

**CITY OF FLORENCE
ORDINANCE NO. 12, SERIES 2022**

**AN ORDINANCE CONFIRMING CITY COUNCIL ADOPTED CODE CHANGES MADE
IN ORDINANCE NO. 12, SERIES 2015 REGARDING DEFINITIONS RELATED TO
MARIJUANA BUSINESS USE TYPES IN TITLE 10 CHAPTER 2 OF THE FLORENCE
CITY CODE**

RECITALS:

1. Consistent with their 2015 City of Florence Work Plan, the City Council adopted Ordinance No. 12, Series 2015, updating development code provisions related to marijuana businesses regulated under state law.
2. All code amendment public noticing and hearings were performed in accordance with state law, city code and city charter as outlined in Ordinance No. 12, Series 2015. No appeal of the ordinance was filed and the ordinance was acknowledged for land use regulatory purposes under ORS 197.625.
3. As part of its adoption of Ordinance No. 12, Series 2015, the City Council found the amendments were consistent with applicable criteria in the Florence City Code, Realization 2020 Florence Comprehensive Plan, Oregon Administrative Rules and Oregon Revised Statutes.
4. Through error in subsequent changes to FCC Title 10, Chapter 1, Section 4 "Definitions", the codification of the revised marijuana definitions was either not updated or an older version of the Chapter was used for development code updates. As a result, the marijuana definitions were erroneously removed from the codification of FCC Title 10. The City Council never expressed an intent or directed the outcome in those subsequent actions to alter the marijuana definitions. Removal of the marijuana definitions adopted by Ordinance No. 12, Series 2015 was entirely an unintended mistake.
5. On October 17, 2016, the City Council adopted Ordinance No. 11, Series 2016, moving the definitions from Title 10, Chapter 1, Section 4 to Title 10, Chapter 2, Section 13. Chapter 2 was then amended an additional four times through the year 2020. None of the City Council's subsequent actions after the adoption of Ordinance No. 12, Series 2015 expressed an intent to alter the FCC Title 10 marijuana definitions adopted by the City Council in 2015.
6. The purpose of this ordinance is to confirm the City Council's adopted code changes made in Ordinance No. 12, Series 2015, Exhibit B page 1 regarding definitions related to marijuana business use types. This ordinance simply confirms the earlier legislative action by the Council and memorializes a correction of the error that occurred in codifying Ordinance No. 12, Series 2015.

Based on these findings,

THE CITY COUNCIL OF THE CITY OF FLORENCE ORDAINS AS FOLLOWS:

1. The codification of Florence City Code Title 10, Chapter 2, Section 13 is corrected to account for Ordinance No. 12, Series 2015 as shown in Exhibit A.
2. This ordinance shall become effective thirty days following adoption. (January 10, 2023).
3. The City Recorder is authorized to administratively correct any reference errors contained herein or in other provisions of the Florence City Code to the provisions added, amended, or repealed herein.

ADOPTION:

First Reading on the 12th day of December 2022.

Second Reading on the 12th day of December 2022.

This Ordinance is passed and adopted on the 12th day of December 2022.

AYES	5	Mayor Henry, Councilors Woodbury, Wantz, Meyer, Ward
NAYS	0	
ABSTAIN	0	
ABSENT	0	



Joe Henry, Mayor

Attest:



Lindsey White, City Recorder

Exhibit A

TITLE 10 CHAPTER 2

GENERAL ZONING PROVISIONS

SECTION:

10-2-13: DEFINITIONS: For the purpose of this Title, certain words, terms and phrases are defined below. Words used in the present tense include the future; the singular number includes the plural; and the word "shall" is mandatory and not directory. Whenever the term "this Title" is used herewith it shall be deemed to include all amendments thereto as may hereafter from time to time be adopted. Definition contained in the Florence Comprehensive Plan shall also be used to define terms used in this Title of the Florence City Code, and, where conflicts exist, the terms used in this Code shall apply to the respective Code requirements. Terms not defined in this Code shall have their ordinary accepted meanings within the context in which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, shall be considered a standard reference.

...

<u>MARIJUANA PROCESSING SITE</u>	<u>A location for compounding or converting of marijuana into medical products, concentrates, or extracts under the authority of the Oregon Health Authority.</u>
<u>MARIJUANA PROCESSOR</u>	<u>The compounding or converting of marijuana into products, concentrates, or extracts under the authority of the Oregon Liquor Control Commission.</u>
<u>MARIJUANA PRODUCER</u>	<u>The manufacture, planting, cultivation, growing and harvesting of marijuana under the authority of the Oregon Liquor Control Commission.</u>
<u>MARIJUANA RETAILER</u>	<u>A retail business licensed by the Oregon Liquor Control Commission to sell marijuana items to consumers in this state.</u>
<u>MARIJUANA WHOLESALER</u>	<u>The purchase of marijuana items in this state for resale to a person, other than a consumer, under the authority of the Oregon Liquor Control Commission.</u>
<u>MEDICAL MARIJUANA FACILITY DISPENSARY</u>	<u>A location to transfer marijuana registered with the Oregon Health Authority. Formerly or also known as a Medical Marijuana Facility. medical marijuana dispensary business required to register with the Oregon Health Authority under ORS 475.314.</u>
<u>MEDICAL MARIJUANA PRODUCTION</u>	<u>The manufacture, planting, cultivation, growing and harvesting of marijuana at a specific location registered by the Oregon Health Authority to produce marijuana for medical use by a specific patient. Also defined by the OHA as a "grow site."</u>

HOME OCCUPATION Any use customarily conducted entirely within a dwelling or accessory building and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the structure for dwelling purposes and which does not change the character thereof or does not adversely affect the uses permitted in

the district of which it is a part. Home occupations are permitted by this Title, provided they conform with the following criteria:

- A. No employment of help other than the members of the resident family.
- B. No use of material of mechanical equipment that is inconsistent with the residential character of the neighborhood.
- C. No sales of products or services not produced on the premises.
- D. The use shall not generate pedestrian or vehicular traffic beyond that normal to the district in which it is located.
- E. It shall not involve the use of commercial vehicles for delivery of materials to or from the premises.
- F. No storage of materials/supplies outdoors.
- G. It shall not involve the use of signs and/or structures other than those permitted in the district of which it is a part.
- H. In no way shall the appearance of the structure be so altered or the conduct of the occupation within the structure be such that the structure may be reasonably recognized as serving a nonresidential use (either by Home Occupations color, materials, construction, lighting, signs, sounds, noises or vibrations).
- I. There shall be no use of utilities or community facilities beyond that normal to residential purposes.

J. The use shall be conducted entirely within a building.

K. Medical and recreational marijuana producers and processors shall also comply with the criteria outlined in FCC 10-4-12-I.

Section 10-2-13 amendments confirmed by Ord. No. 12, Series 2022 (effective 1-10-22), originally made by Ordinance 12, Series 2015.