

**ORDINANCE NO. 685**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AMENDING TITLE 19 AND CHAPTER 5.35 OF THE MUNICIPAL CODE TO INCORPORATE THE CITY PLANNING COMMISSION'S RECOMMENDED CHANGES TO THE ZONING AND DEVELOPMENT CONDITIONS WHICH WOULD APPLY TO STATE-LICENSED AND REGULATED MARIJUANA USES, IF THE COUNCIL CHOOSES TO ALLOW SUCH USES IN THE FUTURE**

WHEREAS, the City's Municipal Code currently prohibits all marijuana uses in University Place;  
and

WHEREAS, the City Council could in the future reconsider the prohibition on State-licensed and regulated marijuana uses, or State law could be changed to remove the City's ability to prohibit marijuana uses; and

WHEREAS, in considering the possibility that marijuana uses might in the future exist in University Place, the City Council tasked the Planning Commission with providing recommendations regarding potential zoning for such State-licensed and regulated marijuana uses; and

WHEREAS, in assigning the issue to the Planning Commission, the City Council expressly noted that any decision on whether in the future State-licensed and regulated marijuana uses could be allowed in the City was solely the decision of the City Council, and that by referring these zoning and development issues for review to the Planning Commission, the City Council did not commit to making any change in the City's current prohibition; and

WHEREAS, the Planning Commission studied the issue and returned a number of recommended changes to the Municipal Code regarding zoning and regulations for State-licensed and regulated marijuana uses for City Council consideration;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE DOES HEREBY ORDAIN AS FOLLOWS:**

Section 1. Legislative Findings. The recitals and findings set forth above are hereby adopted as the City Council's legislative findings in support of the regulations adopted by this Ordinance.

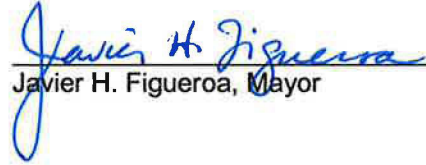
Section 2. Code Amendment. Title 19 Zoning Code of the University Place Municipal Code, is hereby amended as shown in Exhibit A, which is attached hereto and incorporated herein by reference.

Section 3. Code Amendment. Chapter 5.35 "Marijuana/Cannabis Uses" of the University Place Municipal Code, is hereby amended as shown in Exhibit B, which is attached hereto and incorporated herein by reference.

Section 4. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance or its application to any other person or situation.

Section 5. Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This Ordinance shall take effect five days after publication.

**PASSED BY THE CITY COUNCIL ON MAY 1, 2017.**

  
\_\_\_\_\_  
Javier H. Figueroa, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Emelita Genetia, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Steve Victor, City Attorney

Published: 05/10/17  
Effective Date: 05/15/17

**Exhibit A**  
**Proposed Amendments**

**19.10.040 Unlisted words and phrases.**

The definition of any word or phrase not listed in this chapter which is in question when administering this regulation shall be defined from one of the following sources which are incorporated herein by reference. Said sources shall be utilized by finding the desired definition from source number one, but if it is not available there, then source number two may be used and so on. The sources are as follows:

- A. City development regulations;
- B. Any City resolution, ordinance, code or regulation;
- C. Any statute or regulation of the State of Washington (i.e., the most applicable);
- D. Legal definitions from case law or a law dictionary;
- E. Webster's Third New International Dictionary of the English Language, Unabridged (1986).
- F. The City hereby adopts the definitions in WAC 314-55-010 and RCW 69.50.101.

**19.25.090 Commercial use category – Descriptions.**

Commercial activities include the provision of services, including offices, and the sale, distribution, or rental of goods that benefit the daily needs of the public, which are not otherwise classified as civic or industrial activities. The commercial use category has been separated into the following types based upon distinguishing features such as nature of business activity and type of goods or products sold or serviced. Any store or variety of stores exceeding 50,000 square feet shall be considered a commercial centers use type.

A. **Administrative and Professional Offices.** Administrative and professional offices use type refers to offices, private firms or organizations providing professional or administrative services to individuals or businesses. Typical uses include employment services, property management services, title companies, law offices, engineering/surveying consulting firms, architecture and landscape architecture firms, advertising and public relations firms, medical and dental offices, chiropractic offices, dental labs, diagnostic testing services, advertising agencies, travel agencies, talent agencies, insurance offices, real estate offices, investment brokers, financial planners, banking services, offices for nonprofit and quasi-public agencies, and other business offices customarily associated with professional or administrative office services. This category excludes veterinary clinics/animal hospitals.

- 1. Level 1. Administrative and professional offices with no drive-through facilities.
- 2. Level 2. Banking services that include drive-through facilities.
- 3. Level 3. Drive-through facilities associated with nonbanking uses.

B. **Animal Hospitals Facilities/Veterinary Clinics.** Veterinary clinics/animal hospitals facilities use types are uses where small animals receive veterinary services that may include medical and surgical treatment. (See also subsection (M) of this section, Kennel.)

