

BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG

**AN ORDINANCE AMENDING
ARTICLE 2 (ZONING DISTRICTS
AND ALLOWABLE LAND USES),
ARTICLE 4 (STANDARDS FOR
SPECIFIC LAND USES) AND
ARTICLE 10 (DEFINITIONS) OF
TITLE 18 (INLAND LAND USE AND
DEVELOPMENT CODE) OF THE
FORT BRAGG MUNICIPAL CODE
RELATING TO CANNABIS
REGULATIONS**

ORDINANCE NO. 952-2019

WHEREAS, the City of Fort Bragg (“City”) adopted an Inland General Plan and certified an Environmental Impact Report Addendum (“EIR Addendum”) for the General Plan on December 2, 2012; and

WHEREAS, the City adopted an Inland Land Use and Development Code and Negative Declaration on February 10, 2014; and

WHEREAS, the adoption of an Inland Land Use and Development Code is necessary to: 1) provide a regulatory framework for implementation of the Inland General Plan; 2) to implement new state planning and land use requirements; and 3) update zoning regulations in accordance with City Council policy direction; and

WHEREAS, on February 25, 2019, the City Council of the City of Fort Bragg (“City Council”) sought to establish rules and regulations by which cannabis businesses may be permitted; and

WHEREAS, a Negative Declaration has been prepared as the California Environmental Quality Act (“CEQA”) document for the amendment to the Inland Land Use and Development Code; and

WHEREAS, no comments on the Negative Declaration were received during the public review period; and

WHEREAS, the Fort Bragg Planning Commission considered the Negative Declaration and the Inland Land Use and Development Code at a noticed public hearing on August 28, 2019, at which time all interested parties had the opportunity to be heard; and

WHEREAS, on August 28, 2019, the Planning Commission adopted Resolution PC 07-2019 recommending City Council adopt the Negative Declaration and the amended Inland Land Use and Development Code (ILUDC); and

WHEREAS, on October 15, 2019, the City Council held a noticed public hearing and considered all public comments and a staff report on the proposed Ordinance, and adopted Resolution 4207-2019 adopting a Negative Declaration for the ILUDC amendment regarding cannabis businesses; and

WHEREAS, the staff reports, Planning Commission resolution, City Council resolution, and Inland Land Use and Development Code are available for review at City Hall during normal business hours.

NOW, THEREFORE, the City Council ordains as follows:

Section 1. Legislative Findings. The City Council hereby finds as follows:

1. The foregoing recitals are true and correct and are made a part of this Ordinance.
2. Amending the Inland Land Use and Development Code in the manner described is consistent with the General Plan and any applicable specific plan, and internally consistent with other applicable provisions of the Inland Land Use and Development Code.
3. Amending the Inland Land Use and Development Code in the manner described will ensure that cannabis business uses are effectively regulated so that they will not be detrimental to the public interest, health, safety, convenience or welfare of the City.

Section 2.

TITLE 18 – INLAND LAND USE AND DEVELOPMENT CODE

Table 2-6 of Section 18.22.030 entitled **Allowed Land Uses and Permit Requirements for Commercial Zoning Districts** is hereby amended as follows:

LAND USE (1)	PERMIT REQUIRED BY DISTRICT					Specific Use Regulations
	CN	CO	CBD	CG	CH	
TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial Zoning Districts						
	P	Permitted use, Zoning Clearance required				
	MUP	Minor Use Permit required (see § 18.71.060)				
	UP	Use Permit required (see § 18.71.060)				
	S	Permit requirement set by Specific Use Regulations				
	—	Use not allowed				
RETAIL TRADE						
Artisan shop	UP	UP	P	P	P	
Auto and vehicle sales and rental	—	—	—	P	P	

