

**CITY OF SHORELINE, WASHINGTON**

**ORDINANCE NO. 735**

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON,  
AMENDING TITLE 20 UNIFIED DEVELOPMENT CODE OF THE  
SHORELINE MUNICIPAL CODE TO ESTABLISH DEVELOPMENT  
REGULATIONS RELATED TO RECREATIONAL MARIJUANA AND  
MEDICAL CANNABIS.**

WHEREAS, the voters of the State of Washington approved Initiative 502, authorizing the licensing and regulation of marijuana production, distribution, and sale to persons over 21 years of age, commonly referred to as recreational marijuana; and

WHEREAS, Initiative 502 has been codified in the Revised Code of Washington (RCW) Chapter 69.50 and this RCW establishes three types of license categories – Marijuana Producer, Marijuana Processor, and Marijuana Retailer;

WHEREAS, RCW 69.50 establishes one thousand feet as an appropriate buffer for all license categories and the advertisements for the same from certain types of facilities; and

WHEREAS, the City believes that utilizing this same buffer distance to prevent the proliferation and/or clustering of retail marijuana operations is in the best interests of the public health, safety, and welfare of the citizens of the City; and

WHEREAS, with the adoption of Section 26 of Engrossed Substitute Senate Bill 5052 in April 2015, the Washington State Legislature added a new section to RCW 69.51A, establishing Medical Cannabis Cooperatives so as to provide marijuana only for the medical use of the cooperative's members; and

WHEREAS, the new legislation for Medical Cannabis Cooperatives establishes criteria for the location and operation of the cooperative including that it must be location in a participant's domicile, no closer than one mile from a marijuana retailer, and only one cooperative per tax parcel; and

WHEREAS, pursuant to RCW 36.70A.106, notice of the City's intent to amend Title 20 to include these regulations was sent to the Washington State Department of Commerce; and

WHEREAS, the Planning Commission, at properly noticed meetings, has reviewed the amendments to Title 20 and held a properly noticed public hearing on December 17, 2015, to consider the amendments to Title 20; and

WHEREAS, the City Council, at properly noticed meetings, has considered the entire public record and the Planning Commission's recommendation in regards to Title 20 amendments;

THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON DO ORDAIN AS FOLLOWS

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1. SMC 20.40.130 Nonresidential uses.** Table 20.40.130 Nonresidential uses is amended as follows:

**Table 20.40.130 Nonresidential Uses**

NAICS #	SPECIFIC LAND USE	R4- R6	R8- R12	R18- R48	TC-4	NB	CB	MB	TC-1, 2 & 3
<b>RETAIL/SERVICE</b>									
532	Automotive Rental and Leasing						P	P	P only in TC-1
81111	Automotive Repair and Service					P	P	P	P only in TC-1
451	Book and Video Stores/Rental (excludes Adult Use Facilities)			C	C	P	P	P	P
513	Broadcasting and Telecommunications							P	P
812220	Cemetery, Columbarium	C-i	C-i	C-i	C-i	P-i	P-i	P-i	P-i
	Houses of Worship	C	C	P	P	P	P	P	P
	Collective Gardens					P-i	P-i	P-i	
	Construction Retail, Freight, Cargo Service							P	
	Daycare I Facilities	P-i	P-i	P	P	P	P	P	P
	Daycare II Facilities	P-i	P-i	P	P	P	P	P	P
722	Eating and Drinking Establishments (Excluding Gambling Uses)	C-i	C-i	C-i	C-i	P-i	P-i	P-i	P-i
812210	Funeral Home/Crematory	C-i	C-i	C-i	C-i		P-i	P-i	P-i