- 1. Level 1. Small animal veterinary services with boarding of animals incidental to the veterinary function and limited to animals receiving care. All boarding shall be within a fully enclosed portion of the building with walls and windows to significantly reduce noise impacts. Grooming is allowed.

2. Level 2. Veterinary services with boarding of animals incidental to the veterinary function and up to five animals not receiving care is allowed. Outdoor boarding is permitted. Grooming is allowed.

C. Adult Entertainment Establishment. "Adult entertainment establishment" shall mean any commercial premises which is one of the following: adult motion picture theaters, adult drive-in theaters, adult bookstores, adult cabarets, adult video stores, adult retail stores, adult massage parlors, adult sauna parlors or adult bathhouses.

D. Amusement and Recreation. Amusement and recreation use type refers to establishments or places of business primarily engaged in the provision of sports, entertainment, or recreational services to the public or members for commercial purposes. Examples include video arcades, billiard parlors, bowling alleys, ice or roller skating rinks, performance theaters/centers (not movie theaters), miniature golf courses, golf driving ranges, and outdoor performance centers.

E. Beauty Salon. Beauty salon use type provides service related to hair, skin, nail and cosmetology care. This includes barber shops.

F. Building Materials. Building materials use type refers to establishments primarily engaged in selling lumber and other building materials, paint, glass, hardware, and wallpaper. Establishments primarily selling these products for use exclusively by businesses or to other wholesalers or primarily selling plumbing, heating and air-conditioning equipment, and electrical supplies are classified in the wholesale trade use type, commercial use category.

1. Level 1. Establishments primarily engaged in the retail sale of basic hardware lines, such as tools, builders' hardware, paint, and glass. Retail sales of nursery, lawn and garden supplies, and lumber may be an accessory use to hardware stores. Utilization of outdoor areas for display and storage purposes may occur as an accessory use. The combination of total floor area and outdoor storage and display area is 30,000 square feet or less.

2. Level 2. Establishments primarily engaged in selling lumber and a general line of building material. General line of building materials may include rough and dressed lumber, flooring, molding, doors, frames, roofing, siding, shingles, wallboards, paint, brick, tile, and cement. Utilization of outdoor areas for display or storage purposes may occur as an accessory use. The combination of total floor area and outdoor storage and display area typically ranges between 30,000 square feet and 80,000 square feet.

G. Business Services. Business services use type refers to uses primarily engaged in providing services to business establishments on a contract or fee basis. Examples include courier services, parcel delivery services, fax services, telegraph services, reproduction services, commercial art and photography services, stenographic services, and janitorial services.

H. Commercial Centers. Commercial centers use type refers to any lot or combination of lots with a variety of stores, offices, mixed use residential dwellings and services allowed in the zone where the center is located, integrated into a complex utilizing common parking facilities. A variety of goods are sold or services provided at these centers ranging from general merchandise to specialty goods and foods. Commercial centers can be grouped into two levels:

1. Level 1. Any store or commercial center containing a variety of stores with a cumulative floor area over 50,000 square feet and up to 200,000 square feet.

2. Level 2. Any commercial center containing a store or variety of stores with a cumulative floor area greater than 200,000 square feet.

I. Eating and Drinking Establishment. Eating and drinking establishment use type refers to establishments that sell prepared food and liquor, and may provide music. Examples include espresso stands, fast food restaurants, full service restaurants, taverns, and cocktail lounges.

1. Level 1. Establishments without drive-through facilities.
2. Level 2. Establishments with drive-through facilities.
3. Level 3. Establishments that serve alcoholic beverages, including brew pubs.
4. Level 4. Delicatessen only, as accessory to a commercial development. Limited to 1,000 square feet of gross floor area with or without beer and wine beverage service.
5. *Repealed by Ord. 455.*

**J. Food Stores.** Food stores use type refers to stores primarily engaged in the retail sale of a variety of canned and dry foods, fresh fruits and vegetables, or meats, poultry, and fish, and may include a variety of disposable nonfood products. Examples include meat and fish markets, vegetable markets, retail bakeries, dairy stores, and grocery stores.

1. Level 1. Total floor area up to 30,000 square feet.
2. Level 2. Total floor area over 30,000 square feet and up to 200,000 square feet.

**K. Garden Center (Includes Nursery).** Garden center use type refers to establishments primarily engaged in the retail sale of lawn and garden supply goods and equipment. This includes nursery, lawn and garden supplies, and garden tools. Nurseries that focus on the retail sales of plants are also included in this category. Utilization of outdoor areas for display and storage purposes may occur as an accessory use.

**L. Health Club.** Health club use type means a facility engaged in operating physical fitness facilities and may include facilities such as cardiovascular machines, weight training equipment, swimming pools and racquetball courts (also known as athletic clubs, fitness centers).

