



ORDINANCE NO. 28281

1 AN ORDINANCE relating to land use regulations associated with Initiative 502;
2 amending Title 13 of the Tacoma Municipal Code to establish permanent
3 land use regulations concerning the production, processing, and retail sale
4 of recreational marijuana; and superseding the City's interim recreational
5 marijuana regulations enacted pursuant to Substitute Ordinance No. 28182.

6 WHEREAS Initiative 502 ("I-502"), approved by Washington voters in
7 November 2012, provides a framework for licensing and regulating the production,
8 processing, and retail sale of recreational marijuana, and

9 WHEREAS the Washington State Liquor Control Board ("WSLCB") was
10 tasked with establishing rules and procedures to implement I-502, and, according to
11 the WSLCB's timeline, the rules became effective on November 16, 2013, and the
12 state began accepting applications for all license types on November 18, 2013, and

13 WHEREAS, on November 5, 2013, the City Council adopted Substitute
14 Ordinance No. 28182, enacting interim land use regulations concerning the
15 production, processing, and retail sale of recreational marijuana, and

16 WHEREAS the interim regulations, codified in Tacoma Municipal
17 Code ("TMC") Chapters 13.06, 13.06A, and 13.10, were intended to provide policy
18 and regulatory guidance to facilitate the proactive and timely review of the
19 marijuana license applications expected to come forward in December 2013, and

20 WHEREAS the interim regulations were also intended to provide adequate
21 time for the City to evaluate the operations and impacts of licensed marijuana
22 businesses and allow the state to rectify outstanding problems with the existing,
23 largely unregulated medical marijuana system, before deliberating on a permanent
24 local regulatory solution, and
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1 WHEREAS the WSLCB began issuing marijuana production and processing
licenses in March 2014 and marijuana retailing licenses in July 2014, and

2 WHEREAS the state legislature deliberated on potential changes to address
3 the medical marijuana industry in 2014, but have not yet adopted any changes, and

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5 WHEREAS, on September 30, 2014, the City Council adopted Ordinance
6 No. 28250, extending the interim regulations through May 16, 2015, and directing
7 City staff and the Planning Commission to expedite the development of
8 recommendations for permanent regulations prior to expiration of the interim
9 regulations, and

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11 WHEREAS the Planning Commission completed its task of developing
12 recommendations for permanent recreational marijuana regulations through a
13 public process, including a public hearing on December 3, 2014, and forwarded its
14 recommendations to the City Council through the *Planning Commission's Findings*
15 *of Fact and Recommendation Report* dated January 7, 2015, and

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17 WHEREAS the proposed recommendations retain most of the provisions of
18 the current interim regulations while making modifications to TMC 13.06.300,
19 Mixed-Use Center Districts; TMC 13.06.400, Industrial Districts; and
20 TMC 13.06.565, Marijuana Businesses, and

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22 WHEREAS the proposed amendments clarify that all licensed marijuana
23 uses must comply with City requirements, and expand areas where marijuana
24 production, processing, and urban horticulture are permitted, to include the
25 M-1 Light Industrial and the CIX Commercial Industrial Mixed-Use Districts, and

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WHEREAS a public hearing was held on February 3, 2015, to receive public comment on the recommendations of the Planning Commission, and

WHEREAS the Washington State Legislature is currently deliberating on potential changes pertaining to both recreational and medical marijuana which could raise new considerations, potentially including an increase in the number of marijuana businesses allowed in Tacoma and which, if enacted, could necessitate further modifications to the City's regulations; once there is clarity regarding state-level changes, the City should convene a joint meeting of the City Council and the Planning Commission to address modifications; Now, Therefore

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Title 13 of the Tacoma Municipal Code is hereby amended to establish permanent land use regulations concerning the production, processing, and retail sale of recreational marijuana, as set forth in the attached Exhibit "A."

Section 2. That the permanent land use regulations enacted pursuant to this ordinance hereby supersede the interim land use regulations enacted pursuant to Substitute Ordinance No. 28182.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



Marijuana Businesses – Permanent Land Use Regulations
Replacement of Interim Marijuana Code

LAND USE REGULATORY CODE AMENDMENTS

February 10, 2015

These proposed amendments include modifications to the following section of **Title 13, Land Use Regulatory Code**:

Chapter 13.06 – Zoning

13.06.300 – Mixed-Use Center Districts

13.06.400 – Industrial Districts

13.06.565 – Marijuana Businesses

Note: These amendments show proposed changes to existing Land Use regulations. The sections included are only those portions of the code that are associated with these amendments. New text is underlined and text that has been deleted is shown as ~~strikethrough~~.