**Table 20.40.130 Nonresidential Uses**

<b>NAICS #</b>	<b>SPECIFIC LAND USE</b>	<b>R4- R6</b>	<b>R8- R12</b>	<b>R18- R48</b>	<b>TC-4</b>	<b>NB</b>	<b>CB</b>	<b>MB</b>	<b>TC-1, 2 &amp; 3</b>
447	Fuel and Service Stations					P	P	P	P
	General Retail Trade/Services					P	P	P	P
811310	Heavy Equipment and Truck Repair							P	
481	Helistop			S	S	S	S	C	C
485	Individual Transportation and Taxi						C	P	P only in TC-1
812910	Kennel or Cattery						C-i	P-i	P-i
	Library Adaptive Reuse	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
31	Light Manufacturing							S	P
	<u>Marijuana Operations – Medical Cooperative</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
	<u>Marijuana Operations - Retail</u>					<u>P-i</u>	<u>P-i</u>	<u>P-i</u>	<u>P-i</u>
	<u>Marijuana Operations - Processer</u>							<u>S</u>	<u>P-i</u>
	<u>Marijuana Operations - Producer</u>							<u>P-i</u>	
441	Motor Vehicle and Boat Sales							P	P only in TC-1
	Professional Office			C	C	P	P	P	P
5417	Research, Development and Testing							P	P
484	Trucking and Courier Service						P-i	P-i	P-i
541940	Veterinary Clinics and Hospitals			C-i		P-i	P-i	P-i	P-i
	Warehousing and Wholesale Trade							P	
	Wireless Telecommunication Facility	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
<p><b>P = Permitted Use</b> <span style="margin-left: 300px;"><b>S = Special Use</b></span></p>									

**Table 20.40.130 Nonresidential Uses**

NAICS #	SPECIFIC LAND USE	R4- R6	R8- R12	R18- R48	TC-4	NB	CB	MB	TC-1, 2 & 3
<b>C = Conditional Use</b>					<b>-i = Indexed Supplemental Criteria</b>				

**Section 2. SMC 20.40.160 Stations Area Uses.** Table 20.40.160 Station Area Uses is amended as follows:.

**Table 20.40.160 Station Area Uses**

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
<b>RESIDENTIAL</b>				
	Accessory Dwelling Unit	P-i	P-i	P-i
	Affordable Housing	P-i	P-i	P-i
	Apartment	P	P	P
	Bed and Breakfast	P-i	P-i	P-i
	Boarding House	P-i	P-i	P-i
	Duplex, Townhouse, Rowhouse	P-i	P-i	P-i
	Home Occupation	P-i	P-i	P-i
	Hotel/Motel			P
	Live/Work	P (Adjacent to Arterial Street)	P	P
	Microhousing			
	Single-Family Attached	P-i	P-i	P-i
	Single-Family Detached	P-i		
	Tent City	P-i	P-i	P-i
<b>COMMERCIAL</b>				

Table 20.40.160 Station Area Uses

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
	Book and Video Stores/Rental (excludes Adult Use Facilities)	P (Adjacent to Arterial Street)	P (Adjacent to Arterial Street)	P
	Collective Garden			
	House of Worship	C	C	P
	Daycare I Facilities	P	P	P
	Daycare II Facilities	P	P	P
	Eating and Drinking Establishment (Excluding Gambling Uses)	P-i (Adjacent to Arterial Street)	P-i (Adjacent to Arterial Street)	P-i
	General Retail Trade/Services	P-i (Adjacent to Arterial Street)	P-i (Adjacent to Arterial Street)	P-i
	Individual Transportation and Taxi			P -A
	Kennel or Cattery			C -A
	<u>Marijuana Operations – Medical Cooperative</u>	<u>P</u>	<u>P</u>	<u>P</u>
	<u>Marijuana Operations - Retail</u>			
	<u>Marijuana Operations - Processor</u>			
	<u>Marijuana Operations - Producer</u>			
	Mini-Storage		C –A	C -A
	Professional Office	P-i (Adjacent to Arterial Street)	P-i (Adjacent to Arterial Street)	P
	Research, Development and Testing			P
	Veterinary Clinic and Hospital			P-i
	Wireless Telecommunication Facility	P-i	P-i	P-i
<b>EDUCATION, ENTERTAINMENT, CULTURE, AND RECREATION</b>				

