

CITY OF SEATTLE
ORDINANCE _____
COUNCIL BILL _____

..title

AN ORDINANCE relating to land use and zoning; repealing Ordinance 124552 and amending Sections 23.42.058, 23.47A.002, 23.47A.004, 23.47A.020, 23.48.002, 23.48.004, 23.48.028, 23.49.002, 23.49.025, 23.49.042, 23.49.090, 23.49.142, 23.49.300, 23.49.320, 23.49.338, 23.50.002, 23.50.012, 23.50.044, 23.66.122, 23.66.322, and 23.84A.025 of the Seattle Municipal Code to change marijuana zoning regulations.

..body

WHEREAS, on October 7, 2013, Seattle City Council passed Ordinance 124326, implementing zoning restrictions on businesses involved in the production, processing, sale, and delivery of marijuana, marijuana-infused products, or useable marijuana

WHEREAS, a significant number of new businesses involved in the production, processing, and sale of marijuana, marijuana-infused products, or useable marijuana that are not licensed by the Washington State Liquor and Cannabis Board have opened since ordinance 124326 was passed;

WHEREAS, state legislation amended the Revised Code of Washington (RCW), Title 69, to create a highly regulated system for the production, processing, and distribution of medical marijuana;

WHEREAS, Seattle Resolution 31595 adopted on July 13, 2015, describes enforcement priorities for non-state-licensed marijuana businesses;

WHEREAS, the Seattle Marijuana Business License Ordinance adopted on July 13, 2015 requires all marijuana businesses to obtain a City marijuana license;

WHEREAS it is in the interest of the people of the City of Seattle to have clear regulations regarding where permitted marijuana businesses will be allowed to operate;

1 WHEREAS, it is in the interest of the people of the City of Seattle to ensure that legitimate
2 patients continue to have the authority to grow and process marijuana for their personal
3 use under specific guidelines

4 WHEREAS, it is in the interest of the City of Seattle to enact clear and enforceable standards for
5 businesses involved in the production, processing, and sale of marijuana, marijuana-
6 infused products, or useable marijuana and to eliminate businesses that operate without a
7 Washington State Liquor and Cannabis Board license in order to ensure appropriate
8 oversight of product purity, packaging, security, signage and other business practices;

9 WHEREAS, buffering and dispersion provisions are necessary to ensure there are sufficient
10 business locations, but no concentration of permitted marijuana businesses; NOW,
11 THEREFORE,

12 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

13 Section 1. Ordinance 124552 is repealed.

14 Section 2. Section 23.42.058 of the Seattle Municipal Code, last amended by Ordinance
15 124326, is amended as follows:

16 **23.42.058 Marijuana**

17 A. ~~((On any lot or on any combination of contiguous lots held in common ownership that~~
18 ~~contains no dwelling unit or business establishment, major marijuana activity may not be~~
19 ~~conducted.~~

20 B. ~~On any lot or any combination of contiguous lots held in common ownership that~~
21 ~~contains one or more dwelling units:~~

22 1. ~~no production, processing, selling, or delivery of marijuana, marijuana infused~~
23 ~~products, or useable marijuana may be conducted unless it is in association with a dwelling unit~~

1 ~~or is in association with a business establishment meeting the limitations imposed by subsection~~
2 ~~23.42.058.C; and~~

3 ~~2. major marijuana activity may not be conducted in association with any~~
4 ~~dwelling unit.~~

5 ~~C. Except as provided in subsection 23.42.058.D, major marijuana activity may not be~~
6 ~~conducted in association with all business establishments combined on a lot or combination of~~
7 ~~contiguous lots held in common ownership.~~

8 ~~D. Licensed marijuana business establishments described in subsection 23.42.058.D.1 are~~
9 ~~exempt from subsection 23.42.058.C if not located in any of the restricted areas listed in~~
10 ~~subsection 23.42.058.D.2.~~

11 ~~1. A "licensed marijuana business establishment" within the meaning of~~
12 ~~subsection 23.42.058.D is a business establishment acting in compliance with a license issued by~~
13 ~~the state for the production, processing, selling, or delivery of marijuana, marijuana-infused~~
14 ~~products, or useable marijuana under Title 69 of the Revised Code of Washington.~~

15 ~~2. The "restricted areas" within the meaning of subsection 23.42.058.D are))~~Major
16 marijuana activity is prohibited in association with any residential use, regardless of zone, except
17 that caretaker's quarters are allowed.