**M. Kennel.** Kennel use type means a place where six or more adult cats and/or dogs are temporarily boarded for compensation whether or not for training. An adult cat or dog is one that has reached the age of seven months.

**N. Limited Accessory Retail.** Limited accessory retail use type are uses in the mixed use – office zone only that are directly associated with an allowed office use or which are retail services that provide a direct service to tenants of an office building. Examples include the limited sales of glasses and optical supplies as part of an optometrist's office or stand-alone card shop/gift shop. Limited accessory retail uses are limited by their size (see use tables in UPMC [19.25.110](#)).

**O. Lodging.** Lodging use type refers to establishments that provide lodging services. Examples include hotels and motels. Recreational vehicle parks are specifically excluded from this definition. See residential use for bed and breakfasts.

**P. Marijuana Retail Outlet.** A Marijuana Retail Outlet is a state-licensed and regulated retail outlet allowed to sell only usable marijuana, marijuana concentrates, marijuana-infused products, and marijuana paraphernalia at retail to persons twenty-one years of age and older.

**PQ. Marina.** Marina use type means a facility containing operations involved in the mooring, storing, selling, renting, repairing and servicing, fueling, launching and/or securing of boats.

1. Level 1. Mooring, storing, selling, renting, repairing and servicing, fueling, launching and/or securing of boats, as well as personal services businesses that support the needs of boaters. May include retail facilities for boat owners, crews, and guests limited to 1,500 square feet of floor area, but that limitation does not apply to areas devoted primarily to the sale of boats. Repair shall be limited to recreational and small commercial boats.

2. Level 2. Mooring, storing, selling, renting, repairing and servicing, fueling, launching and/or securing of boats, as well as personal services businesses that support the needs of boaters. May include eating, sleeping, and retail facilities for boat owners, crews, and guests.

QR. Mini Casinos. Mini casinos use type shall be defined as a "social card game" per RCW 9.46.0282 and means a card game that constitutes gambling and is authorized by the Commission under RCW 9.46.070. Authorized card games may include a house-banked or a player-funded banked card game. No one may participate in the card game or have an interest in the proceeds of the card game who is not a player or a person licensed by the Commission to participate in social card games. There shall be two or more participants in the card game who are players or persons licensed by the Commission. The card game must be played in accordance with the rules adopted by the Commission under RCW 9.46.070, which shall include but not be limited to rules for the collection of fees, limitation of wagers, and management of player funds. The number of tables authorized shall be set by the Commission but shall not exceed 15 total and separate tables per establishment.

RS. Movie Theaters, Indoor. Movie theater, indoor use type means an establishment primarily engaged in the indoor exhibition of motion pictures.

ST. Mobile, Manufactured, and Modular Homes Sales. Mobile, manufactured, and modular homes sales use type refers to those establishments that store and sell premanufactured homes. The primary purpose is to provide sites for marketing and distribution, not construction.

TU. Motor Vehicles and Related Equipment Sales/Rental/Repair and Services. Motor vehicles and related equipment sales/rental/repair and services use type refers to establishments or places of business engaged in the sales, leasing or service of automobiles, trucks, motorcycles, recreational vehicles, and boats; or heavy equipment and supplies related to motor vehicles; and self-moving or commercial moving services.

1. Level 1. Gasoline service stations, battery exchange stations and Level 3 electric vehicle charging stations together with accessory automobile repair and convenience shopping, and car wash with a one-car capacity.

2. Level 2. Automotive repair shops and automobile car washes for vehicles not exceeding three tons. Typical uses include general repair shops, transmissions and engine rebuild shops, muffler shops, glass repair shops, automobile upholstery services, car washes, lube/oil shops, and auto parts stores which offer installation services.

3. Level 3. On-site rental of automobiles, trucks not exceeding three tons of vehicle weight where not more than 20 vehicles are available for rent at any time.

4. Level 4. On-site sales, lease, or rental of automobiles and trucks not exceeding three tons of vehicle weight, and recreational vehicles. Other activities include automobile body repair and painting facilities.

5. Level 5. Sales, leasing, or rental of heavy truck and heavy equipment exceeding three tons of vehicle weight, supplies intended for outdoor use and truck service stations. Typical uses include truck shops primarily designed for the service and fueling of heavy trucks and tractor trailer sales.

6. Level 6. Sales, leasing, rental, repair and service of boats and other marine-related equipment, snowmobiles, motorcycles, quads and other power sports equipment.

UV. Pawn Shop. Pawn shop use type is an establishment engaged in whole or in part in the business of loaning money on the security of pledges of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property. Pawn shops shall be permitted only at a ratio of one shop per each 40,000 population within the City limits (meaning the second pawn shop is allowed at 40,001, etc.).