Table 20.40.160 Station Area Uses

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
	Amusement Arcade		P –A	P -A
	Bowling Center		P-i (Adjacent to Arterial Street)	P
	College and University			P
	Conference Center		P-i (Adjacent to Arterial Street)	P
	Elementary School, Middle/Junior High School	C	C	P
	Library		P-i (Adjacent to Arterial Street)	P
	Museum		P-i (Adjacent to Arterial Street)	P
	Outdoor Performance Center		P –A	P -A
	Parks and Trails	P	P	P
	Performing Arts Companies/Theater (excludes Adult Use Facilities)		P –A	P -A
	School District Support Facility		C	C
	Secondary or High School	C	C	P
	Specialized Instruction School		P-i (Adjacent to Arterial Street)	P
	Sports/Social Club		P-i (Adjacent to Arterial Street)	P
	Vocational School		P-i (Adjacent to Arterial Street)	P
<b>GOVERNMENT</b>				
	Fire Facility		C-i	C-i

**Table 20.40.160 Station Area Uses**

<b>NAICS #</b>	<b>SPECIFIC LAND USE</b>	<b>MUR-35'</b>	<b>MUR-45'</b>	<b>MUR-70'</b>
	Police Facility		<b>C-i</b>	<b>C-i</b>
	Public Agency Office/Yard or Public Utility Office/Yard	<b>S</b>	<b>S</b>	<b>S</b>
	Utility Facility	<b>C</b>	<b>C</b>	<b>C</b>
<b>HEALTH</b>				
	Hospital	<b>C</b>	<b>C</b>	<b>C</b>
	Medical Lab	<b>C</b>	<b>C</b>	<b>C</b>
	Medical Office/Outpatient Clinic		<b>P-i (Adjacent to Arterial Street)</b>	<b>P</b>
	Nursing and Personal Care Facilities		<b>P-i (Adjacent to Arterial Street)</b>	<b>P</b>
<b>OTHER</b>				
	Animals, Small, Keeping and Raising	<b>P-i</b>	<b>P-i</b>	<b>P-i</b>
	Light Rail Transit System/Facility	<b>P-i</b>	<b>P-i</b>	<b>P-i</b>
	Transit Park and Ride Lot		<b>S</b>	<b>P</b>
	Unlisted Uses	<b>P-i</b>	<b>P-i</b>	<b>P-i</b>

**P = Permitted Use**

**C = Conditional Use**

**S = Special Use**

**-i = Indexed Supplemental Criteria**

**A= Accessory = Thirty percent (30%) of the gross floor area of a building or the first level of a multi-level building.**

**Section 3. SMC 20.40.445 Marijuana Operations.** A new section, SMC 20.40.445, is added to the supplemental index criteria as follows:

SMC 20.40.445 Marijuana Operations.

A. Marijuana producers, processors, and retailers licensed by the State of Washington pursuant to RCW 69.50 are subject to the following requirements:

1. Marijuana retailers shall not be located closer the one thousand feet (from another marijuana retailer).

**Section 4. Severability.** If any portion of this chapter is found to be invalid or unenforceable for any reason, such finding shall not affect the validity or enforceability of any other chapter or any other section of this chapter.

**Section 5. Publication and Effective Date.** A summary of this Ordinance consisting of the title shall be published in the official newspaper. This Ordinance shall take effect within five (5) days of publication.

PASSED BY THE CITY COUNCIL ON \_\_\_\_\_, 2016

\_\_\_\_\_  
Mayor Shari Winstead

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Jessica Simulcik-Smith  
City Clerk

\_\_\_\_\_  
Margaret King  
City Attorney

Date of Publication: \_\_\_\_\_, 2016

Effective Date: \_\_\_\_\_, 2016