

Lindon City  
100 North State Street  
Lindon, UT 84042-1808



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## NOTICE OF PUBLIC HEARING

The Lindon City Planning Commission will hold a public hearing at 7:00 P.M. or as soon thereafter as possible, on Tuesday, October 22, 2019, in the Lindon City Center, 100 North State Street, Lindon, UT, to consider the following items:

An amendment to the Lindon City Development Manual for a new residential public street cross-section and related technical changes.

An amendment to the Lindon City zoning code enacting 17.79 Cannabis Production Establishments and Medical Cannabis Pharmacies and establishing the Light Industrial West Overlay zoning district and amending related sections of the Standard Land Use Table, 17.40.010, 17.49, and 17.18. A copy of the proposed zoning ordinance amendments is on file at the Lindon City Community Development office, Lindon City website and Utah Public Notice website.

An amendment to the Lindon City zoning map to create the Light Industrial West Overlay zone and apply such overlay zone to all properties currently zoned Light Industrial which are located West of I-15. A map of the proposed overlay zoning change is on file at the Lindon City Community Development office, Lindon City website and Utah Public Notice website.

The Planning Commission will make a recommendation on all public hearing items to the City Council. All interested parties are invited to attend and present oral and/or written comment regarding this petition.

Staff Reports and application materials for the agenda items above are available for review at the Lindon City Planning Department, located at 100 N. State Street, Lindon, UT. For specific questions on agenda items our Staff may be contacted directly at (801)785-7687. City Codes and ordinances are available on the City web site found at [www.lindoncity.org](http://www.lindoncity.org). The City of Lindon, in compliance with the Americans with Disabilities Act, provides accommodations and auxiliary communicative aids and services for all those citizens in need of assistance. Persons requesting these accommodations for City-sponsored public meetings, services programs or events should call Kathy Moosman at 785-5043, giving at least 24 hours notice.

### CERTIFICATE OF POSTING:

I certify that the above notice/agenda was posted in three public places within the Lindon City limits and on the State (<http://www.utah.gov/pmn/index.html>) and City ([www.lindoncity.org](http://www.lindoncity.org)) websites.

Posted by: /s/ Katherine Moosman

Date: October 9, 2019

Time: 12:00 p.m.

Place: Lindon City Center, Lindon Police Dept., Lindon Community Center, Newspaper, Utah Public Notice Website, City Website

AN ORDINANCE AMENDING CHAPTER 17 OF THE LINDON CITY CODE AMENDING THE STANDARD LAND USE TABLE TO CLASSIFY CANNABIS PRODUCTION ESTABLISHMENTS AND MEDICAL CANNABIS PHARMACIES AS PERMITTED USES IN SPECIFIED ZONING DISTRICTS, ENACTING CHAPTER 79 OF TITLE 17 GOVERNING CANNABIS PRODUCTION ESTABLISHMENTS AND MEDICAL CANNABIS PHARMACIES, AND ENACTING/AMENDING SECTIONS 17.49.025, 17.40.010, AND 17.18.070, TO COMFORM TO STATE REQUIREMENTS AND TO ESTABLISH THE LIGHT INDUSTRIAL - WEST ZONING DISTRICT (OVERLAY).

WHEREAS, The Utah State Legislature has enacted Chapter 41a of Title 4 of the Utah Code, allowing for the establishment of Cannabis Production Establishments and requiring municipalities to allow Cannabis Production Establishment to be maintained as a permitted use in at least one agricultural or industrial zone and has set specific requirements associated with such use; and

WHEREAS, The Utah State Legislature has enacted Chapter 61a of Title 26 of the Utah Code, requiring municipalities to allow Medical Cannabis Pharmacies to be maintained as a permitted use in any zone not established primarily for residential use and has set specific requirements associated with such a use; and

WHEREAS, Chapter 41a of Title 4 and Chapter 61a of Title 26 of the Utah Code allows Lindon City to enact regulations and conditions upon Cannabis Production Establishments and Cannabis Pharmacies and to specify which zoning district will be designated for Cannabis Production Facilities as a permitted use; and

WHEREAS, The Lindon City Council finds that it is in the public's best interest to take advantage of existing physical division that I-15 creates between residential uses on the eastside of the freeway and light industrial uses on the west to allow for Cannabis Production Facilities as a permitted use in light industrial areas west of I-15; and

WHEREAS, The Lindon City Council finds that it is in the public's best interest to establish regulations and conditions on Cannabis Production Facilities and Medical Cannabis Pharmacies relating to cultivation, parking, signage, and business operations and licensing and that such regulations do not conflict with the state code.