**WV.** Personal Services. Personal services use type refers to uses primarily engaged in providing services to individuals. These services meet the needs on a daily, weekly, monthly, or less frequent basis. Examples include coin-operated laundries, dry cleaning drop-off/pick-up establishments, dry cleaners, shoe repair, clothing alterations, tanning salons, tattoo parlors, pet washes and grooming, photographic studios, carpet and upholstery cleaners. Also see subsection (X) of this section, rental and repair services use type, for other services.

1. Level 1. Total floor area does not exceed 2,500 square feet and use does not involve outdoor storage of vehicles.
2. Level 2. Total floor area exceeds 2,500 square feet or use involves outdoor storage of delivery or service vehicles.

**WX.** Pet Day Care. Pet day care includes establishments where pets are cared for and boarded for periods less than 24 hours. Boarding for more than 24 hours is considered a kennel. Establishments that offer pet washing and grooming with no pet day care is a personal service.

**XY.** Rental and Repair Services. Rental and repair services use type refers to establishments primarily engaged in the provision of repair services or closely related uses. Typical uses include upholstery shops, appliance repair shops, small engine and power tool rental and repair such as lawn mowers and chainsaws, vacuum cleaner repair, medical equipment rental and repair services, rental furnishings, and instrument repair services. Refer to motor vehicles and related equipment sales/rental/repair and services use type for automotive repair. Also see personal services use type for clothing alterations.

1. Level 1. Establishments that do not involve outdoor storage.
2. Level 2. Establishments that involve outdoor storage of equipment.

**YZ.** Sales of General Merchandise. Sales of general merchandise use type refers to establishments that sell general merchandise including apparel and accessories, pharmaceuticals, antiques, optical goods, jewelry, pet supplies, auto parts without installation services, furniture and home furnishings including appliances, computers and electronics. Also see building materials use type for establishments primarily engaged in selling lumber and other building materials, paint, glass, wallpaper or hardware, and also garden center use type for nursery stock and lawn and garden supplies.

1. Level 1. Total floor area up to 30,000 square feet.
2. Level 2. Total floor area over 30,000 square feet.
3. Level 3. Pharmacies that include drive-through facilities.
4. Level 4. Drive-through facilities associated with sales of general merchandise uses other than pharmacies.

**ZAA.** Video Rental. Video rental use type is a store that rents prerecorded videotapes, discs, or similar materials such as video games to the public for a limited period of time. Some limited sales may occur.

**ABA.** Wholesale Trade. Wholesale trade use type refers to establishments primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying for or selling merchandise to such individuals or companies. Typical wholesale trade establishments include wholesale merchants or jobbers and cooperative buying associations. Typical wholesale trade businesses are electrical distributors, plumbing supplies, heating and air-conditioning equipment supplies, lumber and construction materials supplies, professional and commercial equipment supplies.

1. Level 1. Establishments with total floor area of 10,000 square feet or less and indoor storage only.

2. Level 2. Establishments with total floor area of more than 10,000 square feet and with indoor or outdoor storage.

(Ord. 628 § 1 (Exh. A), 2013; Ord. 607 § 1 (Exh. A), 2012; Ord. 599 § 1 (Exh. B), 2011; Ord. 597 § 1 (Exh. A), 2011; Ord. 514 § 2, 2008; Ord. 455 § 1 (Exh. A), 2005; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

### **19.25.100 Industrial use category – Descriptions.**

Industrial use categories include the on-site production, processing, storage, movement, servicing, or repair of goods and materials. The industrial use types typically have one or more of the following characteristics: create substantial odor or noise, frequent deliveries, heavier truck traffic, employ relatively large numbers of people, and/or create visual impacts incompatible with residential development.

A. Boat Building. Boat building use type refers to establishments that construct or manufacture watercraft not built in shipyards and typically of the type suitable or intended for personal use. Illustrative examples include:

1. Dinghy (except inflatable rubber) manufacturing;
2. Inflatable plastic boats, heavy-duty, manufacturing;
3. Inflatable rubber boats, heavy-duty, manufacturing;
4. Motorboats, inboard or outboard, building;
5. Rigid inflatable boats (RIBs) manufacturing;
6. Rowboats manufacturing;
7. Sailboat building, not done in shipyards;
8. Yacht building, not done in shipyards.

B. Bulk Fuel Dealers. Bulk fuel dealers use type refers to establishments that sell fuels to businesses and households for transportation, heating, and business purposes. Fuel dealers store or sell materials that are flammable, explosive, or toxic. Examples include heating oil dealers, liquefied petroleum gas dealers, coal, wood, or other fuel dealers.

C. Buy-Back Recycling Center. Buy-back recycling center use type refers to any small-scale business without processing which collects, receives or buys recyclable materials from household, commercial or industrial sources for the purpose of sorting, grading, or packaging recyclables for subsequent shipment and marketing.

D. Contractor Yards. Contractor yards use type refers to an area for construction or contracting business offices and the interior or outdoor storage, repair or maintenance of heavy equipment, vehicles, and construction supplies and materials.