LAND USE (1)	PERMIT REQUIRED BY DISTRICT					Specific Use Regulations
	CN	CO	CBD	CG	CH	
TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial Zoning Districts						
P Permitted use, Zoning Clearance required MUP Minor Use Permit required (see § 18.71.060) UP Use Permit required (see § 18.71.060) S Permit requirement set by Specific Use Regulations — Use not allowed						
Auto parts sales with no installation services	—	—	—	P	P	
Bar/tavern	—	—	UP	MUP	MUP	
Big box retail	—	—	—	UP	UP	
Building and landscape materials sales - Indoor	—	—	—	P	UP	
Building and landscape materials sales - Outdoor	—	—	—	UP	UP	18.42.130
Cannabis Retail	—	—	MUP	MUP	MUP	18.42.057 Chapter 9.30
Cannabis Retail – Delivery Only	—	—	—	MUP	MUP	18.42.057 Chapter 9.30
Construction and heavy equipment sales and rental	—	—	—	UP	UP	18.42.130
Convenience store	P	—	P	P	P	
Drive-through retail or service	—	—	UP	UP	UP	18.42.070
Farm supply and feed store	—	—	—	P	UP	
Fuel dealer (propane for home and farm use, etc.)	—	—	—	UP	—	
Furniture, furnishings and appliance store	—	—	P	P	UP	
Retail, general - 10,000 sf or larger	—	—	UP	UP	UP	
Retail, general - 5,000 sf – 9,999 sf	—	—	P	P	P	
Retail, general - Less than 5,000 sf	P	P	P	P	P	
Groceries, specialty foods	P	—	P	P	P	
Mobile home, boat, or RV sales	—	—	—	UP	UP	
Night club	—	—	UP	UP	UP	
Outdoor retail sales and activities	—	—	P	P	P	18.42.130
Restaurant, café, coffee shop	UP	P	P	P	P	18.42.165
Second hand store	—	—	—	P	P	
Service station	—	—	—	UP	UP	18.42.180
Shopping center	—	—	—	UP	UP	

Key to Zoning District Symbols

CN	Neighborhood Commercial	CG	General Commercial
CO	Office Commercial	CH	Highway and Visitor Commercial
CBD	Central Business District		

Notes:

- (1) See Article 10 for land use definitions.

Table 2-10 of Section 18.24.030 entitled **Allowed Land Uses and Permit Requirements for Industrial Zoning Districts** is hereby amended as follows:

TABLE 2-10 Allowed Land Uses and Permit Requirements for Industrial Zoning Districts	P	Permitted use, Zoning Clearance required	
	MUP	Minor Use Permit required (see § 18.71.060)	
	UP	Use Permit required (see § 18.71.060)	
	S	Permit requirement set by Specific Use Regulations	
	—	Use not allowed	
LAND USE (1)	PERMIT REQUIRED BY DISTRICT		Specific Use Regulations
	IL	IH	

AGRICULTURAL, RESOURCE AND OPEN SPACE USES

Crop production, horticulture, orchard, vineyard	P	P	
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INDUSTRY, MANUFACTURING AND PROCESSING, WHOLESALING

Agricultural product processing	UP	P	
Artisan/craft product manufacturing	P(2)	UP	
Brewery/restaurant	UP	UP	
Boat and ship construction, repair, maintenance	UP	P	
Construction contractor base	P(2)	P(2)	
Fish processing	P(2)	P	
Laboratory - Analytical, testing	P(2)	P	
Lumber and wood product manufacturing	UP	UP	
Manufacturing/processing - Heavy	—	UP	
Manufacturing/processing - Light	P	P	
Manufacturing/processing - Medium intensity	UP	P(2)	
Media production	P	P	
Petroleum product storage and distribution	UP	P	
Printing and publishing	P	P	
Research and development (R&D)	P	P	

TABLE 2-10 Allowed Land Uses and Permit Requirements for Industrial Zoning Districts	P	Permitted use, Zoning Clearance required	
	MUP	Minor Use Permit required (see § 18.71.060)	
	UP	Use Permit required (see § 18.71.060)	
	S	Permit requirement set by Specific Use Regulations	
	—	Use not allowed	
LAND USE (1)	PERMIT REQUIRED BY DISTRICT		Specific Use Regulations
	IL	IH	
Recycling - Large facility	UP	UP	18.42.150
Recycling - Small facility	P	P	18.42.150
Storage - Outdoor	UP	UP	18.42.140
Storage - Personal storage facility (mini-storage)	UP	P	
Storage - Warehouse, indoor storage	P(2)	P	
Wholesaling and distribution	P(2)	P	

Key to Zoning District Symbols

IL	Light Industrial
IH	Heavy Industrial

Notes:

- (1) See Article 10 for land use definitions.
- (2) Use shall be entirely enclosed within a building, unless outdoor activities and/or storage are authorized by Use Permit.