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

**PART ONE:           Amendment of the Lindon City Standard Land Use Table**

The following uses are hereby added to the Lindon City Land Use Table:

Under Manufacturing

Parking Group	Permitted Primary Use	Residential	Mix Rec.		Commercial							Industrial			R/B	
		R1-12,R1-20, R)	RMU -W	RUM -E	PC -1	PC -2	CG	CG -A	CG A8	CG -S	MC	HI	LI	<u>LI</u> <u>W</u>		
<u>2000</u>	<u>Cannabis Production Establishment</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>N</u>

And under Retail Trade

Parking Group	Permitted Primary Use	Residential	Mix Rec.		Commercial							Industrial			R/B	
		R1-12,R1-20, R)	RMU -W	RUM -E	PC -1	PC -2	CG	CG -A	CG A8	CG -S	MC	HI	LI	<u>LI</u> <u>W</u>		
<u>5300</u>	<u>Medical Cannabis Pharmacy</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

**PART TWO:                    Enactment of Chapter 17.79, Cannabis Production Establishments and Medical Cannabis Pharmacies**

Title 17 of the Lindon City Code is hereby amended to include Chapter 17.79, which Chapter is adopted and enacted to read as follows:

**CHAPTER 17.79 CANNABIS PRODUCTION ESTABLISHMENTS AND MEDICAL CANNABIS PHARMACIES**

17.79.010 Definitions

17.79.020 Permitted Use - Permit Required

17.79.030 Standards

17.79.040 Proximity to Community Locations and Residential Zones

17.79.050 Outdoor Cultivation

17.79.060 Business License

17.79.010 Definitions

Community Locations means all public or private schools, licensed childcare facilities, preschools, churches, public libraries, and all public playgrounds and parks.

Cannabis Production Establishment means a Cannabis Cultivation Facility, a Cannabis Processing Facility, or an Independent Cannabis Testing Laboratory as defined by Section 4-41a-101 of the Utah Code, as may be amended.

Medical Cannabis Pharmacy means the same as that term is defined in Section 26-61a-102 of the Utah Code, as may be amended.

Zones Established Primarily for Residential Use, for purposes of this Chapter and any applicable state law means the following zoning districts in Lindon City.

R1-12 zone

R1-20 zone,  
R3 overlay zone,  
R2 overlay zone,  
Residential/Business District overlay zone,  
Senior Housing overlay zone, and  
Anderson Farms Planned Development Zone.

The Definitions in Title 26, Chapter 61a, the Utah Medical Cannabis Act, and Title 4, Chapter 41a, Cannabis Production Establishments, of the Utah Code, as may be amended, are hereby adopted and incorporated into this Chapter.

17.79.020 Permit Required

1. Operation of a Cannabis Production Establishment shall be a permitted use in the Light Industrial-West overlay zone (LI-W).

2. Operation of a Medical Cannabis Pharmacy shall be a permitted use in all zones except those zones established primarily for residential use.

3. A Cannabis Production Establishment or Medical Cannabis Pharmacy must obtain a land use permit from Lindon City, which the City shall issue in writing upon a showing that the proposed Establishment or Pharmacy and the corresponding facilities and operations comply with the provisions of this Chapter and with Title 4, Chapter 41a or Title 26, Chapter 61a of the Utah Code, as may be applicable to the proposed use.

a. A Cannabis Production Establishment or Medical Cannabis Pharmacy seeking a land use permit shall provide the Lindon City Chief of Police a copy of its state approved security plan for securing the operations so as to prevent the theft, embezzlement or illegal use and/or distribution of cannabis from the Establishment or Pharmacy

17.79.030. Standards

1. The following Standards apply to all Cannabis Production Establishments:

a. All facilities which grow, process, test, or store cannabis shall be constructed and operated so as to prevent dust, fumes, vapors, odors or waste from escaping the facility and entering the environment next to or surrounding the Cannabis Production Establishment.

b. Cannabis Production Establishments shall comply with all other land use restrictions, regulations, requirements, and development standards for the zone in which it is located.

c. Cannabis Production Establishments shall provide parking as required in Chapter 18 of Title 17 of the Lindon City Code.

d. Signage for Cannabis Production Establishments shall comply with Title 18 of the Lindon City Code. If any conflict exists between Title 18 of the Lindon City Code and the signage requirements of Title 4, Chapter 41a of the Utah Code, Utah Code shall control.