E. Craft Production Facility. Craft production facility use type refers to establishments that produce arts, crafts, food and beverages with on-site production and assembly of goods primarily involving the use of hand tools and/or small-scale equipment. Due to the limited scale of the activities and small boutique nature of craft production establishments, they are compatible with and are often co-located with retail sales and service uses. This use type includes ceramic art, glass art, candle-making, custom jewelry manufacture, and craft food and nonalcoholic beverage production. Off-site impacts shall be minimal and all activity must be conducted totally within the structure with no outdoor storage or significant emissions of odor, smoke, fumes, or sound that extend beyond the site. Individual tenant spaces or units within a building may constitute the site.

F. Food and Related Products. Food and related products use type refers to uses which involve the processing, manufacturing, storage and packaging of food materials, raw milk, and ice. Examples include bakeries which distribute products to many retail outlets; creameries and other dairy products manufacturing without on-site dairy animals; soft drink bottling plants; feed and cereal mills; flour mills; vegetable oil manufacturing; refining or storage; yeast plants; starch, glucose and ~~dextrin~~dextrin manufacturing; dry pet food, lard, pickles, sauerkraut, and vinegar manufacturing; sugar refining. This use type may include processing and packaging of red meats, fowl and/or fish, provided the facility complies with all State, Federal and local health regulations, all processing is conducted indoors, and there is no emission of noxious odors or noise. This use type does not include the slaughtering or boarding of live animals or poultry.

**G. Industrial Services and Repair.** Industrial services and repair use type refers to uses involving the repair of medium- and large-sized products, e.g., boats, and trucks exceeding three tons of vehicle weight; uses providing large-scale or bulk services to commercial and industrial businesses but not directly to the consumer, e.g., bulk laundries, linen supply, dry cleaning plants, other laundry and garment services; and industrial services related strictly to industrial uses, e.g., assaying and towing services, physical and biological research testing laboratories, and industrial wastewater treatment facilities and janitorial services.

**H. Limited Manufacturing.** Limited manufacturing use type refers to uses that involve intermediate processing of semi-processed material into a consumer good and to uses that involve the assembly of semi-processed and/or intermediate processed products into a consumer good. This does not include the processing of raw materials. This use type includes but is not limited to:

1. Clothing and fabricated products;
2. Finished products made entirely or mainly of wood for use in construction;
3. Instruments for measuring, testing, analyzing, and controlling;
4. Optical instruments and lenses;
5. Surveying and drafting instruments;
6. Medical instruments and equipment;
7. Photographic equipment;
8. Watches and clocks;
9. Supplies associated with the previous products; and
10. Electronic computer hardware components and related equipment.

**I. Marijuana Processor.** A Marijuana Processor is a state-licensed and regulated marijuana processor which is allowed to process, dry, cure, package, and label usable marijuana, marijuana concentrates, and marijuana-infused products for sale at wholesale to marijuana processors and marijuana retailers.

**J. Marijuana Producer.** A Marijuana Producer is a state-licensed and regulated marijuana producer allowed to produce, harvest, trim, dry, cure, and package marijuana into lots for sale at wholesale to marijuana processor licensees and to other marijuana producer licensees. A marijuana producer can also produce and sell marijuana plants, seed, and plant tissue culture to other marijuana producer licensees.

**K. Microbeverage Production Facility.** Microbeverage production facility use type refers to establishments that manufacture alcoholic and nonalcoholic beverages for distribution on or off site. Examples include microbreweries, microdistilleries and microwineries. Microbeverage production facilities may operate in conjunction with a tasting room, retail outlet, and/or eating and drinking establishment.

**L. Motion Picture/Television and Radio Production Studios.** Motion picture/television and radio production studios use type refers to uses engaged in the production and distribution of motion pictures, production and distribution of television segments, radio and television production of commercial spots, and other related activities.

**M. Printing, Publishing and Related Industries.** Printing, publishing and related industries use type refers to uses engaged in printing by one or more common processes, such as letterpress, lithography, or screen; services for the printing trade, such as bookbinding and plate making; and publishing newspapers, books and periodicals.

**LN. Salvage Yards.** Salvage yards use type refers to uses that involve the salvage of wrecked vehicles, vehicle parts and appliances, and the storage of vehicles for purpose of wholesale trade.

1. Level 1. Hulk hauling – Where no storage of vehicles is permitted.
2. Level 2. Salvage yards/uses dealing with storage facilities for motor vehicles in which all vehicles are stored within enclosed building(s).

**MQ. Storage.** Storage use type refers to businesses engaged in the storage of items for personal and business use. Business activities other than rental of storage spaces are prohibited. Examples of personal storage uses include mini-warehousing, public parking areas, and boat storage yards. For maintenance or repair of recreational vehicles or boats, see also UPMC 19.25.090(T), the motor vehicles and related equipment sales/rental/repair and services use type.