TABLE 2-10 Allowed Land Uses and Permit Requirements for Industrial Zoning Districts	P	Permitted use, Zoning Clearance required	
	MUP	Minor Use Permit required (see § 18.71.060)	
	UP	Use Permit required (see § 18.71.060)	
	S	Permit requirement set by Specific Use Regulations	
	—	Use not allowed	
LAND USE (1)	PERMIT REQUIRED BY DISTRICT		Specific Use Regulations
	IL	IH	

RETAIL TRADE

Accessory retail or services	MUP	MUP	18.42.020
Building and landscape materials sales - Indoor	P	P	
Building and landscape materials sales - Outdoor	UP	P	18.42.130

LAND USE (1)	PERMIT REQUIRED BY DISTRICT		Specific Use Regulations
	IL	IH	
Cannabis Retail – Delivery Only	MUP (2)	MUP (2)	18.42.057 Chapter 9.30
Construction and heavy equipment sales and rental	UP	P	18.42.130
Farm supply and feed store	P	P	
Fuel dealer (propane for home and farm use, etc.)	P	—	
Mobile home, boat or RV sales	UP	UP	
Service station	UP	UP	18.42.180

SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL

Business support service	P	UP	
Office - Accessory	P	P	
Office - Processing	P	P	

Key to Zoning District Symbols

IL	Light Industrial
IH	Heavy Industrial

Notes:

- (1) See Article 10 for land use definitions.
- (2) Use shall only be allowable as an accessory use to a cannabis business engaged in manufacturing and/or distribution.

Section 18.42.055 entitled **Cannabis Manufacturing** is hereby removed from Chapter 18.42 and replaced with Section 18.42.057 and 18.42.059 as follows:

18.42.057 – Cannabis Retail

In addition to the Operating Requirements set forth in Chapter 9.30, this section provides location and operating requirements for Cannabis Retail. Chapter 9.30 contains definitions of terms used herein.

- A. **Conditional use.** A Minor Use Permit shall be required to operate Cannabis Retail in accordance with Table 2-6 of Article 2.

- B. Delivery services.** The primary use of a Cannabis Retail use shall be to sell products directly to on-site customers. Sales may also be conducted by delivery. Cannabis Retail uses engaging in delivery in addition to on-site sales shall be subject to the following requirements:
1. Commercial delivery to locations outside a permitted Cannabis Retail facility shall only be permitted in conjunction with a permitted Cannabis Retail facility that has a physical location and a retail storefront open to the public. A Cannabis Retail use shall not conduct sales exclusively by delivery. Delivery of cannabis without a storefront component shall be considered Cannabis Retail – Delivery Only, and subject to the requirements of 18.42.059, in addition to Chapter 9.30.
 2. Minor Use Permit applications for Cannabis Retail shall include a statement as to whether the use will include delivery of cannabis and/or cannabis products to customers located outside the Cannabis Retail facility. If a permitted Cannabis Retail use without a delivery component chooses to provide delivery services at a later date, an amendment to the Minor Use Permit shall be required.
 3. If delivery services will be provided, the application shall describe the operational plan and specific extent of such service, security protocols, and how the delivery services will comply with the requirements set for in Chapter 9.30, 18.42.057, and state law.
- C. Drive-through services.** Drive-through or walk-up window services in conjunction with Cannabis Retail are prohibited.
- D. Operational requirements.** In addition to project specific conditions of approval and the requirements set forth in Chapter 9.30, Cannabis Retail shall comply with the following operational requirements:
1. **Employees.** The Cannabis Operator shall maintain a current register of the names of all employees employed by the Cannabis Retailer, and shall disclose such register for inspection by any City officer or official for purposes of determining compliance with the requirements of this section and/or any project specific conditions of approval prescribed in the Minor Use Permit.
 2. **Recordkeeping.** The Cannabis Operator shall maintain patient and sales records in accordance with state law.
 3. **Photo identification.** No person shall be permitted to enter a Cannabis Retail facility without government issued photo identification. Cannabis Businesses shall not provide cannabis or cannabis products to any person, whether by purchase, trade, gift or otherwise, who does not possess a valid government issued photo identification card.
 4. **Hours of operation.** Cannabis Retail may operate between the hours of 9:00 a.m. to 9:00 p.m. up to seven days per week unless the review authority imposes more restrictive hours due to the particular circumstances of the application. The basis for any restriction on hours shall be specified in the permit. Cannabis Retail uses shall only be permitted to engage in delivery services during hours that the storefront is open to the public, unless the review authority permits delivery outside these hours.
- E. Accessory uses.** As defined in Article 10, accessory uses are customarily incidental to, related and clearly subordinate to a primary use on the same parcel, which does not alter the primary use. Uses accessory to Cannabis Retail facilities may be allowable pursuant to the permitting requirements in Article 2. Accessory uses may include activities that require multiple state cannabis licenses, including, but not limited to manufacturing, distribution, cultivation and/or processing. In no instance shall cannabis manufacturing using volatile solvents be allowable as uses accessory to Cannabis Retail uses.