18 B. Major marijuana activity is prohibited in any of the following zones and districts:

19 ((a))1. ((Any)) Single-family zones;

20 ((b))2. ((Any)) Multifamily zones;

21 ((e))3. ((Any)) Neighborhood Commercial 1 (NC1) zones;

22 ((d. Any of the following Downtown zones:))

23 ((H))4. Pioneer Square Mixed (PSM);

- 1 ~~((2))~~ 5. International District Mixed (IDM);
- 2 ~~((3))~~ 6. International District Residential (IDR);
- 3 ~~((4))~~ 7. Downtown Harborfront 1 (DH1);
- 4 ~~((5))~~ 8. Downtown Harborfront 2 (DH2); ~~or~~
- 5 ~~((6))~~ 9. Pike Market Mixed (PMM); ~~or~~
- 6 ~~((e. Any of the following districts:))~~
- 7 ~~((4))~~ 10. Ballard Avenue Landmark District;
- 8 ~~((2))~~ 11. Columbia City Landmark District;
- 9 ~~((3))~~ 12. Fort Lawton Landmark District;
- 10 ~~((4))~~ 13. Harvard-Belmont Landmark District;
- 11 ~~((5))~~ 14. International Special Review District;
- 12 ~~((6))~~ 15. Pike Place Market Historical District;
- 13 ~~((7))~~ 16. Pioneer Square Preservation District;
- 14 ~~((8))~~ 17. Sand Point Overlay District; or
- 15 ~~((9))~~ 18. Stadium Transition Area Overlay District.

16 C. Major marijuana activity is allowed in all other zones if the activity and site meet the
17 following requirements:

18 1. The business establishment must have a current license issued by the State of
19 Washington pursuant to Title 69 RCW authorizing the licensee to engage in the production,
20 processing, or selling of marijuana, marijuana-infused products, useable marijuana, or marijuana
21 concentrates, or for conducting marijuana research or testing for quality assurance under Title 69
22 RCW;

1 2. Any lot line of property having a major marijuana activity must be 1,000 feet or
2 more from any lot line of property on which any of the following uses as defined in the WAC
3 314-55-010 is located: elementary school; secondary school; or playground;

4 3. Any lot line of property used for major marijuana activity must be 500 feet or
5 more from any lot line of property on which any of the following uses as defined in the WAC
6 314-55-010 is established and operating: child care center; game arcade; library; public park;
7 public transit center; or recreation center or facility.

8 4. The buffering analysis required by subsections 23.42.058.C.2 and
9 23.42.058.C.3 shall be based on the activities that exist on the date a complete application for the
10 major marijuana activity is accepted by the Washington State Liquor and Cannabis Board.

11 5. A major marijuana activity involving retail transactions may not be located
12 within 500 feet of any other property containing state-licensed major marijuana activity
13 involving retail transactions. A new major marijuana activity involving retail transactions may
14 not be established in a location that would violate this standard or cause another existing major
15 marijuana activity involving retail transactions to be in violation of this standard. The 500-foot
16 buffers are measured from all lot lines of each property on which state-licensed major marijuana
17 activity involving retail transactions is occurring.

18 Section 3. Section 23.47A.002 of the Seattle Municipal Code, last amended by Ordinance
19 123770, is amended as follows:

20 **23.47A.002 Scope of provisions**

21 A. This ((e))Chapter 23.47A describes the authorized uses and development standards for
22 the following zones:

23 Neighborhood Commercial 1 (NC1),

- 1 Neighborhood Commercial 2 (NC2),
- 2 Neighborhood Commercial 3 (NC3),
- 3 Commercial 1 (C1),
- 4 Commercial 2 (C2).

5 B. Commercial zones listed in subsection 23.47A.002.A and having an incentive zoning
6 suffix are subject to this Chapter 23.47A and Chapter 23.58A, Incentive Provisions.

7 ~~((B-F))C((H))~~. Some land in C zones and NC zones may be regulated by Subtitle III,
8 Division 3, Overlay Districts.

9 ~~((C-F))D((H))~~. Other regulations, including but not limited to, major marijuana activity
10 (Section 23.42.058); requirements for streets, alleys, and easements (Chapter 23.53); standards
11 for parking quantity, access and design (Chapter 23.54); standards for solid waste storage
12 (Chapter 23.54); signs (Chapter 23.55); and methods for measurements (Chapter 23.86) may
13 apply to development proposals. Communication utilities and accessory communication devices,
14 except as exempted in Section 23.57.002, are subject to the regulations in this ~~((E))~~Chapter
15 23.47A and additional regulations in Chapter 23.57, Communications Regulations.

16 Section 4. Subsection 23.47A.004.A and Table A for 23.47A.004 of the Seattle
17 Municipal Code, which section was last amended by Ordinance 124843, is amended as follows:

18 **23.47A.004 Permitted and prohibited uses**

19 A. All uses are permitted outright, prohibited, or permitted as a conditional use according
20 to Table A for 23.47A.004 and this Section 23.47A.004, except as may be otherwise provided
21 pursuant to Division 3, Overlay Districts, of this subtitle III of Title 23.

