

CODE

**CITY OF REDMOND
ORDINANCE NO. 2836**

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, AMENDING THE REDMOND ZONING CODE TO EXPAND OPPORTUNITIES FOR RETAIL MARIJUANA STORES BY AMENDING: RZC 21.04.030 COMPREHENSIVE ALLOWED USES CHART; RZC 21.10.030 OLD TOWN (OT) ZONE THROUGH RZC 21.10.090 RIVER BEND (RVBD) ZONE; RZC 21.12.040 OV ZONE 1 THROUGH RZC 21.12.080 OV ZONE 5; RZC 21.13.030 REGIONAL RETAIL DESIGN DISTRICT; RZC 21.14.020 GENERAL COMMERCIAL; AND CHAPTER 21.41 RZC MARIJUANA-RELATED USES, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the Growth Management Act requires that comprehensive plans and development regulations shall be subject to continuing evaluation and review; and

WHEREAS, the Redmond City Council adopted Ordinance No. 2744 on June 17, 2014, which set zoning and business licensing requirements for marijuana-related uses; and

WHEREAS, Ordinance No. 2744 permitted retail marijuana stores in mixed use and retail zones in Redmond, however state-required 1,000-foot buffers resulted in no suitable properties in Redmond where a retail marijuana store could locate; and

WHEREAS, The Grass is Always Greener applied for an amendment to the Redmond Comprehensive Plan and Zoning Code to allow one or more retail marijuana stores in Redmond; and

WHEREAS, the state legislature passed, and the Governor signed, 2E2SHB 2136 (Laws of 2015, Chapter 4), which addressed comprehensive marijuana market reforms including allowing an optional reduction of buffers from some sensitive uses to a minimum of 100 feet at the discretion of individual cities and counties; and

WHEREAS, the Washington Court of Appeals, Division I, case *Cannabis Action Coalition v. City of Kent*, 180 Wn. App 445 (2014), referenced in RZC 21.41.020 has been superseded by a Washington Supreme Court opinion in *Cannabis Action Coalition v. City of Kent*, 183 Wn.2d 219 (2015), which held that cities may adopt zoning regulations regarding collective gardens including regulations which prohibit collective gardens; and

WHEREAS, state agencies received 60-day notice of Redmond's proposed amendment on January 15, 2016; and

WHEREAS, the Planning Commission held study sessions on the proposed amendments on January 20, February 10, February 17, February 24, and March 9, 2016, to review the proposed amendments, and conducted a public hearing on January 27, 2016, to receive public comment on the proposed amendment; and

WHEREAS, upon completion of the public hearing and study sessions, the Planning Commission issued findings, conclusions, and recommendations in a report to the City Council dated March 23, 2016; and

WHEREAS, the City Council held public meetings on April 5 and April 19, 2016, a study session on April 12, 2016, to review the recommended amendment, and conducted a public hearing on May 17, 2016, to receive public comment regarding allowing retail marijuana stores in street-facing and visible locations in the Business Park zone; and

WHEREAS, a State Environmental Policy Act Checklist was prepared and a Determination of Non-Significance was issued on April 26, 2016, for the proposed amendment; and

WHEREAS, the City Council desires to amend the Zoning Code to expand opportunities for retail marijuana stores in Redmond.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1. Classification. The amendments set forth on Exhibit 1 to this ordinance are of a general and permanent nature and shall become a part of the Redmond Zoning Code

Section 2. Findings, Conclusion, and Analysis. In support of the recommended amendment to the Zoning Code, the City Council hereby adopts the findings, conclusions, and analysis contained in the Planning Commission Report (City file No. LAND-2015-02282) dated March 23, 2016, including the related attachments and exhibits to that report.

Section 3. Zoning Code Amended. The following portions of the Redmond Zoning Code are hereby amended as shown in

Exhibit 1 incorporated herein by this reference as if set forth in full to this ordinance:

- RZC 21.04.030 Comprehensive Allowed Uses Chart
- RZC 21.10.030 Old Town (OT) Zone
- RZC 21.10.040 Anderson Park (AP) Zone
- RZC 21.10.050 Town Center (TWNC) Zone
- RZC 21.10.060 Bear Creek (BC), Valley View (VV), and Trestle (TR) Zones
- RZC 21.10.070 Sammamish Trail (SMT) Zone
- RZC 21.10.080 Town Square (TSQ) Zone
- RZC 21.10.090 River Bend (RVBD) Zone
- RZC 21.12.040 OV Zone 1
- RZC 21.12.050 OV Zone 2
- RZC 21.12.060 OV Zone 3
- RZC 21.12.070 OV Zone 4
- RZC 21.12.080 OV Zone 5
- RZC 21.13.030 Regional Retail Design District
- RZC 21.14.020 General Commercial
- Chapter 21.41 RZC Marijuana-Related Uses.

