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*** DRAFT ***

ORDINANCE _____

AN ORDINANCE relating to land use and zoning, creating a new Section 23.42.058 and amending Sections 23.50.012 and 23.84A.006 of the Seattle Municipal Code to establish locational restrictions on the production, processing, or dispensing of cannabis and to make a minor modification to existing allowances for agricultural uses in certain industrial areas.

WHEREAS, in 1998 the State of Washington approved the medical use of cannabis by patients with certain medical conditions; and

WHEREAS, in 2011 the Washington State Legislature passed ESSSB 5073 which, among other things: (1) permits collective gardens by qualifying patients whereby they may, consistent with state law, collectively grow cannabis for their own medical use; and (2) permits cities to use their zoning authority to regulate the production, processing, or dispensing of cannabis within their respective jurisdictions; and

WHEREAS, Governor Christine Gregoire signed into law those portions of ESSSB 5073 described above, which took effect on July 22, 2011, as more fully set forth in Laws of 2011, Chapter 181; and

WHEREAS, in 2011 the Seattle City Council passed and the Mayor signed Ordinance 123661 clarifying that the manufacture, production, processing, possession, transportation, delivery, dispensing, application, or administration of cannabis must comply with all applicable City laws, and that compliance with City laws does not constitute an exemption from compliance with applicable state and federal regulations; and

WHEREAS, based on an estimate that four to five percent of Seattle residents are medical cannabis users, Seattle may have over 25,000 residents using medical cannabis; and

WHEREAS, the City of Seattle believes that any production, processing, or dispensing of cannabis should be conducted in a safe and fair manner for the health, safety, and welfare of the community;

WHEREAS, the City of Seattle believes that the health, safety, and welfare of the community is best served by excluding from certain zones any production, processing, or dispensing of cannabis at a level greater than the level that may permissibly be included in collective gardens under current state law; and

1 WHEREAS, the City of Seattle is responding to the changes in state law in a responsible manner
2 that will minimize impacts on patients, providers, and the health, safety, and welfare of
the community; NOW, THEREFORE,

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

4 Section 1. A new Section 23.42.058 of the Seattle Municipal Code is added as follows:

5 **23.42.058 Cannabis**

6 A. The production, processing, or dispensing of cannabis, cannabis products, or useable
7 cannabis that involves more than 45 cannabis plants, 72 ounces of useable cannabis, or an
8 amount of cannabis product that could reasonably be produced with 72 ounces of useable
9 cannabis, may not be conducted in association with any business establishments or dwelling
10 units located in any of the following zones:

- 11 1. All Single-Family zones;
- 12 2. All Multifamily zones;
- 13 3. Neighborhood Commercial 1 (NC1); and
- 14 4. The following Downtown zones:
 - 15 a. Pioneer Square Mixed (PSM);
 - 16 b. International District Mixed (IDM);
 - 17 c. International District Residential (IDR);
 - 18 d. Downtown Harborfront 1 (DH1);
 - 19 e. Downtown Harborfront 2 (DH2); and
 - 20 f. Pike Market Mixed (PMM).

21 Section 2. Note 14 to Table A for Section 23.50.012 of the Seattle Municipal Code,
22 which Section was last amended by Ordinance 123589, is amended as follows:

23 **SMC 23.50.012 Permitted and Prohibited Uses**

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

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

* * *

Table A For 23.50.012

Uses in Industrial Zones

USES	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.1. Animal Husbandry	X	X	X	X	X
A.2. Aquaculture	P	P	P	P	P
A.3. Community Garden	P(14)	P(14)	P(14)	P(14)	P(14)
A.4. Horticulture	X	X	X	X	X
A.5. Urban Farm	P(14)	P(14)	P(14)	P(14)	P(14)

Notes

* * *

(14) Except within designated manufacturing and industrial centers, where they are permitted only on rooftops and/or as ~~((vertical farming))~~ indoor agricultural operations. Indoor agricultural operations (excluding associated office or food processing areas) greater than 10,000 square feet are prohibited.

* * *

Section 3. Section 23.84A.006 of the Seattle Municipal Code, which Section was last amended by Ordinance 123589, is amended by adding the following new definitional subsections:

23.84A.006 Definitions – “C”

“Cannabis” means all parts of the plant Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative,

1 mixture, or preparation of the plant, its seeds, or resin. “Cannabis” does not include the mature
2 stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant,
3 any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks,
4 except the resin extracted therefrom, fiber, oil, or cake, or the sterilized seed of the plant which is
5 incapable of germination. “Cannabis” includes cannabis products and useable cannabis.

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7 “Cannabis products” means products that contain cannabis or cannabis extracts and are intended
8 for human consumption or application, including, but not limited to, edible products, tinctures,
9 and lotions. “Cannabis products” does not include useable cannabis.

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11 “Cannabis, useable” means dried flowers of the Cannabis plant. Useable cannabis excludes
12 stems, stalks, leaves, seeds, and roots. For purposes of this subsection, “dried” means containing
13 less than 12 percent moisture content by weight. “Useable cannabis” does not include cannabis
14 products.

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16 Section 4. Section 23.84A.018 of the Seattle Municipal Code, which Section was last
17 amended by Ordinance 122311, is amended by adding the following new definitional subsection:

18 **23.84A.018 Definitions – ‘T’**

19 ***

20 “Indoor agricultural operation” means a business establishment with an agricultural use that is
21 limited to plants grown in containers within the interior of an enclosed structure.

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23 Section 5. Business establishments and dwelling units where the production, processing,
24 or dispensing of cannabis was being conducted prior to the effective date of this ordinance must
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1 come into compliance with Section 23.42.054 no later than 12 months from the effective date of
2 this ordinance.

3 Section 6. This ordinance shall take effect and be in force 30 days after its approval by
4 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
5 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

6 Passed by the City Council the ____ day of _____, 2012, and
7 signed by me in open session in authentication of its passage this
8 ____ day of _____, 2012.

9 _____
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11 President _____ of the City Council

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13 Approved by me this ____ day of _____, 2012.

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15 _____
16 Michael McGinn, Mayor

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18 Filed by me this ____ day of _____, 2012.

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20 _____
21 Monica Martinez Simmons, City Clerk

22 (Seal)

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