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Table A for 23.47A.004 Uses in Commercial ((Z))zones					
((PERMITTED AND PROHIBITED USES BY ZONE)) Permitted and prohibited uses by zone (1)					
((USES))Uses	NC1	NC2	NC3	C1	C2
A. AGRICULTURAL USES					
* * *					
A.3. Community garden (21)	P	P	P	P	P
A.4. Horticulture (21)	10	25	P	P	P
A.5. Urban farm (21)	P	P	P	P	P
* * *					
C. COMMERCIAL USES (19)					
* * *					
C.4. Food processing and craft work (21)	10	25	25	P	P
* * *					
C.10. Sales and services, general (21)					
C.10.a. Retail sales and services, general (21)	10	25	P	P	P
* * *					
G. MANUFACTURING USES					
G.1. Manufacturing, light (21)	X	10	25	P	P
* * *					

Table A for 23.47A.004 Uses in Commercial ((Z))zones					
((PERMITTED AND PROHIBITED USES BY ZONE)) Permitted and prohibited uses by zone (1)					
((USES)) Uses	NC1	NC2	NC3	C1	C2
<p>KEY A = Permitted as an accessory use only CU = Administrative Conditional Use (business establishment limited to the multiple of 1,000 square feet of any number following a hyphen, pursuant to Section 23.47A.010) CCU = Council Conditional Use (business establishment limited to the multiple of 1,000 square feet of any number following a hyphen, pursuant to Section 23.47A.010) P = Permitted S = Permitted in shoreline areas only X = Prohibited 10 = Permitted, business establishments limited to 10,000 square feet, pursuant to Section 23.47A.010 20 = Permitted, business establishments limited to 20,000 square feet, pursuant to Section 23.47A.010 25 = Permitted, business establishments limited to 25,000 square feet, pursuant to Section 23.47A.010 35 = Permitted, business establishments limited to 35,000 square feet, pursuant to Section 23.47A.010 40 = Permitted, business establishments limited to 40,000 square feet, pursuant to Section 23.47A.010 50 = Permitted, business establishments limited to 50,000 square feet, pursuant to Section 23.47A.010 Footnotes to Table <u>A</u> for 23.47A.004((:)) <div style="text-align: center;">* * *</div> (21) Major marijuana activity is subject to the requirements of Section 23.42.058.</p>					

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Section 5. Section 23.47A.020 of the Seattle Municipal Code, last amended by Ordinance 123046, is amended as follows:

23.47A.020 Odor standards

1 A. The venting of odors, vapors, smoke, cinders, dust, gas, and fumes shall be at least
2 ~~((ten-))10((+))~~ feet above finished sidewalk grade, and directed away to the extent possible from
3 ~~((residential))~~ uses within ~~((fifty-))50((+))~~ feet of the vent.

4 B. Major ~~((O))~~odor ~~((S))~~sources~~((-))~~

5 1. Uses that employ the following odor-emitting processes or activities are
6 considered major odor sources:

7 a. Lithographic, rotogravure, or flexographic printing;
8 b. Film burning;
9 c. Fiberglassing;
10 d. Selling of gasoline and/or storage of gasoline in tanks larger than 260
11 gallons;

12 e. Handling of heated tars and asphalts;

13 f. Incinerating (commercial);

14 g. Tire buffing;

15 h. Metal plating;

16 i. Vapor degreasing;

17 j. Wire reclamation;

18 k. Use of boilers (greater than 106 British ~~((F))~~thermal ~~((U))~~units per
19 hour, 10,000 pounds steam per hour, or 30 boiler horsepower);

20 l. Animal food processing;

21 m. Production or processing activities associated with major marijuana
22 activity; and

23 ~~((m-))~~n. Other similar processes or activities.

1 2. Uses that employ the following processes are considered major odor sources,
2 except when the entire activity is conducted as part of a commercial use other than food
3 processing or heavy commercial services:

- 4 a. Cooking of grains;
- 5 b. Smoking of food or food products;
- 6 c. Fish or fishmeal processing;
- 7 d. Coffee or nut roasting;
- 8 e. Deep fat frying;
- 9 f. Dry cleaning.

10 C. When an application is made for a use that is a major odor source, the Director, in
11 consultation with the Puget Sound Clean Air Agency (PSCAA), will determine the appropriate
12 measures to be taken by the applicant in order to significantly reduce potential odor emissions
13 and airborne pollutants. The measures to be taken must be indicated on plans submitted to the
14 Director and may be required as conditions for the issuance of any permit. After a permit has
15 been issued, any measures that were required by the permit must be maintained.

16 Section 6. Section 23.48.002 of the Seattle Municipal Code, last amended by Ordinance
17 124172, is amended as follows:

18 **23.48.002 Scope of provisions**

19 A. This Chapter 23.48 identifies uses that are or may be permitted in Seattle Mixed (SM)
20 zones and establishes development standards. The SM zone boundaries are shown on the Official
21 Land Use Map. The "D" suffix with a height limit range may be applied to SM zoned land in the
22 West Dravus area.

1 B. Other regulations, such as requirements for major marijuana activity (Section
2 23.42.058); requirements for streets, alleys and easements ((in)) (Chapter 23.53) ((-streets,
3 alleys and easements))); ((Chapter 23.54 (-)) standards for parking quantity, access and
4 design((+)) (Chapter 23.54); ((Chapter 23.54 (-)) standards for solid waste storage((+)) (Chapter
5 23.54); ((Chapter 23.55 (-)) signs((+)) (Chapter 23.55); and ((Chapter 23.86 (-)) methods for
6 measurements((+)) (Chapter 23.86) may apply to development proposals. Communication
7 utilities and accessory communication devices except as exempted in Section 23.57.002 are
8 subject to the regulations in this Chapter 23.48 and additional regulations in Chapter 23.57.