Section 4. Council Review. The City Council will review the outcomes of this ordinance 24 to 36 months after adoption, if there is a significant change in state law concerning marijuana, or when the report by the state Liquor and Cannabis

Board in RCW 69.50.535(5)(b) is available, whichever is sooner, to assess the land use and other impacts of marijuana-related uses along with any changes in state regulation. Nothing in this section prevents the City Council from reviewing the outcomes of this ordinance sooner than 24 to 36 months.

Section 5. Severability. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause, or phrase of this ordinance.

Section 6. Effective Date. This ordinance shall become effective five days after its publication, or publication of a summary thereof, in the city's official newspaper, or as otherwise provided by law.

ADOPTED by the Redmond City Council this 7th day of June,
2016.

CITY OF REDMOND



JOHN MARCHIONE, MAYOR

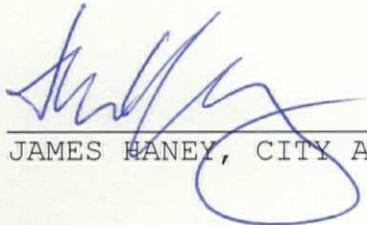
ATTEST:



MICHELLE M. HART, MMC, CITY CLERK

(SEAL)

APPROVED AS TO FORM:



JAMES HANEY, CITY ATTORNEY

FILED WITH THE CITY CLERK:	May 17, 2016
PASSED BY THE CITY COUNCIL:	June 7, 2016
SIGNED BY THE MAYOR:	June 10, 2016
PUBLISHED:	June 13, 2016
EFFECTIVE DATE:	June 18, 2016
ORDINANCE NO. 2836	

YES: ALLEN, BIRNEY, CARSON, MARGESON, SHUTZ, STILIN

Attachment A – Exhibit 1

RZC 21.04 GENERAL PROVISIONS

21.04.030 Comprehensive Allowed Uses Chart

[Subsections A. and B. not shown – no changes]

D. Mixed Use Zones.

[Parts of the table not shown have no changes]

Table 21.04.030C Comprehensive Allowed Uses Chart: Mixed Use Zones						
Online Users: Click on District Abbreviation to View Map -->	OT, AP, TWNC, BC, VV, TR, SMT, TSQ, RVBD	RVT, CTR, EH	OV1, OV2, OV3	OV4	OV5	OBAT
General Sales or Service						
General Sales or Service	P	P	P/C	P	P	P/C
Automobile sales, rental, or service establishment	P	P	P/C	P	P	
Heavy consumer goods sales, rental, or service	P	P	P/C	P	P	
Durable consumer goods sales, rental, and service	P	P	P/C	P	P	
Consumer goods, other	P	P	P/C	P	P	
Membership wholesale / retail warehouse						
Grocery, food, beverage, or dairy sales	P	P	P/C	P	P	
Marijuana retail sales	P	P	P	P	P	
Health and personal care	P	P	P/C	P	P	
Convenience store	P	P	P/C	P	P	
Finance and insurance	P	P	P/C	P	P	

RZC 21.14 COMMERCIAL REGULATIONS

21.14.020 General Commercial

D. **Allowed Uses and Basic Development Standards.** The following table contains the basic zoning regulations that apply to uses in the General Commercial (GC) zone. To use the chart, read down the left-hand column titled "Use." When you have located the use that interests you, read across to find regulations that apply to that use. Uses are permitted unless otherwise specified in the Special Regulations column. Permitted uses may require land use permit approval. See RZC 21.76.020, *Overview of the Development Process*, for more information. Uses not listed are not permitted.

Section	Use	Maximums		Parking ratio: unit of measure (min. required, max. allowed)	Special Regulations
		Height (stories)	FAR		
		w/o TDR or GBP; w/TDR or GBP	w/o TDR or GBP; w/TDR or GBP		
General sales or services					
[Previous items in the table not shown; no changes]					
#	Marijuana retail sales	2; 3	0.35; 0.70	1,000 sq ft gfa (4.0, 5.0)	See RZC 21.41 Marijuana-related uses for additional requirements.

[Renumber following uses in table to accommodate addition of "Marijuana retail sales" use. Otherwise no other changes to table.]

[other subsections not shown - no changes]

RZC 21.13 SOUTHEAST REDMOND REGULATIONS

21.13.030 Regional Retail Design District

D. **Allowed Uses and Basic Development Standards.** The following table contains the basic zoning regulations that apply to uses in the Regional Retail Design District (RR) zone. To use the chart, read down the left-hand column titled "Use." When you have located the use that interests you, read across to find regulations that apply to that use. Uses are permitted unless otherwise specified in the Special Regulations column. Permitted uses may require land use permit approval. See RZC 21.76.020, *Overview of the Development Process*, for more information. Uses not listed are not permitted.