**NP. Vehicle Impound Yards.** Vehicle impound yards use type refers to uses dealing with impound facilities for motor vehicles.

**OQ. Warehousing, Distribution and Freight Movement.** Warehousing, distribution and freight movement refers to storage of manufactured or processed products for one or more businesses either within a building serviced by loading docks, or in secure outdoor storage areas. Such facilities typically transport product by truck or rail. Examples include grocery chain distribution centers, parcel delivery distribution centers, storage of fabricated concrete blocks, and finished lumber storage yards.

(Ord. 628 § 1 (Exh. A), 2013; Ord. 607 § 1 (Exh. A), 2012; Ord. 514 § 2, 2008; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

### 19.25.110 Use tables.

A. The following use tables indicate which uses are permitted in which zones. Zones are shown across the horizontal axis and use category and types are shown down the vertical axis.

B. Zone Acronyms. The following acronyms are used in the use tables in place of zone names:

R1	Residential 1
R2	Residential 2
MF-L	Multifamily Residential – Low
MF-H	Multifamily Residential – High
POS	Parks and Open Space
MU-O	Mixed Use – Office
NC	Neighborhood Commercial

TC	Town Center
MU	Mixed Use
CC	Community Commercial
LI-BP	Light Industrial – Business Park
MU-M	Mixed Use – Maritime

**C. Symbols.** The following symbols are employed in the use tables:

1. A blank cell on the table indicates that the use type is not allowed in the zone listed at the top of the column.
2. A "P" in a cell on the table indicates that the use type is permitted subject to applicable standards in this code in the zone listed at the top of the column.
3. A "C" in a cell on the table indicates that the use type is permitted subject to the conditional use provisions specified in UPMC 19.85.020, Conditional use permits.
4. A "D" in a cell on the table indicates that the use type is permitted subject to design review under the provisions specified in UPMC 19.85.050, Administrative design review.
5. An "A" in a cell on the table indicates that the use type is permitted subject to administrative review under the provisions specified in UPMC 19.85.010, Administrative use permits.
6. A number accompanying a "P," "C," "D" or "A" in a cell refers to the level of the use type allowed in the zone listed at the top of the column. If a letter is not accompanied by a number, all levels of that use type are permitted, subject to appropriate review. The description of levels for each use type is contained in this chapter.

**Residential Use Types and Zone Classification Table**

USE TYPES	ZONE CLASSIFICATIONS										
RESIDENTIAL USES	R1	R2	MF	POS	MU-O (14)	NC	TC (15)	MU (14)	CC (15)	LI-BP	MU-M (27)
Adult family home (6 or fewer)	P	P	P		P	P	P	P	P		P
Assisted living facility		P1, C2	P3		P3		P3	P3	P3		
Bed and breakfast (2)	P	P	P		P	P					
Caretaker unit	P (22)			P							P
Family day care facility	P	P	P		P	P	P	P	P		P
Level I group home	P	P	P		P	P	P	P	P		P
Live/work unit					D (5)			D (5)	D (5)		D (16)
Mobile/manufactured home (3)			P								
New manufactured home (4)	P	P	P								
Mobile home park			C								
Multifamily housing			D (16)		D (5)		D (5)	D (5)	D (5)		D (16)
Nursing home		P1, C2	P3		P3		P3	P3	P3		
Single-family attached housing	P1	P1	P2		P2	P2		P2			
Single-family/duplex housing	P	P	P								
Small lot housing	D (17)	D (17)									

See notes in UPMC 19.25.120.

**Civic and Recreation Use Types and Zone Classification Table**

USE TYPES	ZONE CLASSIFICATIONS										
CIVIC AND RECREATION USES	R1	R2	MF	POS	MU-O	NC	TC	MU	CC	LI-BP	MU-M (20, 21, 27)
Administrative government services				P	P	P	P	P	P	P	
Animal control (animals kept)										C	
Existing cemeteries/mortuaries	C	C									
Community centers	C	C	C	P	P	P	P	P	P	P	P
Community clubs	C	C	C	P	P	P	P	P	P	P	P
Courthouse							C		C		
Cultural services (museums, libraries)				P	C	P	P	P	P		P
Day care centers (exceeds 12)	C	C	P		P	P	P	P	P	C	P
Education	P1	P1	P1		P1	P1 (6), 4, C2	P1 (6), 4, C2, 3	P1 (6), 4, C2, 3	P1 (6), 4, C2, 3	P4	P4
Hospitals/24-hour medical clinics					P, C2	P, C2	P, C2	P, C2	P, C2	C	
Holding cells							P1	P1	P1	C	
Postal services						P1	P1	P1	P1	P1, 2	P1

