



## ORDINANCE NO. 28462

1 AN ORDINANCE relating to zoning; amending Section 13.06.565 of the Tacoma  
2 Municipal Code, relating to the zoning of marijuana uses, by adding local  
3 definitions of “playground” and “recreation center or facility” in order to  
4 protect Metro Parks Tacoma-owned playgrounds and recreation centers  
and facilities to the level of buffering intended by the state, but currently not  
covered by state definitions.

5 WHEREAS, on June 6, 2017, the City Council adopted Resolution  
6 No. 39742, requesting the Planning Commission (“Commission”) to consider  
7 amending the City’s zoning code related to marijuana uses, as set forth in Tacoma  
8 Municipal Code (“TMC”) 13.06.565.B.3, by adding local definitions of “playground”  
9 and “recreation center or facility,” and including “metropolitan parks districts” in the  
10 ownership paradigm, in order to protect these types of facilities owned by Metro  
11 Parks Tacoma to the level of buffering intended by the state, but not currently  
12 covered by state definitions for these sites found in Section 314-55-010(10)-(11) of  
13 the Washington Administrative Code (“WAC”), and  
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16 WHEREAS the proposed amendment was intended to be enacted on an  
17 interim basis to alleviate the problems that have arisen in permitting marijuana  
18 uses that appear to conform with the state definitions, but not with the state’s  
19 intent, until such time as the state corrects its own definitions, and  
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21 WHEREAS the Commission completed its review of the matter, including a  
22 public hearing on September 6, 2017, and issued its Findings of Fact and  
23 Recommendations Report on September 20, 2017, recommending that the  
24 proposed TMC amendment considered in Resolution No. 39742 be adopted as  
25 written, and  
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WHEREAS the Commission further recommended that the proposed TMC amendments be adopted through the standard process set forth in TMC 13.02.045, rather than enacted as interim regulations pursuant to TMC 13.02.055, and

WHEREAS, pursuant to TMC 13.02.045, the City Council conducted a public hearing October 24, 2017, to receive comments on the proposed amendments; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

That Section 13.06.565 of the Tacoma Municipal Code, relating to the zoning of marijuana uses, is hereby amended as set forth in the attached Exhibit "A."

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:  
  
\_\_\_\_\_  
City Clerk

Approved as to form:  
  
\_\_\_\_\_  
Deputy City Attorney



**EXHIBIT "A"**

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**13.06.565 Marijuana Uses.**

A. Intent. In November 2012, Washington voters passed Initiative 502, which establishes precedent for the production, processing and retail sale of marijuana for recreational purposes. In April 2015, the state Legislature enacted two laws, 2SSB 5052 and 2E2SHB 2136. The new laws establish regulations for the formerly unregulated aspects of the marijuana system, establish a "medical marijuana endorsement" that allows licensed marijuana retailers to sell medicinal marijuana to qualifying patients and designated providers, and attempt to align these changes with the existing recreational system.

Pursuant to RCW 69.50, the State has adopted rules establishing a state-wide regulatory and licensing program for marijuana uses (WAC 314-55). It is therefore necessary for the City to establish local regulations to address such uses.

It is the intent of these regulations to ensure that such state-licensed uses are located and developed in a manner that is consistent with the desired character and standards of this community and its neighborhoods, minimizes potential incompatibilities and impacts, and protects the public health, safety and general welfare of the citizens of Tacoma.

Recognizing the voter-approved right to establish certain types of marijuana businesses, it is also the intent of these regulations to provide reasonable access to mitigate the illicit marijuana market and the legal and personal risks and community impacts associated with it.

B. Applicability. The provisions of this Section shall apply city-wide. The specific development standards provided in this Section shall be in addition to the zoning and development standards generally applicable to the proposed use and the relevant zoning district. All licensed marijuana uses are required to fully comply with the provisions of this Section.

1. No Marijuana use as regulated herein and in WAC 314-55, that existed prior to the enactment of Ordinance No. 28182 on November 5, 2013, shall be deemed to have been a legally established use or entitled to claim legal non-conforming status.

2. As of July 1, 2016, in accordance with state law, collective gardens are prohibited.

3. For purposes of this Section and the standards applicable to state-licensed marijuana uses, the terms and definitions provided in WAC 314-55 shall ~~generally apply unless the context clearly indicates otherwise~~ except for the following definitions:-

(a) "Playground" means a public outdoor recreation area for children, usually equipped with swings, slides, and other playground equipment, owned and/or managed by a city, county, state, or federal government, or a metropolitan parks district.

(b) "Recreation center or facility" means a supervised center that provides a broad range of activities and events intended primarily for use by persons under twenty-one years of age, owned and/or managed by a charitable nonprofit organization, city, county, state, or federal government, or a metropolitan parks district.

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