Table 21.13.030C Allowed Uses and Basic Development Standards				
Section	Use	Maximum FAR w/o TDRs or GBP; w/TDR or GBP	Parking ratio: unit of measure (min. required, max. allowed)	Special Regulations
General sales or services				
1	Auto sales, service, or rental establishment	0.25; 0.35	1,000 sq ft gfa (4.0, 5.0)	<p>A. <u>Auto sales, service, or rental establishment</u>: Only sales of auto and marine parts and accessories permitted.</p> <p>B. <u>Marijuana retail sales</u>: see RZC 21.41 Marijuana-related uses for additional requirements.</p> <p>BC. These uses shall be located on the same development site as a regional retail/wholesale use and shall be bound by a legal instrument recorded on the property, such as a binding site plan, that provides for shared, common parking and shared access with the regional retail/wholesale use. Only one of these uses, composed of a single commercial establishment, shall be allowed per regional retail/wholesale establishment. An existing development site containing a regional retail/wholesale use may not be enlarged in order to develop one of these uses. No driveways may be added to an existing development site containing a regional retail/wholesale use with the development of one of these uses.</p>
2	<u>Marijuana retail sales</u>			
23	Heavy consumer goods, sales, or service			
34	Durable consumer goods, sales, or service			
45	Consumer goods sales or service, other than heavy or durable			
56	Grocery, food, and beverage			
[Following items in table not shown. Renumber all following items in the table; otherwise no further changes]				

[other subsections not shown – no changes]

RZC 21.10 DOWNTOWN REGULATIONS

RZC 21.10.030 Old Town (OT) Zone; RZC 21.10.040 Anderson Park (AP) Zone; RZC 21.10.050 Town Center (TWNC) Zone; RZC 21.10.060 Bear Creek (BC), Valley View (VV), and Trestle (TR) Zones; RZC 21.10.070 Sammamish Trail (SMT) Zone; RZC 21.10.080 Town Square (TSQ) Zone; RZC 21.10.090 River Bend (RVBD) Zone

Tables 21.10.030C, 21.10.040C, 21.10.050C, 21.10.060C, 21.10.070C, 21.10.080C, 21.10.090C Allowed Uses and Basic Development Standards			
Section	Use	Parking ratio: unit of measure (min. required, max. allowed)	Special Regulations
General sales or services			
[Previous items in the table not shown; no changes]			
#	<u>Marijuana retail sales</u>	<u>1,000 sq ft gfa</u> <u>(2.0, 5.0)</u>	<u>See RZC 21.41 Marijuana-related uses for additional requirements.</u>

[Renumber following uses in table to accommodate addition of "Marijuana retail sales" use. Otherwise no other changes to table.]

[other subsections not shown - no changes]

RZC 21.12 OVERLAKE REGULATIONS

21.12.040 OV Zone 1 21.12.050 OV Zone 2 and 21.12.060 OV Zone 3

[other subsections not shown – no changes]

Tables 21.12.040B, 21.12.050B and 21.12.060B Allowed Uses and Basic Development Standards							
Section	Use	Max. FAR Base; w TDRs or GBP; w/ 50% Res; w/IP	Min. Res. Floor Area	Max Height Base; w TDRs or GBP; w/IP	Max ISR/Min LSR	Parking ratio: unit of measure (min. required, max. allowed)	Special Regulations
General sales or services							
[Previous items in the table not shown; no changes]							
#	Marijuana retail sales	.36; .41; .41 ^A ; .55 ^B	0%	4; 5; 8 for OV1 and 9 for OV2 and OV3	85%/15%	1000 sq ft gfa (2.0, 3.0)	A. See RZC 21.41 Marijuana-related uses for additional requirements. B. The maximum number of parking stalls allowed may be increased to 5.0 per 1,000 square feet of gross floor area for the retail components of mixed-use developments.

[Renumber following uses in table to accommodate addition of "Marijuana retail sales" use. Otherwise no other changes to table.]

