-38-101. Purposes.

12-38-102. Medical Cannabis Pharmacies.

12-38-103. Industrial Hemp and Cannabis Production, Cultivation and Processing.

12-38-104. Conflicts of Laws.

12-38-101. Purposes.

The purposes of this chapter are to provide reasonable time, place and manner requirements for the following cannabis-related businesses and entities:

- (a) Medical cannabis pharmacies and facilities (see U.C.A. §§26-61a-101, et seq.)¹
- (b) Cannabis cultivation and processing facilities (see U.C.A. §§4-41-204, et seq.);
- (c) Cannabis production establishments (see U.C.A. §§4-41a-101, et seq.); and
- (d) Industrial hemp producers, retailers, and laboratories (see U.C.A. §§4-41-101, et seq.);

12-38-102. Medical Cannabis Pharmacies.

- (a) A medical cannabis pharmacy shall be a permitted use in any zone, overlay or district that is not a primarily residential zone or on land that has not been zoned.² Primary residential zones in the City include the following zones: R-1-8, R-1-15/20, R-2, R-4, CRT and SFRT.
- (b) A medical cannabis pharmacy shall not be established, operated or maintained in the City without a valid license issued by the Utah State Department of Health, any other license or permit required by State law, and without a valid business license issued by the City.
- (c) A medical cannabis pharmacy shall be subject to the following distance and operational rules and requirements:
 - (1) Distance requirements:
 - (A) Except as may be established by State law or regulation, there are no proximity or distance limitations for a medical cannabis pharmacy in relation to another such pharmacy, a cannabis production establishment, a retail tobacco specialty business³, or an alcoholic beverage “outlet.”⁴

¹ All citations to provisions of the Utah Code or to the Woods Cross Code shall include any amendments made after the adoption of these regulations.

² See §26-61a-507, as amended (“Local Control”)

³ Defined at U.C.A. §26-62-103, as amended.

⁴ Defined at U.C.A. §32B-1-202, as amended, including a “state store,” a “package agency,” or a “retail licensee.”

(B) No medical cannabis pharmacy shall be located within 600 feet of a residential zone or a community location, measured by the shortest straight-line distance from the patron entrance of the pharmacy to the nearest property line of the residential zone or community location.

(2) Operational Restrictions.

(A) A single wall sign, not exceeding ten percent (10%) of the wall area to which the sign is attached or ten percent (10%) of the wall face dedicated to an individual unit within a commercial complex, whichever is smaller, may be used on the exterior of the pharmacy. Advertising, including signage, shall be governed by the provisions of U.C.A. §26-61a-505, as amended, and by the City's sign ordinance, rules and regulations for the applicable zone.

(B) The following are prohibited: drive through service; outdoor seating areas for patron use; and vending machines for the sale of any cannabis-related product.

(C) Hours of operation: no earlier than 7:00 a.m. and no later than 10:00 p.m.

(D) Cannabis products shall not be visible from outside the premises.

(E) Bars shall not be placed on windows.

(F) All operations shall be within a single completely enclosed structure; the gross interior space of the facility shall not exceed 3,000 square feet; public access to the building shall be through a single secure access that faces the street or public face of the structure.

(G) Compliance with all other requirements of the zone.

12-38-103. Industrial Hemp and Cannabis Production, Cultivation and Processing.

(a) The following uses may be located only in the A-1 (Agricultural), AP (Airport), I-1 (Light Industrial) and I-2 (Industrial) zones or on any land that has not been zoned:

(1) Industrial hemp producers, retailers and laboratories; and

(2) Cannabis production, cultivation and processing facilities, and independent testing laboratories.

(b) No such facility shall be established, operated or maintained in the City without a valid license issued by the State Department of Health and/or Utah Department of Agriculture, as applicable, any other license or permit required by state law, and without a valid business license issued by the City.

- (c) Uses allowed under this section shall be subject to the following distance and operational rules and requirements:
- (1) All such uses shall comply with the requirements of the applicable zone;
 - (2) No such use shall be located within 600 feet of a residential zone or a community location, measured by the shortest straight-line distance from the main entrance of the facility to the property line of the residential zone or community location;
 - (3) A single wall sign, not exceeding ten percent (10%) of the wall area to which the sign is attached or ten percent (10%) of the wall face dedicated to an individual unit within a business complex, whichever is smaller, may be used on the exterior of the establishment. Advertising, including signage, shall be governed by the provisions of U.C.A. §4-41a-403, as amended, and by the City's sign ordinance, rules and regulations for the applicable zone.
 - (4) Cannabis products shall not be visible from outside the premises.
 - (5) There shall be no emission of any dust, fumes, vapors, odors or waste into the environment; air filter equipment and systems shall be installed, and other provisions shall be made to ensure that odors are removed before exiting the building

12-38-104. Conflicts of Laws.

In the event of a conflict between State law or regulations and the requirements of a City ordinance, rule or regulation, the State law or regulation shall govern.