

**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

**COUNCIL BILL \_\_\_\_\_**

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4 AN ORDINANCE relating to land use and zoning, creating a new Section 23.42.058 and  
5 amending Sections 23.50.012, 23.84A.018, and 23.84A.025 of the Seattle Municipal  
6 Code to establish locational restrictions on the production, processing, selling, or delivery  
7 of marijuana and to make a minor modification to existing allowances for agricultural  
uses in certain industrial areas.

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

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

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

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

20 WHEREAS, in 2012 the people of Washington State passed Initiative 502 legalizing the  
21 possession of small amounts of marijuana and directing the Washington State Liquor  
Control Board to develop a process for regulating the production, processing, selling, and  
22 delivery of marijuana; and

23 WHEREAS, the City of Seattle believes that any production, processing, selling, or delivery of  
24 marijuana should be conducted in a safe and fair manner for the health, safety, and  
welfare of the community; and

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

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

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

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

8 **23.42.058 Marijuana**

9 A. The production, processing, selling, or delivery of marijuana, marijuana-infused  
10 products, or useable marijuana that involves more than 45 marijuana plants, 72 ounces of useable  
11 marijuana, or an amount of marijuana-infused product that could reasonably be produced with 72  
12 ounces of useable marijuana, may not be conducted in association with any business  
13 establishments or dwelling units located in any of the following areas:

- 14 1. Any Single-family zone;
- 15 2. Any Multifamily zone;
- 16 3. Any Neighborhood Commercial 1 (NC1) zone;
- 17 4. Any of the following Downtown zones:
  - 18 a. Pioneer Square Mixed (PSM);
  - 19 b. International District Mixed (IDM);
  - 20 c. International District Residential (IDR);
  - 21 d. Downtown Harborfront 1 (DH1);
  - 22 e. Downtown Harborfront 2 (DH2); or
  - 23 f. Pike Market Mixed (PMM); or
- 24 5. Any of the following districts:
  - 25 a. Ballard Avenue Landmark District;
  - 26 b. Columbia City Landmark District;

- c. Fort Lawton Landmark District;
- d. Harvard-Belmont Landmark District;
- e. International Special Review District;
- f. Pike Place Market Historical District;
- g. Pioneer Square Preservation District; or
- h. Sand Point Overlay District.

Section 2. Note 14 to Table A for Section 23.50.012 of the Seattle Municipal Code, which section was last amended by Ordinance 123986, is amended as follows:

**23.50.012 Permitted and Prohibited Uses**

A. All uses are permitted outright, prohibited or permitted as a conditional use, according 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.

\* \* \*

<b>Table A For 23.50.012 Uses in Industrial Zones</b>					
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
<b>A. AGRICULTURAL USES</b>					
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)
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Notes to Table A for 23.50.012

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

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7 Section 3. Section 23.84A.018 of the Seattle Municipal Code, last amended by  
8 Ordinance 123770, is amended by adding the following new definition:

9 **23.84A.018 “I”**

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11 “Indoor agricultural operation” means a business establishment with an agricultural use  
12 that is limited to plants grown in containers within an enclosed structure.

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14 Section 4. Section 23.84A.025 of the Seattle Municipal Code, last amended by  
15 Ordinance 123913, is amended by adding the following new definitions:

16 **23.84A.025 “M”**

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18 “Marijuana” means all parts of the plant Cannabis, whether growing or not; the seeds  
19 thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt,  
20 derivative, mixture, or preparation of the plant, its seeds, or resin. The term does not include:

- 21 1. the mature stalks of the plant;
- 22 2. fiber produced from the mature stalks of the plant;
- 23 3. oil or cake made from the seeds of the plant;
- 24 4. any other compound, manufacture, salt, derivative, mixture, or preparation of  
25 the mature stalks (except the resin extracted therefrom), fiber, oil, or cake; or

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5. the sterilized seed of the plant which is incapable of germination.

"Marijuana-infused products" means products that contain marijuana or marijuana extracts and are intended for human use. The term "marijuana-infused products" does not include useable marijuana.

"Marijuana, useable" means dried marijuana flowers. The term "useable marijuana" does not include marijuana-infused products.

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Section 5. Business establishments and dwelling units where the production, processing, selling, or delivery of marijuana was being conducted prior to the effective date of this ordinance must come into compliance with Section 23.42.058 no later than 12 months from the effective date of this ordinance.

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

Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2013, and signed by me in open session in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Michael McGinn, Mayor

Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Monica Martinez Simmons, City Clerk

(Seal)