

CITY OF RENTON, WASHINGTON

ORDINANCE NO. 5816

AN ORDINANCE OF THE CITY OF RENTON, WASHINGTON, AMENDING SECTION 4-1-250 OF CHAPTER 1, ADMINISTRATION AND ENFORCEMENT, SECTION 4-4-080 OF CHAPTER 4, CITY-WIDE PROPERTY DEVELOPMENT STANDARDS, AND SECTION 4-11-130 OF CHAPTER 11, DEFINITIONS, OF TITLE IV (DEVELOPMENT REGULATIONS) OF THE RENTON MUNICIPAL CODE, BY AMENDING MARIJUANA ZONING AND PARKING REGULATIONS, AND ADDING AND AMENDING DEFINITIONS.

WHEREAS, the City of Renton adopted interim zoning that limited the number of retail marijuana stores in the City to five (5); and

WHEREAS, the interim zoning was adopted to allow time to engage in a work program to consider allowing six (6) retail stores, as allocated by the Washington State Liquor and Cannabis Board; and

WHEREAS, the City also needed to consider and evaluate amendments to City regulations regarding marijuana in response to amendments to State laws regarding marijuana, such as allowing some buffers from sensitive uses to be reduced, and to allow for a public process; and

WHEREAS, the Planning Commission duly studied and considered regulations for recreational marijuana; and

WHEREAS, the Planning Commission held a public hearing on the matter of the proposed regulations for recreational marijuana on August 17, 2016; and

WHEREAS, the Planning Commission deliberated and made a recommendation regarding recreational marijuana on September 7, 2016; and

WHEREAS, the Council held a public hearing on October 3, 2016;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RENTON, WASHINGTON, DOES
ORDAIN AS FOLLOWS:

SECTION I. Section 4-1-250, Marijuana Regulations, of Chapter 1, Administration and Enforcement, of Title IV (Development Regulations) of the Renton Municipal Code, is amended as follows:

4-1-250 MARIJUANA REGULATIONS:

A. PURPOSE:

The City of Renton, in an effort to comply with state law, has adopted marijuana laws that are intended to be consistent with Chapter 69.50 RCW, Uniform Controlled Substances Act, and Chapter 69.51A RCW, Medical Cannabis, as they exist or may be amended.

B. AUTHORITY:

The City of Renton derives its authority to act on marijuana use, production, processing, ~~and sales,~~ and cooperatives within its jurisdiction from Washington State Constitution Article XI, Section 11, Police and Sanitary Regulations; Chapters 69.50 and 69.51A RCW, as they exist or may be amended; its authority to regulate zoning within its jurisdiction; and any and all other authority granted to Renton by the State Legislature and the Washington State Liquor ~~Control~~ and Cannabis Board.

C. COOPERATIVES AND TRANSPORTERS:

Marijuana cooperatives are not allowed in the City and marijuana transporters shall not be licensed in the City.

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DC. BUSINESS REGULATION:

By accepting a license issued pursuant to this chapter and/or Chapter 5-5 RMC, Business Licenses, as they exist or may be amended, a licensee, jointly and severally, if more than one, agrees to indemnify and defend the City, its officers, elected officials, employees, attorneys, agents, insurers, and self-insurance pool, if any, against all liability, claims and demands, on account of injury, loss or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever, which arise out of or are in any manner connected with the operation of the marijuana-related business that is the subject of the license. The licensee further agrees to investigate, handle, respond to, and to provide defense for and defend against, any such liability, claims, or demands at its expense, and to bear all other costs and expenses related thereto, including court costs and attorney fees. The Administrative Services Administrator may require a licensee to execute a written instrument confirming the provisions of this chapter.

E. ~~D.~~ LICENSE REQUIREMENT:

All business licenses related to marijuana shall contain language that substantially conforms to the following:

1. Renton shall not be responsible or liable for any claim, defense, or anything related to the operation of a marijuana-related business activity.

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2. By signing the business license application, the licensee accepts, agrees and acknowledges that it shall not have any claim against Renton related to any claim, defense, or loss related to the operation of a marijuana-related business activity, and that the applicant shall hold Renton absolutely harmless for any such claim, defense or loss. This Section shall govern the licensee's responsibilities in the event of a claim, defense, or loss related to the operation of a marijuana-related business activity.

3. By signing the business license application, the licensee accepts, agrees and acknowledges that under federal law, and more specifically the Supremacy Clause of the United States Constitution, Article VI, Paragraph 2, federal law generally takes precedence over Washington State laws, and even the Washington State Constitution.

4. Based on the supremacy clause and federal law in general, the applicant may still be subject to arrest, prosecution, imprisonment, and/or fines for violating federal law, Renton shall have no duty, responsibility, or liability based on any of those events, and that Renton may be the entity to arrest, prosecute, imprison or fine the applicant.