18.42.059 – Cannabis Retail – Delivery Only

In addition to the Operating Requirements set forth in Chapter 9.30, this section provides location and operating requirements for Cannabis Retail – Delivery Only. Chapter 9.30 contains definitions of terms used herein.

- A. **Conditional use.** A Minor Use Permit shall be required to operate Cannabis Retail – Delivery Only in accordance with Table 2-6 of Article 2.
- B. **Operational requirements.** In addition to project specific conditions of approval and the requirements set forth in Chapter 9.30, Cannabis Retail – Delivery Only uses shall comply with the following operational requirements:
 - 1. Cannabis Retail – Delivery Only uses shall comply with the same operational requirements applicable to Cannabis Retail uses, as described in 18.41.057.
 - 2. The application shall describe the operational plan and specific extent of such service, security protocols, and how the delivery services will comply with the requirements set for in Chapter 9.30, 18.42.059, and state law.

The definitions of **Cannabis Dispensary** and **Cannabis Manufacturing** are hereby removed and **Cannabis Retail** and **Cannabis Retail – Delivery Only** are hereby added to Section 18.100.020(C) entitled **Definitions of Specialized Terms and Phrases** as follows:

Cannabis Retail. A Cannabis Business where cannabis or cannabis products are offered, either individually or in any combination, for retail sale directly to customers. The primary use of a Cannabis Retail Business is to sell products directly to on-site customers. Sales may also be conducted by delivery. Also known as a cannabis “dispensary.” See also Chapter 9.30.

Cannabis Retail – Delivery Only. A Cannabis Business that is closed to the public and conducts sales exclusively by delivery.

The definitions of **Manufacturing – Heavy**, **Manufacturing – Light**, **Manufacturing – Medium**, and **Warehousing and Distribution** are hereby amended within Section 18.100.020(M) entitled **Definitions of Specialized Terms and Phrases** as follows:

Manufacturing/Processing - Heavy. A facility accommodating manufacturing processes that involve and/or produce basic metals, building materials, chemicals, fabricated metals, paper products, machinery, textiles, and/or transportation equipment, where the intensity and/or scale of operations may cause significant impacts on surrounding land uses or the community. Also includes cannabis manufacturing and processing facilities with similar operational characteristics to the examples below. Examples of heavy manufacturing uses include the following.

