

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; and

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, 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, 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;

**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-<br>R6 | R8-<br>R12 | R18-<br>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            |
| 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            |

**Table 20.40.130 Nonresidential Uses**

| NAICS #  | SPECIFIC LAND USE                                 | R4-<br>R6 | R8-<br>R12 | R18-<br>R48 | TC-4 | NB  | CB  | MB  | TC-1, 2 & 3       |                          |                        |                            |   |
|--|---|-----------|------------|-------------|------|-----|-----|-----|-------------------|--------------------------|------------------------|----------------------------|---|
|  | 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> | P         | P          | P           | P    | P   | P   | P   | P                 |                          |                        |                            |   |
|  | <u>Marijuana Operations - Retail</u>              |           |            |             |      | P   | P   | P   | P                 |                          |                        |                            |   |
|  | <u>Marijuana Operations - Processor</u>           |           |            |             |      |     |     | S   | P                 |                          |                        |                            |   |
|  | <u>Marijuana Operations - Producer</u>            |           |            |             |      |     |     | P   |                   |                          |                        |                            |   |
| 441  | Motor Vehicle and Boat Sales                      |           |            |             |      |     |     | P   | P only in<br>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               |                          |                        |                            |   |
| <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"><b>P = Permitted Use</b></td> <td style="width: 50%;"><b>S = Special Use</b></td> </tr> <tr> <td><b>C = Conditional Use</b></td> <td><b>-i = Indexed Supplemental Criteria</b></td> </tr> </table> |   |           |            |             |      |     |     |     |                   | <b>P = Permitted Use</b> | <b>S = Special Use</b> | <b>C = Conditional Use</b> | <b>-i = Indexed Supplemental Criteria</b> |
| <b>P = Permitted Use</b>   | <b>S = Special Use</b>                            |           |            |             |      |     |     |     |                   |                          |                        |                            |   |
| <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>  |  |                                 |                                 |         |
|                    | 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                 | P-i (Adjacent to                | P-i (Adjacent to                | P-i     |

Table 20.40.160 Station Area Uses

| NAICS #  | SPECIFIC LAND USE                                 | MUR-35'                           | MUR-45'                           | MUR-70'  |
|--|---|-----------------------------------|-----------------------------------|----------|
|  | Gambling Uses)                                    | Arterial Street)                  | Arterial Street)                  |          |
|  | 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> |   |                                   |                                   |          |
|  | 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        |

**Table 20.40.160 Station Area Uses**

| NAICS #           | SPECIFIC LAND USE  | MUR-35' | MUR-45'                           | MUR-70' |
|-------------------|--|---------|-----------------------------------|---------|
|                   | 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<br>(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     |
|                   | Police Facility  |         | C-i                               | C-i     |
|                   | Public Agency Office/Yard or Public Utility Office/Yard              | S       | S                                 | S       |
|                   | Utility Facility   | C       | C                                 | C       |
| <b>HEALTH</b>     |  |         |                                   |         |
|                   | Hospital   | C       | C                                 | C       |

**Table 20.40.160 Station Area Uses**

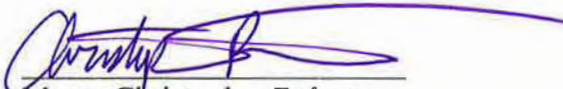
| NAICS #      | SPECIFIC LAND USE                    | MUR-35' | MUR-45'                           | MUR-70' |
|--------------|--------------------------------------|---------|-----------------------------------|---------|
|              | Medical Lab                          | C       | C         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

**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. 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 4. 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 FEBRUARY 8, 2016




Mayor Christopher Roberts

ATTEST:



Jessica Simulcik Smith  
City Clerk

APPROVED AS TO FORM:



Margaret King  
City Attorney

Date of Publication: February 11, 2016  
Effective Date: February 16, 2016