9 Section 7. Section 23.48.004 of the Seattle Municipal Code, last amended by Ordinance
10 124513, is amended as follows:

11 **23.48.004 Uses**

12 A. Permitted uses

13 1. All uses are permitted outright, either as principal or accessory uses, except
14 those specifically prohibited by subsection 23.48.004.B and those permitted only as conditional
15 uses by subsection 23.48.004.C.

16 2. Adult cabarets shall comply with the requirements of subsection 23.47A.004.H.

17 3. Major marijuana activity shall comply with the requirements of Section
18 23.42.058.

19 ((3))4. In the SM 85-240 zone, permitted ((nonresidential)) non-residential uses are
20 limited to a height of 20 feet above the street-level of structures with residential uses and are
21 subject to the development standards of subsection 23.48.014.B.

22 B. Prohibited uses. The following uses are prohibited as both principal and accessory
23 uses, except as otherwise noted:

- 1 1. All high-impact uses;
- 2 2. All heavy manufacturing uses;
- 3 3. General manufacturing uses greater than 25,000 square feet of gross floor area
- 4 for an individual business establishment;
- 5 4. Drive-in businesses, except gas stations;
- 6 5. Jails;
- 7 6. Adult motion picture theaters and adult panorams;
- 8 7. Outdoor storage, except for outdoor storage associated with florists and
- 9 horticulture uses;
- 10 8. Principal use surface parking;
- 11 9. Animal shelters and kennels;
- 12 10. Animal husbandry;
- 13 11. Park and pool lots;
- 14 12. Park and ride lots;
- 15 13. Work release centers;
- 16 14. Recycling;
- 17 15. Solid waste management; and
- 18 16. Mobile home parks.

19 C. Conditional uses

20 1. Conditional uses are subject to the procedures described in Chapter 23.76,
21 Procedures for Master Use Permits and Council Land Use Decisions, and shall meet the
22 provisions of both Section 23.42.042 and this subsection 23.48.004.C.

1 2. Mini-warehouses and warehouses may be permitted by the Director as
2 administrative conditional uses if:

3 a. The street-level portion of a mini-warehouse or warehouse only fronts
4 on an east/west oriented street, or an alley; and

5 b. Vehicular entrances, including those for loading operations, will not
6 disrupt traffic or transit routes; and

7 c. The traffic generated will not disrupt the pedestrian character of an area
8 by significantly increasing the potential for pedestrian-vehicle conflicts.

9 D. Required street-level uses

10 1. One or more of the uses listed in this subsection 23.48.004.D are required at
11 street-level on all lots abutting streets designated as Class 1 Pedestrian Streets shown on Map A
12 for 23.48.014, except as required in subsection 23.48.004.D.3. The following uses qualify as
13 required street-level uses:

14 a. General sales and service uses;

15 b. Eating and drinking establishments;

16 c. Entertainment uses;

17 d. Public libraries;

18 e. Public parks; and

19 f. Arts facilities.

20 2. Standards for required street-level uses. Required street-level uses shall meet
21 the development standards in subsection 23.48.014.E.

22 3. Within the SM 160/85-240 zone, for development meeting the standards in
23 subsection 23.48.017.B, structures with a street-facing (~~façade~~) facade along 8th Avenue N. or

1 a designated neighborhood green street (Map A for 23.48.014) shall have a minimum of 10
2 percent of the length of the street-level portion of that street-facing facade occupied by general
3 sales and service uses, eating and drinking establishments, or entertainment uses, that shall meet
4 the development standards for required street-level uses in subsection 23.48.014.E.

5 Section 8. Section 23.48.028 of the Seattle Municipal Code, last amended by Ordinance
6 124172, is amended as follows:

7 **23.48.028 Odor standards**

8 All permitted uses and activities are subject to the odor standards of Section 23.47A.020.

9 Section 9. Section 23.49.002 of the Seattle Municipal Code, which section was last
10 amended by Ordinance 122054, is amended as follows:

11 **23.49.002 Scope of provisions((e))**

12 A. This ((e))Chapter 23.49 details those authorized uses and their development standards
13 which are or may be permitted in downtown zones: Downtown Office Core 1 (DOC1),
14 Downtown Office Core 2 (DOC2), Downtown Retail Core (DRC), Downtown Mixed
15 Commercial (DMC), Downtown Mixed Residential (DMR), Pioneer Square Mixed (PSM),
16 International District Mixed (IDM), International District Residential (IDR), Downtown
17 Harborfront 1 (DH1), Downtown Harborfront 2 (DH2), and Pike Market Mixed (PMM).

18 B. Property in the following special districts: Pike Place Market Urban Renewal Area,
19 Pike Place Market Historic District, Pioneer Square Preservation District, International Special
20 Review District, and the Shoreline District, are subject to both the requirements of this
21 ((e))Chapter 23.49 and the regulations of the district.

22 C. Standards and guidelines for amenity features are found in the Downtown Amenity
23 Standards.

1 D. Requirements for alley improvements are provided in Chapter 23.53. Standards for
2 design of parking are provided in Chapter 23.54. Signs shall be regulated by Chapter 23.55.
3 Methods for measurements are provided in Chapter 23.86.