- 1. **Chemical Product Manufacturing.** An establishment that produces or uses basic chemicals, and other establishments creating products predominantly by chemical processes. Examples of these products include: basic chemicals, including acids, alkalis, salts, and organic chemicals; chemical products to be used in further manufacture, including synthetic fibers, plastic materials, dry colors, and pigments; and finished chemical products to be used for ultimate consumption, including drugs/pharmaceuticals, cosmetics, and soaps; or to be used as materials or supplies in other industries including paints, fertilizers, and explosives. Also includes sales and transportation establishments handling the chemicals described above, except as part of retail trade.
- 2. **Concrete, Gypsum, and Plaster Product Manufacturing.** An establishment that produces bulk concrete, concrete building block, brick, and/or other types of precast and prefabricated concrete products. Also includes ready-mix concrete batch plants, lime manufacturing, and the manufacture of gypsum products,

including plasterboard. A retail ready-mix concrete operation as an incidental use in conjunction with a building materials outlet is defined under “Building and Landscape Materials Sales.”

3. **Glass Product Manufacturing.** An establishment that manufactures glass and/or glass products by melting silica sand or cullet, including the production of flat glass and other glass products that are pressed, blown, or shaped from glass produced in the same establishment. Artisan and craftsman type operations of a larger scale than home occupations are instead included under “Manufacturing - Light - Small-Scale Manufacturing.”
4. **Paving and Roofing Materials Manufacturing.** The manufacture of various common paving and petroleum-based roofing materials, including bulk asphalt, paving blocks made of asphalt, creosote wood, and various compositions of asphalt and tar. Does not include the manufacture of wood roofing materials (shingles, shakes, etc.; see “Lumber and Wood Product Manufacturing”).
5. **Petroleum Refining and Related Industries.** Industrial plants for purifying petroleum, and the compounding of lubricating oils and greases from purchased materials. Also includes oil or gas processing facilities, liquefied natural gas (LNG) facilities, the manufacture of petroleum coke and fuel briquettes, tank farms, and terminal facilities for pipelines. Does not include petroleum pipeline surge tanks and pump stations (“Public Utility Facilities”), or petroleum product distributors (“Petroleum Product Storage and Distribution”).
6. **Plastics, other Synthetics, and Rubber Product Manufacturing.** The manufacture of rubber products including: tires, rubber footwear, mechanical rubber goods, heels and soles, flooring, and other rubber products from natural, synthetic, or reclaimed rubber. Also includes establishments engaged primarily in manufacturing tires; products from recycled or reclaimed plastics or Styrofoam; molding primary plastics for other manufacturers, manufacturing miscellaneous finished plastics products, fiberglass manufacturing, and fiberglass application services. Does not include establishments engaged primarily in recapping and retreading automobile tires (“Vehicle Services - Major Repair/Body Work”).
7. **Primary Metal Industries.** An establishment engaged in: the smelting and refining of ferrous and nonferrous metals from ore, pig, or scrap; the rolling, drawing, and alloying of metals; the manufacture of castings, forgings, stampings, extrusions, and other basic metal products; and the manufacturing of nails, spikes, and insulated wire and cable. Also includes merchant blast furnaces and by-product or beehive coke ovens.
8. **Pulp and Pulp Product Manufacturing.** An establishment that manufactures pulp, paper, or paperboard. Includes pulp, paper, and paperboard mills. Does not include establishments primarily engaged in converting paper or paperboard without manufacturing the paper or paperboard, including envelope manufacturing, converted paper products, paper coating and glazing, paper bags, assembly of paperboard boxes, wallpaper (“Manufacturing - Light - Paper Product Manufacturing”).
9. **Textile and Leather Product Manufacturing.** An establishment that converts basic fibers (natural or synthetic) into a product, including yarn or fabric, that can be further manufactured into usable items (“Manufacturing - Light - Clothing and Fabric Product Manufacturing”), and industries that transform hides into leather by tanning or curing. Includes:
 - coating, waterproofing, or otherwise treating fabric
 - manufacturing of woven fabric, carpets, and rugs from yarn
 - dressed and dyed furs
 - preparation of fiber and subsequent dyeing and finishing fiber, yarn, fabric, and knit apparel manufacturing of yarn, threads, braids, twine cordage
 - leather - tanned, curried, and finished
 - scouring and combing plants
 - manufacture of knit apparel and other finished products from yarn
 - manufacture of felt goods, lace goods, nonwoven fabrics and miscellaneous textiles
 - upholstery manufacturing
 - yarn and thread mills

