ORDINANCE NO. 3433

AN ORDINANCE AMENDING THE ROSEBURG LAND USE AND DEVELOPMENT ORDINANCE FOR THE PROVISION OF MEDICAL MARIJUANA DISPENSARIES AND DECLARING AN EFFECTIVE DATE OF NOVEMBER 1, 2014

WHEREAS, after reviewing the recommendation of the Planning Commission and conducting a Public Hearing on August 25, 2014, and

WHEREAS, Section 5.2.090 states it may be necessary to amend the Land Use and Development Ordinance text from time-to-time to meet changes in circumstances and conditions;

NOW, THEREFORE, THE CITY OF ROSEBURG HEREBY ORDAINS AS FOLLOWS:

SECTION 1: On the basis of the facts contained in the record, the City Council finds there is sufficient justification and need to accept the Planning Commission recommendation and hereby adopts as its own the Findings of Fact of the Planning Commission which are included herein by this reference.

SECTION 2: Land Use and Development Ordinance No. 2363, originally adopted June 28, 1982, and amended at various times thereafter, is hereby amended to read and provide as set forth in Exhibit 1 attached hereto and incorporated herein by this reference as if it were set forth verbatim in full.

SECTION 3. Following Council's adoption and approval by the Mayor, this ordinance shall become effective on November 1, 2014 to coincide with the effective date of Ordinances No. 3434 and 3435 and Resolution No. 2014-14, all relating to medical marijuana dispensaries.

ADOPTED BY THE COUNCIL THIS 22ND DAY OF SEPTEMBER, 2014.

APPROVED BY THE MAYOR THIS 22ND DAY OF SEPTEMBER, 2014.

Larry Rich

Larry Rich, Mayor

ATTEST:

Sheila R. Cox

Sheila R. Cox, City Recorder

a) A lot in an existing and duly recorded subdivision.

b) A parcel in an existing, duly recorded land partition; or

c) An adjusted lot resulting from an approved lot line adjustment; or

d) An existing unit of land for which a survey has been duly filed which conformed to all applicable regulations at the time of filing; or

e) Any unit of land created prior to zoning and partitioning regulations by deed or metes and bound description, and recorded with the Douglas County Clerk; provided, however, that contiguous units of land so created under the same ownership and not conforming to the minimum property size of this Ordinance shall be considered one (1) lot of record.

98) **MANUFACTURED DWELLING:**

a) "Manufactured Dwelling" for purposes of this Ordinance is synonymous with "manufactured home" and "mobile home" and means:

i) A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy.

b) "Manufactured Dwelling" does not mean any building or structure subject to the structural specialty code adopted pursuant to ORS 455.100 to 455.450.

99) **MARINA:** Public or private piers, docks, boat launching, and moorage facilities used for both commercial and pleasure craft, including fueling and other similar service activities, but not including industrial activities.

~~99)~~100) **MEDICAL MARIJUANA DISPENSARY:** ANY FACILITY OR OPERATION DESIGNED, INTENDED OR USED FOR PURPOSES OF DELIVERING, DISPENSING, OR TRANSFERRING MARIJUANA TO OREGON MEDICAL MARIJUANA REGISTRY IDENTIFICATION CARD HOLDERS PURSUANT TO ORS 475.300-475.346.

~~100)~~101) **MINING OPERATIONS:** Processes conducted for the exploration, mining and processing of aggregate and mineral resources or other sub-surface resources.

~~101)~~102) **MINISTERIAL DECISION:** A decision by the Community Development Director that is not a limited land use or land use decision per State law. (Ord.3289, 9/08)

~~102)~~103) **MINI-RETAIL BUSINESS (MRB):** A commercial operation from a small structure within the parking lot or a vacant parcel of an existing business location within the C3, M1, or MU zones subject to requirements of the International Building Code and development standards of the zone in which it is located. A certificate of occupancy shall not be issued until all conditions of approval from various departments are satisfactorily met. A business registration shall not be

TABLE 2-7: BUSINESS AND COMMERCIAL – ALLOWED USES

USE CATEGORY Specific Use	PO	C1	C2	C3	STANDARDS
47. Medical Marijuana Dispensary	-	-	P[9]	P[9]	

[1] Dwelling unit above or behind a permitted use.
[2] Within an existing residential use.
[3] This use may be permitted on sites with a minimum lot area of 40,000 square feet. If a site does not meet the minimum lot area, a Conditional Use Permit must be obtained.
[4] Uses under this category must be limited to customer or client traffic of 20 persons per day.
[5] Limited to 1,500 square feet in area.
[6] Limited to 2,500 square feet in area.
[7] Limited to 25,000 square feet in area.
[8] Limited to 5,000 square feet in area.
[9] Location shall not be within 1000 feet of another medical marijuana dispensary, school or pre-school; 500 feet from any property zoned Public Reserve or 200 feet from any property zoned Residential except when an arterial street lies between a dispensary and Residential or Public Reserve zoned property. In addition, any and all Medical Marijuana Dispensaries must be registered with the Oregon Health Authority under ORS 475.314 and comply with all OHA rules.

TABLE 2-13: INDUSTRIAL – ALLOWED USES

USE CATEGORY Specific Use	MU	M1	M2	M3	STANDARDS
47. Medical Marijuana Dispensary	P[2]	-	-	-	

[1] Dwelling units shall be constructed at a minimum of 18 units per acre. One (1) acre minimum lot size.
[2] Location shall not be within 1000 feet of another medical marijuana dispensary, school or pre-school; 500 feet from any property zoned Public Reserve or 200 feet from any property zoned Residential except when an arterial street lies between a dispensary and Residential or Public Reserve zoned property. In addition, any and all Medical Marijuana Dispensaries must be registered with the Oregon Health Authority under ORS 475.314 and comply with all OHA rules.
[23] A Professional Office may be located within a multiple-use structure but it shall not exceed 33% of the total floor area of the structure.
[34] Uses permitted in the M2 district may be considered providing the development standards referenced in Table 2-14 and any other applicable standards are met.