4 E. Communication utilities and accessory communication devices except as exempted in
5 Section 23.57.002 are subject to the regulations in this ((e))Chapter 23.49 and additional
6 regulations in Chapter 23.57.

7 F. Major marijuana activity is subject to the regulations in this Chapter 23.49 and
8 additional regulations in Section 23.42.058.

9 Section 10. Subsection 23.49.025.A of the Seattle Municipal Code, which section was
10 last amended by Ordinance 124378, is amended as follows:

11 **23.49.025 Odor, noise, light/glare, and solid waste recyclable materials storage space**
12 **standards**

13 A. The venting of odors, fumes, vapors, smoke, cinders, dust, and gas shall be at least 10
14 feet above finished sidewalk grade, and directed away from ((residential)) uses within 50 feet of
15 the vent.

16 1. Major odor sources

17 a. Uses that employ the following odor-emitting processes or activities are
18 considered major odor sources:

- 19 1) Lithographic, rotogravure₂ or flexographic printing;
20 2) Film burning;
21 3) Fiberglassing;
22 4) Selling of gasoline and/or storage of gasoline in tanks larger
23 than 260 gallons;

- 1 5) Handling of heated tars and asphalts;
- 2 6) Incinerating (commercial);
- 3 7) Metal plating;
- 4 8) Use of boilers (greater than 106 British thermal units per hour,
5 10,000 pounds steam per hour, or 30 boiler horsepower);
- 6 9) Production or processing activities associated with major
7 marijuana activity; and
- 8 10) Other uses creating similar odor impacts.

9 b. Uses that employ the following processes are considered major odor
10 sources, unless the entire activity is conducted as part of a commercial use other than food
11 processing or heavy commercial services:

- 12 1) Cooking of grains;
- 13 2) Smoking of food or food products;
- 14 3) Fish or fishmeal processing;
- 15 4) Coffee or nut roasting;
- 16 5) Deep fat frying;
- 17 6) Dry cleaning; and
- 18 7) Other uses creating similar odor impacts.

19 2. Review of ~~((M))~~major ~~((O))~~odor ~~((S))~~sources. When an application is made for
20 a use which is a major odor source, the Director, in consultation with the Puget Sound Clean Air
21 Agency (PSCAA), shall determine the appropriate measures to be taken by the applicant in order
22 to significantly reduce potential odor emissions and airborne pollutants. The measures to be
23 taken shall be specified on plans submitted to the Director, and may be required as conditions for

1 the issuance of any permit. After a permit has been issued, any measures that were required by
2 the permit shall be maintained.

3 ***

4 Section 11. Section 23.49.042 of the Seattle Municipal Code, last amended by Ordinance
5 122054, is amended as follows:

6 **23.49.042 Downtown Office Core 1, Downtown Office Core 2, and Downtown Mixed**
7 **Commercial permitted uses((=))**

8 The provisions of this ((s))Section 23.49.042 apply in DOC1, DOC2, and DMC zones.

9 A. All uses ((shall be))are permitted outright except those specifically prohibited by
10 Section 23.49.044((=)) and those permitted only as conditional uses by Section 23.49.046,((= and
11 p))Parking ((, which shall be regulated by)) is allowed pursuant to Section 23.49.045, and major
12 marijuana activity is allowed pursuant to Section 23.42.058.

13 B. All uses not prohibited shall be permitted as either principal or accessory uses.

14 C. Public ((F))facilities((=))

15 1. Except as provided in ((S))subsection 23.49.046.D.2, uses in public facilities
16 that are most similar to uses permitted outright under this ((e))Chapter 23.49 shall also be
17 permitted outright subject to the same use regulations and development standards that govern the
18 similar uses.

19 2. Essential ((P))public ((F))facilities. Permitted essential public facilities shall
20 also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

21 Section 12. Section 23.49.090 of the Seattle Municipal Code, last amended by Ordinance
22 120443, is amended as follows:

23 **23.49.090 Downtown Retail Core, permitted uses((=))**

1 A. All uses (~~(shall be)~~) are permitted outright except those which are specifically
2 prohibited by Section 23.49.092(~~(;)~~) and those which are permitted only as conditional uses by
3 Section 23.49.096. (~~(, and p)~~)Parking (~~(, which shall be regulated by)~~) is allowed subject to
4 Section 23.49.094 and major marijuana activity is allowed subject to Section 23.42.058.

5 B. All uses not prohibited shall be permitted as either principal or accessory uses.

6 C. Public (~~(F)~~)facilities(~~(;)~~)

7 1. Except as provided in Section 23.49.096, uses in public facilities that are most
8 similar to uses permitted outright under this (~~(e)~~)Chapter 23.49 shall also be permitted outright
9 subject to the same use regulations and development standards that govern the similar uses.