F. E. PROCEDURE FOR OBTAINING CITY LICENSE FOR MARIJUANA USE:

1. Any marijuana retailer, producer, or processor must obtain and maintain a valid Washington State Liquor and Cannabis Board license or endorsement to sell, produce or process marijuana in the City of Renton at the State approved location. ~~Any existing marijuana businesses and operations that~~

~~do not currently have a valid State license must apply for and receive a license or endorsement at the first opportunity to do so, but in no event be later than July 1, 2016.~~

2. Upon timely obtaining a marijuana license or endorsement from the State and complying with the City Zoning Code and other applicable City codes, and upon application and payment of all appropriate taxes and/or fees, a City business license may be issued.

F. ZONING-G. LOCATION:

1. Marijuana zoning can be found in RMC 4-2-060.

2. As defined and measured in WAC 314-55 and as authorized under RCW 59.50.331, marijuana retailers, producers, and processors shall not be located within one thousand feet (1,000') of any child care center, elementary or secondary school, game arcade, library, playground, public park, public transit center, or recreation center or facility.

H. MAXIMUM NUMBER OF MARIJUANA RETAIL LICENSES:

The City will issue no more than five (5) business licenses to marijuana retailers. The licenses shall be issued to the first five (5) applicants that hold valid licenses from the Washington State Liquor and Cannabis Board and comply with City zoning and development requirements. The date applications are received by the City shall be used for the purpose of determining order.

SECTION II. The Commercial Activities Outside of the Center Downtown Zone and Except Shopping Centers section of subsection 4-4-080.F.10.d, Parking Spaces Based

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on Land Use, of Chapter 4, City-Wide Development Standards, of Title IV (Development Regulations) of the Renton Municipal Code, is amended to add a new row labeled “Retail Marijuana,” to read as shown below. The rest of the subsection shall remain as currently codified, except for the addition in SECTION III of this ordinance.

USE	NUMBER OF REQUIRED SPACES
COMMERCIAL ACTIVITIES OUTSIDE OF THE CENTER DOWNTOWN ZONE AND EXCEPT SHOPPING CENTERS:	
Drive-through retail or drive-through service:	Stacking spaces: The drive-through facility shall be so located that sufficient on-site vehicle stacking space is provided for the handling of motor vehicles using such facility during peak business hours. Typically 5 stacking spaces per window are required unless otherwise determined by the Community and Economic Development Administrator. Stacking spaces cannot obstruct required parking spaces or ingress/egress within the site or extend into the public right-of-way.
Banks:	A minimum of 2.5 per 1,000 square feet of net floor area and a maximum of 5.0 per 1,000 square feet of net floor area except when part of a shopping center.
Convalescent centers:	A minimum and maximum of 1 for every 2 employees plus 1 for every 3 beds.
Day care centers, adult day care (I and II):	A minimum and maximum of 1 for each employee and 2 drop-off/pick-up spaces within 100 feet of the main entrance for every 25 clients of the program.
Hotels and motels:	A minimum and maximum of 1 per guest room plus 1 for every 3 employees.
Bed and breakfast houses:	A minimum and maximum of 1 per guest room.
Mortuaries or funeral homes:	A minimum and maximum of 10 per 1,000 square feet of floor area of assembly rooms.
Vehicle sales (large and small vehicles) with outdoor retail sales areas:	A minimum and maximum of 1 per 5,000 square feet. The sales area is not a parking lot and does not have to comply with dimensional requirements, landscaping or the bulk storage section requirements for setbacks and screening. Any arrangement of motor vehicles is allowed as long as: <ul style="list-style-type: none"> • A minimum 5-foot perimeter landscaping area is provided;

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	<ul style="list-style-type: none"> • They are not displayed in required landscape areas; and • Adequate fire access is provided per Fire Department approval.
Vehicle service and repair (large and small vehicles):	A minimum and maximum of 2.5 per 1,000 square feet of net floor area.
Offices, medical and dental:	A minimum and maximum of 5.0 per 1,000 square feet of net floor area.
Offices, general:	A minimum of 2.0 per 1,000 square feet of net floor area and a maximum of 4.5 parking spaces per 1,000 square feet of net floor area.
Eating and drinking establishments and taverns:	A minimum and maximum of 10 per 1,000 square feet of dining area.
Eating and drinking establishment combination sit-down/drive-through restaurant:	A minimum and maximum of 1 per 75 square feet of dining area.
Retail sales and big-box retail sales:	A minimum and maximum of 2.5 per 1,000 square feet of net floor area, except big-box retail sales, which is allowed a maximum of 5.0 per 1,000 square feet of net floor area if shared and/or structured parking is provided.
<u>Retail Marijuana:</u>	<u>A minimum of 4.0 and a maximum of 5.0 per 1,000 square feet of net floor area.</u>
Services, on-site (except as specified below):	A minimum and maximum of 3.0 per 1,000 square feet of net floor area.
Clothing or shoe repair shops, furniture, appliance, hardware stores, household equipment:	A minimum and maximum of 2.0 per 1,000 square feet of net floor area.
Uncovered commercial area, outdoor nurseries:	A minimum and maximum of 0.5 per 1,000 square feet of retail sales area in addition to any parking requirements for buildings.
Recreational and entertainment uses:	
Outdoor and indoor sports arenas, auditoriums, stadiums, movie theaters, and entertainment clubs:	A minimum and maximum of 1 for every 4 fixed seats or 10 per 1,000 square feet of floor area of main auditorium or of principal place of assembly not containing fixed seats, whichever is greater.
Bowling alleys:	A minimum and maximum of 2 per alley.
Dance halls, dance clubs,	A minimum and maximum of 1 per 40 square feet of net floor