**Civic and Recreation Use Types and Zone Classification Table**

USE TYPES	ZONE CLASSIFICATIONS										
CIVIC AND RECREATION USES	R1	R2	MF	POS	MU-O	NC	TC	MU	CC	LI-BP	MU-M (20, 21, 27)
Private clubs and lodges						P	P	P	P		P
Public safety services	C	C	C		P	P	P	P	P	P	P
Recreation – Public	P1, 3, C2	P1, 3, C2	P1, 3, C2	P1, 2, 3	P1, 3, C2	P1, 3, C2	P1, 3, C2	P1, 3, C2	P1, 3, C2	P1	P1, 3
Recreation – Nonprofit	P	P	C			C	C	C	C		P1, 3
Religious assemblies	P1, C3	P1, C3	P1, C3		P1, C2	P	P	P	P	P1	P1
Transportation	P1	P1	P1		P1, C2	P1, C2	P1, C2	P1, C2	P1, C2	P1	P1, C2
Utility and public maintenance facilities				P1, 2			P1, C2	P1, C2	P1, C2	P	P1, C2

See notes in UPMC [19.25.120](#).

**Utilities/Essential Public Facilities/Resources Use Types and Zone Classification Table**

USE TYPES	ZONE CLASSIFICATIONS										
UTILITIES	R1	R2	MF	POS	MU-O (14)	NC	TC (15)	MU (14)	CC (15)	LI-BP	MU-M (20, 21, 27)
Wireless telecommunications facilities (7)	C1, 2, 3	C1, 2, 3	C1, 2, 3, 4	P	C1, 2, 3, 4	C1, 2, 3, 4	C1, 2, 3, 4	P1, A2, 3, C4	C1, 2, 3, 4	P1, A2, 3, C4	P1, C2, 3
Electric facilities	C	C	C		P	P	P	P	P	P	P
Electrical generation, accessory, on site only											
Natural gas facilities	P1	P1	P1		P1, 2	P1, 2		P1, 2		P	P1, 2
Recycling collection sites	P	P	P	P (18)	P	P	P	P	P	P	P
Sewage collection facilities	P	P	P		P	P	P	P	P	P	P
Storm water facilities	P	P	P	P	P	P	P	P	P	P	P
Water supply facilities	P1, C2	P1, C2	P1, C2		P1, C2	P1, C2	P1, C2	P1, C2	P1, C2	P1, C2	P1, C2
<b>ESSENTIAL PUBLIC FACILITIES (8)</b>	<b>R1</b>	<b>R2</b>	<b>MF</b>	<b>POS</b>	<b>MU-O (14)</b>	<b>NC</b>	<b>TC (15)</b>	<b>MU (14)</b>	<b>CC (15)</b>	<b>LI-BP</b>	<b>MU-M (20, 21, 27)</b>
Level II group homes			C		C			C		C	
Organic waste processing facilities										C	
Correctional institutions										C	
Recycling processors											
Sewage treatment facilities											

**Utilities/Essential Public Facilities/Resources Use Types and Zone Classification Table**

USE TYPES	ZONE CLASSIFICATIONS										
UTILITIES	R1	R2	MF	POS	MU-O (14)	NC	TC (15)	MU (14)	CC (15)	LI-BP	MU-M (20, 21, 27)
Waste disposal facilities											
Waste transfer facilities										C1, 2, 3	
RESOURCE USES	R1	R2	MF	POS	MU-O (14)	NC	TC (15)	MU (14)	CC (15)	LI-BP	MU-M (20, 21, 27)
Agricultural sales						P	P	P	P		P1
Crop production	P	P	P								
Fish enhancement											P
Limited horse boarding	P	P									

See notes in UPMC [19.25.120](#).

**Commercial Use Types and Zone Classification Table**

USE TYPES	ZONE CLASSIFICATIONS										
COMMERCIAL USES	R1	R2	MF	POS	MU-O (14)	NC	TC (15)	MU (14)	CC (15)	LI-BP	MU-M (20, 21, 27)
Administrative and professional offices					P1	P1, 2, 3	P1	P1, 2, 3	P1, 2	P1	P1
Veterinary clinics/animal hospitals					C1	P1	P1	P1	P1	P	
Adult entertainment										C (9)	
Amusement and recreation (private)						P	P	P	P	P	P
Beauty salon/barber					P (10)	P	P	P	P		P
Building materials (11)						P1	P1, C2	P1, C2	P1, C2	P	
Business support services					P	P	P	P	P	P	P
Commercial centers						C	P1, C2 (12)	C	P1, C2 (12)		
Eating and drinking establishment					P4	P1, 2, 3	P1, 3	P1, 3, C2	P1, 2, 3	P1, 3 (19)	P1, 3
Food stores (11)						P1, C2	P	P1, C2	P		P1
Garden center (11)						P	P	P	P	C	
Health club (a.k.a. fitness center)						P	P	P	P	C	P
Kennels										P	