10 2. Essential (~~(P)~~)public (~~(F)~~)facilities. Permitted essential public facilities shall
11 also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

12 Section 13. Section 23.49.142 of the Seattle Municipal Code, last amended by Ordinance
13 118672, is amended as follows:

14 **23.49.142 Downtown Mixed Residential, permitted uses.**

15 A. All uses (~~(shall be)~~) are permitted outright except those specifically prohibited by
16 Section 23.49.144(~~(;)~~) and those permitted only as conditional uses by Section 23.49.148. (~~(, and~~
17 ~~p)~~)Parking, (~~(which shall be regulated by)~~) is permitted pursuant to Section 23.49.146, and major
18 marijuana activity is allowed pursuant to Section 23.42.058.

19 B. All uses not prohibited (~~(shall be)~~) are permitted as either principal or accessory uses.

20 C. Public (~~(F)~~)facilities(~~(;)~~)

21 1. Except as provided in (~~(Section 23.49.148 D2)~~)subsection 23.49.148.D.2, uses
22 in public facilities that are most similar to uses permitted outright under this (~~(e)~~)Chapter 23.49

1 ((shall)) are also ((be)) permitted outright subject to the same use regulations and development
2 standards that govern the similar uses.

3 2. Essential ((P))public ((F))facilities. Permitted essential public facilities shall
4 also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

5 Section 14. Section 23.49.300 of the Seattle Municipal Code, last amended by Ordinance
6 117430, is amended as follows:

7 **23.49.300 Downtown Harborfront 1, uses((:))**

8 A. Uses that ((shall be)) are permitted or prohibited in Downtown Harborfront 1 are
9 ((determined by the)) identified in Chapter 23.60A, the Seattle Shoreline Master Program, except
10 that major marijuana activity is prohibited.

11 B. Essential ((P))public ((F))facilities. Permitted essential public facilities shall also be
12 reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

13 Section 15. Section 23.49.320 of the Seattle Municipal Code, last amended by Ordinance
14 122311, is amended as follows:

15 **23.49.320 Downtown Harborfront 2, prohibited uses((:))**

16 The following uses ((shall be)) are prohibited as both principal and accessory uses:

17 A. Drive-in businesses, except gas stations located in parking garages;

18 B. Outdoor storage, except when accessory to water-dependent or water-related uses
19 located in Downtown Harborfront 1 or Downtown Harborfront 2;

20 C. Adult motion picture theaters and adult panorams;

21 D. All general and heavy manufacturing uses;

22 E. Solid waste management;

23 F. Recycling;

1 G. All high-impact uses; (~~and~~)

2 H. Work-release centers(~~(-)~~); and

3 I. Major marijuana activity.

4 Section 16. Subsection 23.49.338.A of the Seattle Municipal Code, which section was
5 last amended by Ordinance 122311, is amended as follows:

6 **23.49.338 Pike Market Mixed, prohibited uses.**

7 A. The following uses are prohibited as both principal and accessory uses in areas outside
8 of the Pike Place Market Historical District, Map 1K:

9 1. Drive-in businesses, except gas stations located in parking garages;

10 2. Outdoor storage;

11 3. Adult motion picture theaters and adult panorams;

12 4. Transportation facilities, except principal use parking;

13 5. Major communication utilities;

14 6. All general manufacturing uses;

15 7. Solid waste management;

16 8. Recycling;

17 9. All industrial uses;

18 10. Jails; (~~and~~)

19 11. Work-release centers(~~(-)~~); and

20 12. Major marijuana activity.

21 ***

22 Section 17. Section 23.50.002 of the Seattle Municipal Code, was last amended by
23 Ordinance 124105, is amended as follows:

1 **23.50.002 Scope of provisions**

2 A. There ~~((shall be))~~ are four ~~((4))~~ industrial classifications: General Industrial 1 (IG1),
3 General Industrial 2 (IG2), Industrial Buffer (IB), and Industrial Commercial (IC). This
4 ~~((e))~~Chapter 23.50 describes the authorized uses and development standards for the Industrial
5 zones.

6 B. In addition to the regulations in this Chapter 23.50, certain industrial areas may be
7 regulated by other chapters or titles of the Seattle Municipal Code, including but not limited to:
8 Special Review Districts, Chapter 23.66; Landmark Districts, Chapter 25.12; or the Shoreline
9 District, Chapter 23.60A.

10 C. Communication utilities and accessory communication devices except as exempted in
11 Section 23.57.002 are subject to the regulations in this ~~((e))~~Chapter 23.50 and additional
12 regulations in Chapter 23.57. Requirements for streets, alleys, and easements are provided in
13 Chapter 23.53. Standards for parking access and design are provided in Chapter 23.54. Signs are
14 regulated by Chapter 23.55. Methods for measurements are provided in Chapter 23.86.
15 Definitions are in Chapter 23.84A.

16 D. For the purposes of this ~~((e))~~Chapter 23.50, the terms "existing structures or uses"
17 mean those structures or uses which were established under permit, or for which a permit has
18 been granted and has not expired, or are substantially underway in accordance with ~~((Section~~
19 23.04.010 D))~~subsection 23.04.010.D, on ((the effective date of the ordinance codified in this~~
20 ~~chapter 23.50))~~ October 5, 1987.

21 E. Major marijuana activity is subject to the regulations in this Chapter 23.50 and
22 additional regulations in Section 23.42.058.