13.06.300 Mixed-Use Center Districts.

D. Land use requirements.

1. Use requirements. The following use table designates all permitted, limited, and prohibited uses in the districts listed. Use classifications not listed in this section or provided for in Section 13.06.500 are prohibited, unless permitted via Section 13.05.030.E.

2. Use table abbreviations.

P	=	Permitted use in this district.
CU	=	Conditional use in this district. Requires conditional use permit, consistent with the criteria and procedures of Section 13.06.640.
TU	=	Temporary use consistent with Section 13.06.635.
N	=	Prohibited use in this district.

3. District use table.

Uses	NCX	CCX	UCX	RCX ¹	CIX	HMX	URX	NRX	Additional Regulations ^{3,4,5} (also see footnotes at bottom of table)

Marijuana processor	N	N	N	N	N P	N	N	N	See additional requirements contained in Section 13.06.565
Marijuana producer	N	N	N	N	N P	N	N	N	See additional requirements contained in Section 13.06.565
Marijuana retailer	P	P	P	N	P	P*	N	N	*Limited to 7,000 square feet of floor area, per business, in the HMX District. See additional requirements contained in Section 13.06.565

Urban Horticulture	N	N	N	N	N P	N	N	N	

13.06.400 Industrial Districts.

13.06.400.C Land use requirements.

3. Use table abbreviations.

P	=	Permitted use in this district.
CU	=	Conditional use in this district. Requires conditional use permit consistent with the criteria and procedures of Section 13.06.640.
TU	=	Temporary Uses allowed in this district subject to specified provisions and consistent with the criteria and procedures of Section 13.06.635.
N	=	Prohibited use in this district.

4. District use table.

Uses	M-1	M-2	PMI	Additional Regulations ¹

Marijuana processor	<u>N</u> P	P	P	See additional requirements contained in Section 13.06.565
Marijuana producer	<u>N</u> P	P	P	See additional requirements contained in Section 13.06.565
Marijuana retailer	P~	P~	N	~Within the South Tacoma M/IC Overlay District, limited to 10,000 square feet of floor area per development site in the M-2 district and 15,000 square feet in the M-1 district. See additional requirements contained in Section 13.06.565

Urban Horticulture	<u>N</u> P	P	P	

13.06.565 Marijuana Businesses.

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. 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 use that purports to be a marijuana producer, processor or retailer, as defined and regulated herein and in WAC 314-55, that was engaged in that activity prior to the enactment of this ordinance shall be deemed to have been a legally established use or entitled to claim legal non-conforming status.

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

C. Standards.

1. Marijuana uses (marijuana producer, marijuana processor, and marijuana retailer) shall only be permitted as allowed under RCW 69.50 and WAC 314-55.

2. Marijuana uses shall only be allowed within the City of Tacoma if [appropriately](#) licensed by the State of Washington and the City of Tacoma, and operated consistent with the requirements of the State and all applicable City ordinances, rules, requirements and standards.

3. Marijuana uses shall only be allowed in those zoning districts where it is specifically identified as an allowed use (see the zoning district use tables, Sections 13.06.100, -.200, -.300, and -.400 and Chapter 13.06A).

4. Marijuana uses shall be designed to include controls and features to prevent odors from travelling off-site and being detected from a public place, the public right-of-way, or properties owned or leased by another person or entity.

5. Marijuana retail uses shall not include drive-throughs, exterior, or off-site sales.

6. In accordance with WAC 314-55-147, marijuana retail uses shall not be open to the public between the hours of 12 a.m. and 8 a.m.

7. Signage and advertising shall be allowed only in accordance with the standards set forth in TMC Sections 13.06.520 - .522, the additional standards set forth in WAC 314-55, and any other applicable standards or requirements.

8. Displays against or adjacent to exterior windows shall not include marijuana or marijuana paraphernalia.

9. Location requirements.

a. As provided in RCW 69.50.331 and WAC 314-55-050, marijuana uses shall not be allowed to locate within 1,000 feet of public parks, playgrounds, recreation/community centers, libraries, child care centers, schools, game arcades, and public transit centers. For purposes of this standard, these uses are as defined in WAC 314-55.

b. Marijuana retail uses shall not be allowed to locate within 1,000 feet of correctional facilities, court houses, drug rehabilitation facilities, substance abuse facilities, and detoxification centers.

c. The methodology for measuring the buffers outlined above in subsections 9.a and 9.b. shall be as provided in WAC 314-55.

d. It shall be the responsibility of the owner or operator of the proposed state-licensed marijuana use to demonstrate and ensure that a proposed location is not within one of the buffers outlined above in subsections 9.a and 9.b.

e. An existing nonconforming use located within a zoning district that would otherwise not permit marijuana uses, such as an old convenience store in a residential district, shall not be allowed to convert to a marijuana use.