Manufacturing/Processing - Light. A facility accommodating manufacturing processes involving and/or producing:

apparel; food and beverage products; electronic, optical, and instrumentation products; ice; jewelry; and musical instruments. Light manufacturing also includes other establishments engaged in the assembly, fabrication, and conversion of already processed raw materials into products, where the operational characteristics of the manufacturing processes and the materials used are unlikely to cause significant impacts on surrounding land uses or the community. Also includes cannabis manufacturing and processing facilities with similar operational characteristics to the examples below. Examples of light manufacturing uses include the following:

1. **Clothing and Fabric Product Manufacturing.** An establishment that assembles clothing, draperies, and/or other products by cutting and sewing purchased textile fabrics, and related materials including leather, rubberized fabrics, plastics and furs. Does not include custom tailors and dressmakers not operating as a factory and not located on the site of a clothing store (see “Personal Services”). See also “Manufacturing - Heavy - Textile and Leather Product Manufacturing.”

2. **Electronics, Equipment, and Appliance Manufacturing.** An establishment that manufactures equipment, apparatus, and/or supplies for the generation, storage, transmission, transformation and use of electrical energy, including:
 - appliances including stoves/ovens, refrigerators, freezers, laundry equipment, fans, vacuum cleaners, sewing machines
 - motors and generators
 - optical instruments and lenses
 - photographic equipment and supplies
 - aviation instruments
 - radio and television receiving equipment
 - computers, computer components, peripherals
 - surgical, medical and dental instruments, equipment, and supplies
 - electrical transmission and distribution equipment
 - electronic components and accessories, semiconductors, integrated circuits, related devices
 - electrical welding apparatus
 - lighting and wiring equipment such as lamps and fixtures, wiring devices, vehicle lighting
 - industrial controls
 - instruments for measurement, testing, analysis and control, associated sensors and accessories
 - miscellaneous electrical machinery, equipment and supplies such as batteries, X-ray apparatus and tubes, electromedical and electrotherapeutic apparatus, electrical equipment for internal combustion engines
 - storage media, blank and pre-recorded, including magnetic, magneto-optical, and optical products such as compact disks (CDs), computer diskettes and hard drives, digital versatile disks (DVDs), magnetic tape products, phonograph records, etc.
 - surveying and drafting instruments
 - telephone and telegraph apparatus
 - transformers, switch gear and switchboards
 - watches and clocks

Does not include testing laboratories (soils, materials testing, etc.) (see “Business Support Service”), or research and development facilities separate from manufacturing (see “Research and Development”).

3. **Food and Beverage Product Manufacturing.** Manufacturing establishments producing or processing foods and beverages for human consumption, and certain related products. Examples of these uses include:
 - bottling plants
 - fruit and vegetable canning, preserving, related processing
 - breweries
 - grain mill products and by-products
 - candy, sugar, confectionery products manufacturing
 - meat, poultry, and seafood canning, curing, byproduct processing
 - catering services separate from stores or restaurants
 - coffee roasting
 - dairy products manufacturing
 - fat and oil product manufacturing
 - soft drink production
 - miscellaneous food item preparation from raw products

Does not include: bakeries, which are separately defined.

4. **Furniture and Fixtures Manufacturing.** Manufacturers producing: wood and metal household furniture and appliances; bedsprings and mattresses; all types of office furniture and public building furniture and

partitions, shelving, lockers and store furniture; and miscellaneous drapery hardware, window blinds and shades. Does not include wood workers and custom cabinet shops, which are separately regulated under “Artisan/Craft Product Manufacturing.” Does not include sawmills or planing mills, which are instead included under “Manufacturing - Heavy.”