1 Section 18. Subsections 23.50.012.A, 23.50.012.B and Table A for 23.50.012 of the
 2 Seattle Municipal Code, which section was last amended by Ordinance 124326, is amended as
 3 follows:

4 **23.50.012 Permitted and ~~(P)~~prohibited ~~(U)~~uses**

5 A. All uses are permitted outright, prohibited or permitted as a conditional use, according
 6 to Table A for 23.50.012 and this Section 23.50.012.

7 B. All permitted uses are allowed as either a principal use or an accessory use, unless
 8 otherwise indicated in Table A for 23.50.012.

9 * * *

Table A For 23.50.012 Uses in Industrial (Z)zones					
(USES) Uses	(PERMITTED AND PROHIBITED USES BY ZONE) Permitted and prohibited uses by zone				
	IB	IC	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
A. AGRICULTURAL USES					

A.3. Community (G) garden <u>(19)</u>	P(14)	P(14)	P(14)	P(14)	P(14)
A.4. Horticulture	X	X	X	X	X
A.5. Urban (F) farm <u>(19)</u>	P(14)	P(14)	P(14)	P(14)	P(14)

C. COMMERCIAL USES					

C.4. Food processing and craft work <u>(19)</u>	P	P	P	P	P

C.10. Sales and services, general <u>(19)</u>	P	P	P	P	P

E. INSTITUTIONS					

E.3. Colleges	EB	EB	EB ((17)) 18	X(6)	X(6)

Table A For 23.50.012 Uses in Industrial ((Z)) zones					
((PERMITTED AND PROHIBITED USES BY ZONE)) <u>Permitted and prohibited uses by zone</u>					
((USES)) <u>Uses</u>	IB	IC	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
G. MANUFACTURING USES					
G.1. Manufacturing, light <u>(19)</u>	P	P	P	P	P

KEY					
* * *					
((Notes)) <u>Footnotes to Table A for 23.50.012</u>					
* * *					
(17) Subject to subsection 23.50.014.B.7.e.					
((Editor's note — This note goes to M.6.b., column IB.))					
((17)) (18) Research and education facilities that are a part of a college or university, and that are water-dependent or water-related, as defined by Section 23.60.944, are permitted in new and existing buildings in the Ballard/Interbay Northend Manufacturing & Industrial Center.					
((Editor's note — This note goes to E.3., column IG1 and IG2 (general).))					
<u>(19) Major marijuana activity is regulated by Section 23.42.058.</u>					
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Section 19. Section 23.50.044 of the Seattle Municipal Code, which section was last amended by Ordinance 124378, is amended as follows:

23.50.044 ~~((Industrial Buffer and Industrial Commercial))~~ All Industrial zones—Standards for major odor sources

A. Major odor sources in Industrial Buffer and Industrial Commercial zones

1. Uses that involve the following odor-emitting processes or activities shall be considered major odor sources:

- a. Lithographic, rotogravure, or flexographic printing;
- b. Film burning;
- c. Fiberglassing;

1 d. Selling of gasoline and/or storage of gasoline in tanks larger than 260
2 gallons;

3 e. Handling of heated tars and asphalts;

4 f. Incinerating (commercial);

5 g. Metal plating;

6 h. Tire buffing;

7 i. Vapor degreasing;

8 j. Wire reclamation;

9 k. Use of boilers (greater than 106 British thermal units per hour, 10,000
10 pounds steam per hour, or 30 boiler horsepower);

11 l. Production or processing activities associated with major marijuana
12 activity; and

13 m. Other uses creating similar odor impacts.

14 2. Uses that employ the following processes shall be considered major odor
15 sources, unless the entire activity is conducted as part of a commercial use other than food
16 processing or heavy commercial services:

17 a. Cooking of grains;

18 b. Smoking of food or food products;

19 c. Fish or fishmeal processing;

20 d. Coffee or nut roasting;

21 e. Deep-fat frying;

22 f. Dry cleaning;

23 g. Animal food processing; and

1 h. Other uses creating similar odor impacts.

2 B. Major odor sources in General Industrial zones

3 1. Uses that involve the following odor-emitting processes or activities in General

4 Industrial zones shall be considered major odor sources:

5 a. Production or processing activities associated with major marijuana
6 activity.

7 ~~((B-))~~C. When an application is made in ~~((the Industrial Buffer (IB) or Industrial~~
8 ~~Commercial (IC)))~~ an Industrial zone for a use which is determined to be a major odor source,
9 the Director, in consultation with the Puget Sound Clean Air Agency (PSCAA), shall determine
10 the appropriate measures to be taken by the applicant in order to significantly reduce potential
11 odor emissions and airborne pollutants. Measures to be taken shall be indicated on plans
12 submitted to the Director, and may be required as conditions for the issuance of any permit. Once
13 a permit has been issued, any measures which were required by the permit shall be maintained.