2. The following Standards apply to all Medical Cannabis Pharmacies:

- a. No Medical Cannabis Pharmacies shall allow products distributed at the pharmacy to be visible outside of the Medical Cannabis Pharmacy.
- b. A Medical Cannabis Pharmacy shall comply with all other land use restrictions, regulations, requirements, and development standards for the zone in which it is located
- c. Medical Cannabis Pharmacies shall provide parking as required in Chapter 18 of Title 17 of the Lindon City Code.
- d. Signage for Medical Cannabis Pharmacies shall comply with Title 4 Chapter 41a of the Utah Code as well as with Title 18 of the Lindon City Code. If any conflict exists between Title 18 of the Lindon City Code and the signage requirements of Title 4, Chapter 41a of the Utah Code, the Utah Code shall control.

17.79.040 Proximity to Community Locations and Residential Zones

- 1. A Cannabis Production Establishment may not be located within 1000 feet of a Community Location or within 600 feet of zones established primarily for residential use.
- 2. Medical Cannabis Pharmacies may not be located within 200 feet of a Community Location or within 600 feet of zones established primarily for residential use.
- 3. The proximity requirements set forth in this Section shall be measured from the nearest entrance to a Cannabis Production Establishment or Medical Cannabis Pharmacy by following the shortest route of ordinary pedestrian travel to the boundary of Community Location or residential zone.
- 4. The proximity requirements set forth in this Section are subject to modification by the state as set forth in Title 4, Chapter 41a and Title 26, Chapter 61a of the Utah Code, as may be amended.

17.79.050 Outdoor Cultivation

Cannabis may not be cultivated outdoors in the Light Industrial-West overlay zone. All indoor cultivation of cannabis shall comply with the provisions for indoor cultivation established under Title 4, Chapter 41a of the Utah Code, as may be amended.

17.79.060 Business License

- 1. Each Cannabis Production Establishment and Medical Cannabis Pharmacy shall obtain a City business license before conducting business within Lindon City

**PART THREE      Amendment of Section 17.40.010 of the Lindon City Code to establish the Light Industrial - West overlay zoning district**

Section 17.40.010 of the Lindon City Code is hereby amended to read as follows:

**17.40.010 Establishment**

For the purposes of this division the territory of Lindon City to which this division applies is divided into one or more of the following listed zoning districts as shown on the officially adopted Lindon City Zoning map:

1. Residential district, R1-20;
2. Residential district, R1-12
3. R2 Overlay;
4. General Commercial district, C-G
5. Mixed Commercial, MC;
6. Planned Commercial, PC-1;
7. Research and Business, R&B;
8. Heavy Industrial, HI;
9. Light Industrial, LI;
10. Light Industrial – West (overlay), LI-W
- ~~1011.~~ Transportation Influence Zone, T;
- ~~112.~~ Recreation Mixed Use (East and West), RMU-E, RMU-W;
- ~~1213.~~ Public Facilities, PF;
- ~~1314.~~ Sensitive Lands District (overlay), SA;
- ~~1415.~~ Hillside Protection District (overlay), HP.

**PART FOUR                      Amendment of Chapter 17.49 of the Lindon City Code to adopt and enact Section 17.49.025**

Chapter 17.49 of the Lindon City Code is hereby amended to adopt and enact Section 17.49.025, LI-W Manufacturing and Distribution District Overlay, which section shall read as follows:

**17.49.025      LI-West Overlay- Purpose**

The purpose of the LI-West overlay district shall be the same as for the Light Industrial (LI) district, with only the addition being that of providing a reasonable area within Lindon City for the location and operation of Cannabis Production Facilities.

**PART FIVE                      Amendment of Section 17.18.070**

Section 17.18.070 of the Lindon City Code is hereby amended to include the following parking requirements for Cannabis Production Establishments and Medical Cannabis Pharmacies:

<u>2000</u>	<u>Cannabis Production Establishment</u>	<u>One (1) per 750 square feet of floor area.</u>
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And

5300	Medical Cannabis Pharmacy	One (1) per 200 square feet of floor area
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**PART SIX: Effective Date**

This ordinance shall take effect immediately upon its passage and posting as provided by law.

PASSED AND APPROVED AND MADE EFFECTIVE by the City Council of Lindon City, Utah, this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_,  
JEFF ACERSON,  
Lindon City Mayor

ATTEST:

\_\_\_\_\_,  
Kathy Moosman  
City Recorder

**Area Proposed for Light Industrial West Overlay Zone**