5. **Small-Scale Manufacturing.** Includes manufacturing establishments producing small products not classified in another major manufacturing group, including: brooms and brushes; buttons, costume novelties; pens, pencils, and other office and artists’ materials; sporting and athletic goods; toys; etc.
6. **Metal Products Fabrication, Machine and Welding Shops.** An establishment engaged in the production and/or assembly of metal parts, including the production of metal cabinets and enclosures, cans and shipping containers, doors and gates, duct work, forgings and stampings, hardware and tools, plumbing fixtures and products, tanks, towers, and similar products. Examples of these uses include:
 - blacksmith and welding shops
 - plating, stripping, and coating shops
 - sheet metal shops
 - machine shops and boiler shops
7. **Paper Product Manufacturing.** An establishment that converts pre-manufactured paper or paperboard into boxes, envelopes, paper bags, wallpaper, etc., and/or that coats or glazes pre-manufactured paper. Does not include the manufacturing of pulp, paper, or paperboard (see “Manufacturing - Heavy - Pulp and Pulp Product Manufacturing”).

Manufacturing/Processing - Medium Intensity. A facility accommodating manufacturing processes that involve and/or produce building materials, fabricated metal products, machinery, and/or transportation equipment, where the intensity and/or scale of operations is greater than those classified under “Manufacturing - Light,” but where impacts on surrounding land uses or the community can typically be mitigated to acceptable levels. Also includes cannabis manufacturing and processing facilities with similar operational characteristics to the examples below. Examples of intensive manufacturing uses include the following.

1. **Lumber and Wood Product Manufacturing.** Manufacturing, processing, and sales involving the milling of forest products to produce rough and finished lumber and other wood materials for use in other manufacturing, craft, or construction processes. Includes the following processes and products:
 - containers, pallets and skids
 - manufactured and modular homes
 - milling operations
 - trusses and structural beams
 - wholesaling of basic wood products
 - wood product assembly
2. **Machinery Manufacturing.** An establishment that makes or processes raw materials into finished machines or parts for machines. Does not include the manufacture of electronics, equipment, or appliances (“Electronics, Equipment, and Appliance Manufacturing”).
3. **Motor Vehicles and Transportation Equipment.** Manufacturers of equipment for transporting passengers and cargo by land, air and water, including motor vehicles, aircraft, spacecraft, ships, boats, railroad and other vehicles such as motorcycles, bicycles and snowmobiles. Includes manufacture of motor vehicle parts and accessories; trailers and campers for attachment to other vehicles; self-contained motor homes; and van conversions. Does not include mobile home and modular home assembly (listed under “Lumber and Wood Products”).
4. **Stone and Cut Stone Product Manufacturing.** An establishment that cuts, shapes, and/or finishes marble, granite, slate, and/or other stone for construction and miscellaneous uses. Does not include establishments engaged primarily in buying or selling partly finished monuments and tombstones (“Artisan/Craft

Manufacturing”).

5. **Structural Clay and Pottery Product Manufacturing.** An establishment that produces brick and structural clay products, including pipe, china plumbing fixtures, vitreous china articles, and/or fine earthenware and porcelain products. Does not include artist/craftsman uses (see “Artisan/Craft Manufacturing,” “Home Occupations”).

The definition of **Wholesaling and Distribution** is hereby amended within Section 18.100.020(W) entitled **Definitions of Specialized Terms and Phrases** as follows:

Wholesaling and Distribution. An establishment engaged in selling merchandise to retailers; to contractors, industrial, commercial, institutional, farm, or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise, including cannabis products, to such persons or companies. Examples of these establishments include:

- agents, merchandise or commodity brokers, and commission merchants
- assemblers, buyers and associations engaged in the cooperative marketing of farm products
- merchant wholesalers
- stores primarily selling electrical, plumbing, heating and air conditioning supplies and equipment

Also includes storage, processing, packaging, and shipping facilities for mail order and electronic-commerce retail establishments.

Section 3. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council of the City of Fort Bragg hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

Section 4. Effective Date and Publication. This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage. Within fifteen (15) days after the passage of this Ordinance, the City Clerk shall cause a summary of said Ordinance to be published as provided in Government Code §36933, in a newspaper of general circulation published and circulated in the City of Fort Bragg, along with the names of the City Council voting for and against its passage.

The foregoing Ordinance was introduced by Councilmember Morsell-Haye at a regular meeting of the City Council of the City of Fort Bragg held on October 15, 2019, and adopted at a regular meeting of the City of Fort Bragg held on November 12, 2019, by the following vote:

**AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:**

WILLIAM V. LEE
Mayor