14 Section 20. Section 23.66.122 of the Seattle Municipal Code, which section was last
15 amended by Ordinance 123034, is amended as follows:

16 **23.66.122 Prohibited uses**

17 A. The following uses are prohibited in the Pioneer Square Preservation District as both
18 principal and accessory uses:

19 Retail ice dispensaries;

20 Plant nurseries;

21 Frozen food lockers;

22 Animal shelters and kennels;

- 1 Pet daycare, except as permitted as a street-level use in subsection 23.49.180.F if an
2 applicant elects to use added height under the provisions of Section 23.49.180;
- 3 Automotive sales and service, except gas stations located in parking garages;
4 Marine sales and service;
5 Heavy commercial services;
6 Heavy commercial sales;
7 Adult motion picture theaters;
8 Adult panorams;
9 Bowling alleys;
10 Skating rinks;
11 Major communication utilities;
12 Advertising signs and off-premises directional signs;
13 Transportation facilities, except passenger terminals, rail transit facilities, parking
14 garages, and streetcar maintenance bases;
- 15 Outdoor storage;
16 Jails;
17 Work-release centers;
18 General and heavy manufacturing uses;
19 Solid waste management;
20 Recycling uses; ~~((and))~~
21 Major marijuana activity; and
22 High-impact uses.

1 B. Except for the uses listed in subsection 23.66.122.B.2, automobile-oriented
2 commercial uses are prohibited, including but not limited to the automobile-oriented uses listed
3 in subsection 23.66.122.B.1.

4 1. Examples of prohibited automobile-oriented commercial uses((?));

5 a. Drive-in businesses((?));

6 b. Principal and accessory surface parking areas not in existence prior to
7 August 10, 1981((?));

8 c. Principal-use parking garages for long-term parking((?)); and

9 d. Motels.

10 2. Permitted automobile-oriented uses((?));

11 a. Gas stations accessory to parking garages;

12 b. Accessory-use surface parking in the Subarea B shown on Map C for
13 23.66.122 and 23.66.150* either;

14 ((?))1) if the accessory-use surface parking is in a location
15 permitted by and complies with the standards contained in Section 23.49.180; or

16 ((?))2) if the lot satisfies the provisions of Section 23.49.019((?));

17 c. Principal-use parking garages for long-term parking in structures
18 authorized pursuant to ((subsection))Section 23.49.180; and

19 d. Accessory-use parking garages.

20 * **Editor's Note** – Map C for 23.66.122 and 23.66.150 is codified at the end of this chapter

21 Section 21. Section 23.66.322 of the Seattle Municipal Code, which section was last
22 amended by Ordinance 123589, is amended as follows:

23 **23.66.322 Prohibited uses**

1 A. The following uses are prohibited as both principal and accessory uses in the entire

2 International Special Review District:

3 Adult motion picture theaters;

4 Adult panorams;

5 All general and heavy manufacturing uses;

6 All high-impact uses;

7 Solid waste management;

8 Recycling uses;

9 Automotive sales and service;

10 Bowling lanes;

11 Major communication utilities;

12 Heavy commercial sales;

13 Drive-in businesses;

14 Frozen food lockers;

15 Heavy commercial services;

16 Marine sales and services;

17 Medical testing laboratories;

18 Mortuary services;

19 Motels;

20 Outdoor storage;

21 Plant nurseries;

22 Retail ice dispensaries;

23 Shooting galleries;

- 1 Skating rinks;
- 2 Mobile home parks;
- 3 Transportation facilities except: passenger terminals, rail transit facilities, and parking
- 4 and moorage uses;
- 5 Animal shelters and kennels;
- 6 Jails;
- 7 Major marijuana activity; and
- 8 Work-release centers.

9 B. In addition to the prohibited uses listed in subsection 23.66.322.A, light manufacturing
10 uses that occupy more than 10,000 square feet are prohibited in that portion of the International
11 Special Review District west of Interstate 5.

12 C. All light manufacturing uses are prohibited in that portion of the District in an IDR
13 zone.

14 Section 22. Section 23.84A.025 of the Seattle Municipal Code, which section was last
15 amended by Ordinance 124326, is amended as follows:

16 **23.84A.025 “M”**

17 ***

18 "Marijuana activity, major" means, except as provided below, ((the))any production, processing,
19 or selling ((, or delivery)) of marijuana, marijuana-infused products, ((or useable)) usable
20 marijuana ((that involves more than 45 marijuana plants, 72 ounces of useable marijuana, or an
21 amount of marijuana infused product that could reasonably be produced with 72 ounces of
22 useable marijuana.)), or marijuana concentrates. Major marijuana activity does not include the
23 following activities when they occur within a dwelling unit occupied by a qualifying patient or

1 designated provider, as those terms are defined in RCW 69.51A.010, or within an enclosed
2 structure that is accessory to such a dwelling unit:

3 a. production of marijuana involving up to 15 plants;

4 b. production of marijuana involving up to 60 plants, only if the production is part
5 of a cooperative that is registered with the Washington State Liquor and Cannabis Board and
6 operates in compliance with Section 25 of SB 5052;

7 c. drying or incorporation into food of up to 15 marijuana plants; or

8 d. drying or incorporation into food of up to 60 marijuana plants if such
9 processing is part of a cooperative authorized by state law.

10 ***

11 Section 23. Ratify and Confirm. Any act consistent with the authority of this ordinance
12 taken after its passage and prior to its effective date is ratified and confirmed.

13