[other subsections not shown – no changes]

RZC 21.12 OVERLAKE REGULATIONS

21.12.070 OV Zone 4

[other subsections not shown - no changes]

Table 21.12.070B Allowed Uses and Basic Development Standards							
Section	Use	Max. FAR Base; w TDRs or GBP; w/IP	Min. Res. Floor Area	Max Height Base; w TDRs or GBP; w/IP	Max ISR/Min LSR	Parking ratio: unit of measure (min. required, max. allowed)	Special Regulations
General sales or services							
[Previous items in the table not shown; no changes]							
#	Marijuana retail sales	.4; .47; 1.0	0%	4; 5; 10	85%; 20%	1000 sq ft gfa (2.0, 3.0)	A. See RZC 21.41 <u>Marijuana-related uses for additional requirements.</u> B. <u>The maximum number of parking stalls allowed may be increased to 5.0 per 1,000 square feet of gross floor area for the retail components of mixed-use developments.</u>

[Renumber following uses in table to accommodate addition of "Marijuana retail sales" use. Otherwise no other changes to table.]

[other subsections not shown - no changes]

21.12.080 OV Zone 5

[other subsections not shown – no changes]

Table 21.12.080B Allowed Uses and Basic Development Standards							
Section	Use	Max. FAR Base; w TDRs or GBP; w/ 50% Res; w/IP	Min. Res. Floor Area	Max Height Base; w TDRs or GBP; w/IP	Max ISR/Min LSR	Parking ratio: unit of measure (min. required, max. allowed)	Special Regulations
General sales or services							
[Previous items in the table not shown; no changes]							
#	Marijuana retail sales	.36; .41; .55	0%	4; 5; 5	85%; 15%	1000 sq ft qfa (2.0, 3.0)	A. See ZRC 21.41 Marijuana-related uses for additional requirements. B. The maximum number of parking stalls allowed may be increased to 5.0 per 1,000 square feet of gross floor area for the retail components of mixed-use developments.

[Renumber following uses in table to accommodate addition of “Marijuana retail sales” use. Otherwise no other changes to table.]

[other subsections not shown – no changes]

RZC 21.41 MARIJUANA-RELATED USES

21.41.010 Relationship to Federal Law

The production, processing, and retailing of marijuana is and remains illegal under federal law. Nothing in this chapter or as provided elsewhere in the RZC or RMC authorizes or permits any person or entity to circumvent or violate federal law.

21.41.020 Collective Gardens

- A. ~~On March 31, 2014~~May 21, 2015, the ~~Court of Appeals, Division I~~Washington State Supreme Court, in *Cannabis Action Coalition v. City of Kent*, 183 Wn.2d 219 (2015), held that, despite the authorizing language in RCW 69.51A.085, ~~collective gardens are illegal uses consistent with former RCW 69.51A.140 (Chapter 181, Laws of 2011), cities may adopt zoning regulations regarding collective gardens including regulations which prohibit collective gardens.~~
- B. During the 2015 Regular Session, the Washington State Legislature passed the Cannabis Patient Protection Act, 2SSB 5052 (Chapter 70, Laws of 2015) which, among other things, deleted RCW 69.51A.085, which authorizes collective gardens, effective July 1, 2016. Therefore, as of July 1, 2016, the state law authorizing collective gardens will no longer exist.
- A-C. Consistent with state law, collective gardens are not allowed within the city.

21.41.030 State License

No marijuana processor, marijuana producer, or marijuana retailer shall locate in the city without a valid license issued by the Washington State Liquor ~~Control and Cannabis Board~~, and must at all times conform with state law and city regulations. In the event any city regulation conflicts with state law or state regulations, the more restrictive provision shall prevail.

21.41.040 Location; Buffers

- A. Marijuana production, marijuana processing, and marijuana retail uses are allowed uses within the city where in compliance with state law and regulation and this chapter.
- B. No marijuana producer, ~~or marijuana processor, or marijuana retailer~~ shall locate within 1,000 feet, measured in the manner set forth in WAC 314-55-050(10), from any of the following existing uses in existence at the date of application to the City and as defined in WAC 314-55-010 as of the date of adoption of this chapter:
1. Elementary or secondary school,
 2. Playground,
 3. Recreation center or facility,
 4. Child care center,
 5. Public park,
 6. Public transit center,
 7. Library, or

8. Game arcade.

C. No marijuana retailer shall locate within 1,000 feet, measured in the manner set forth in WAC 314-55-050(10), from any of the following uses in existence at the date of application to the City and as defined in WAC 314-55-010 as of the date of adoption of this chapter:

1. Elementary or secondary school, or

2. Playground.

D. No marijuana retailer shall locate within 100 feet, measured in the manner set forth in WAC 314-55-050(10), from any of the following uses in existence at the date of application to the City and as defined in WAC 314-55-010 as of the date of adoption of this chapter:

1. Recreation center or facility,

2. Child care center,

3. Public park,

4. Public transit center,

5. Library, or

6. Game arcade.

21.41.050 Structural Requirements

All marijuana processors, marijuana producers, and marijuana retailers must operate in a permanent structure designed to comply with the City Building Code.