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and skating rinks:	area.
Golf driving ranges:	A minimum and maximum of 1 per driving station.
Marinas:	A minimum and maximum of 2 per 3 slips. For private marina associated with a residential complex, then 1 per 3 slips. Also 1 loading area per 25 slips.
Miniature golf courses:	A minimum and maximum of 1 per hole.
Other recreational:	A minimum and maximum of 1 per occupant based upon 50% of the maximum occupant load as established by the adopted Building and Fire Codes of the City of Renton.
Travel trailers:	A minimum and maximum of 1 per trailer site.

SECTION III. The Commercial Activities Within the Center Downtown Zone section of subsection 4-4-080.F.10.d, Parking Spaces Based on Land Use, of Chapter 4, City-Wide Development Standards, of Title IV (Development Regulations) of the Renton Municipal Code, is amended to add a new row labeled “Retail Marijuana,” to read as shown below. The rest of the subsection shall remain as currently codified, except for the addition in SECTION II of this ordinance.

USE	NUMBER OF REQUIRED SPACES
COMMERCIAL ACTIVITIES WITHIN THE CENTER DOWNTOWN ZONE:	
Convalescent center, drive-through retail, drive-through service, hotels, mortuaries, indoor sports arenas, auditoriums, movie theaters, entertainment clubs, bowling alleys, dance halls, dance clubs, and other recreational uses:	These uses follow the standards applied outside the Center Downtown Zone.
<u>Retail Marijuana:</u>	<u>A minimum of 4.0 and a maximum of 5.0 per 1,000 square feet of net floor area.</u>
All commercial uses allowed in the CD Zone except for the uses listed above:	A maximum of 1 space per 1,000 square feet of net floor area, with no minimum requirement.

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SECTION IV. Section 4-11-130, Definitions M, of Chapter 11, Definitions, of Title IV (Development Regulations) of the Renton Municipal Code is amended to add definitions of “Marijuana Cooperative” and “Marijuana Transporter” in alphabetical order and to read as shown below, and to amend the definitions of “Marijuana Processor,” “Marijuana Producer” and “Marijuana Retail,” as follows:

MARIJUANA COOPERATIVE: Persons that as qualified patients or designated providers, as defined by RCW 69.51A, share responsibility for acquiring and supplying the resources needed to produce and process marijuana in the residence of one of the members.

MARIJUANA PROCESSOR: A person or business entity that is licensed by the Washington State Liquor ~~Control~~ and Cannabis Board, under RCW 69.50.325 (Marijuana producer’s license) and/or RCW 69.50.328 (Marijuana producers, processors – No direct or indirect financial interest in licensed marijuana retailers), and related sections of the RCW, as they exist or may be amended, to process, package, and label useable marijuana and marijuana-infused products for sale at wholesale to marijuana retailers.

MARIJUANA PRODUCER: A person or business entity that is licensed by the Washington State Liquor ~~Control~~ and Cannabis Board, under RCW 69.50.325 (Marijuana producer’s license), and related sections of the RCW, as they exist or may be amended, to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

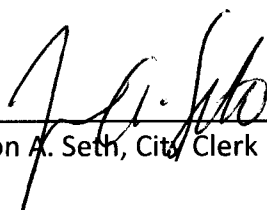
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MARIJUANA RETAIL: A person or business entity that is licensed by the Washington State Liquor ~~Control~~ and Cannabis Board, under RCW 69.50.354 (Retail outlets licenses), RCW 69.50.357 (Retail outlets – Rules), and related sections of the RCW, as they exist or may be amended, to sell useable marijuana and/or marijuana infused products and restrict entry to the premises to persons twenty one (21) years of age and older.

MARIJUANA TRANSPORTER: A person or business entity that is licensed by the Washington State Liquor and Cannabis Board, under RCW 69.50.385 (Common carriers – Licensing – State liquor and cannabis board to adopt rules), and related sections of the RCW, as they exist or may be amended, to transport marijuana plants, useable marijuana, and/or marijuana infused products to other marijuana licensees.

SECTION V. This ordinance shall be in full force and effect thirty (30) days after publication of a summary of this ordinance in the City's official newspaper. The summary shall consist of this ordinance's title

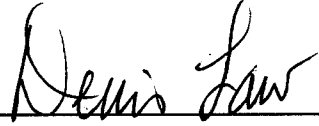
PASSED BY THE CITY COUNCIL this 3rd day of October, 2016.



Jason A. Seth, City Clerk

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APPROVED BY THE MAYOR this 3rd day of October, 2016.



Denis Law, Mayor

Approved as to form:



Lawrence J. Warren, City Attorney

Date of Publication: 10/7/2016 (summary)

ORD:1933:9/28/16:scr