**Commercial Use Types and Zone Classification Table**

USE TYPES	ZONE CLASSIFICATIONS										
COMMERCIAL USES	R1	R2	MF	POS	MU-O (14)	NC	TC (15)	MU (14)	CC (15)	LI-BP	MU-M (20, 21, 27)
Limited accessory retail (MU-O only)					P (13)						
Lodging – Hotels and motels (no RV)						C	P	P	P		P
Marinas and other boating facilities (launch ramps and covered moorage) (25)	P1 (23) P2 (24)										P2
Marijuana Retail Outlets (28)								C			
Mini casinos											
Movie theaters (indoor only)						P	P	C	P		
Mobile, manufactured, and modular home sales										C	
Vehicle sales, repair, service						P1, 2		P1, C2		P1, 2, C3, 4	P6 (26)
Pawn shops										C	
Personal services (other)					P1 (10)	P1, C2	P1, C2	P1, C2	P1, C2	P	P1, C2
Pet day care						P		P		P	
Rental and repair						P1, C2		P1, C2		P	P1 (26) C2 (26)

**Commercial Use Types and Zone Classification Table**

USE TYPES	ZONE CLASSIFICATIONS										
COMMERCIAL USES	R1	R2	MF	POS	MU-O (14)	NC	TC (15)	MU (14)	CC (15)	LI-BP	MU-M (20, 21, 27)
Sales of general merchandise (11)						P1, 3, 4, C2	P1, C2	P1, 3, 4, C2	P1, 3, C2	P1, C2	P1
Tattoo parlors										P	
Video rental						P	P	P	P	P	
Wholesale trade (11)								C1		P1, C2	

See notes in UPMC [19.25.120](#).

**Light Industrial Use Types and Zone Classification Table**

USE TYPES	ZONE CLASSIFICATIONS										
LIGHT INDUSTRIAL USES	R1	R2	MF	POS	MU-O	NC	TC	MU	CC	LI-BP	MU-M (20, 21, 27)
Boat building										C	C
Bulk fuel dealers										C	
Buy-back recycling											
Contractor yards										P	P (26)

**Light Industrial Use Types and Zone Classification Table**

USE TYPES	ZONE CLASSIFICATIONS										
	R1	R2	MF	POS	MU-O	NC	TC	MU	CC	LI-BP	MU-M (20, 21, 27)
Craft production facilities										P	P
Food and related products										P	C
Industrial services and repair										C	C
Limited manufacturing										P	P
<u>Marijuana Processor (28)</u>										<u>C</u>	
<u>Marijuana Producer (28)</u>										<u>C</u>	
Microbeverage production facilities										P	P
Motion picture, TV and radio production studios								C		P	
Printing, publishing and related industries										P	
Salvage yards										P1, C2	
Storage units										P	P (26)
Vehicle impound yards										P	
Warehousing, distribution and freight movement										C	C

See notes in UPMC [19.25.120](#).

(Ord. 662 § 1 (Exh. A), 2015; Ord. 628 § 1 (Exh. A), 2013; Ord. 607 § 1 (Exh. A), 2012; Ord. 599 § 1 (Exh. A), 2011; Ord. 589 § 1 (Exh. A), 2011; Ord. 574 § 1 (Exh. A), 2010; Ord. 559 § 3 (Exh. A), 2009; Ord. 524 § 1 (Exh. A), 2008; Ord. 514 § 2, 2008; Ord. 455 § 1 (Exh. A), 2005; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 371 § 3, 2003).

**19.25.120 Use table notes.**

(1) *Repealed by Ord. 455.*

(2) Breakfast is the only meal served.

(3) In approved mobile/manufactured home parks only.

(4) Permitted subject to standards in UPMC 19.70.120.

(5) Only permitted in conjunction with a permitted commercial use and subject to compliance with the design standards and guidelines for the Town Center and Community Commercial zones per Chapter 19.52 UPMC or the design standards for the Mixed Use and Mixed Use – Office zones per Chapter 19.50 UPMC.

(6) Kindergarten and primary school only.

(7) Allowed in R1 and R2 zones only in conjunction with selected nonresidential uses in accordance with UPMC Title 23.

(8) Subject to essential public facility review.

(9) Subject to adult entertainment siting criteria.

(10) Permitted only at 1,000 square feet gross floor area or less.

(11) Establishments over 80,000 square feet are considered commercial centers.

(12) Commercial centers greater than 200,000 square feet are permitted outright in the Town Center zone subject to the Town Center design standards.

(13) Retail uses that are related to a use in an office building are limited to 750 square feet each. Total retail uses in a building shall not exceed 20 percent of the building's leasable square footage.

(14) Certain categories of development, including new construction on vacant land, major redevelopment and major improvement, are subject to administrative design review approval to ensure compliance with the design standards and guidelines in Chapter 19.50 UPMC.

(15) Certain categories of development, including new construction on vacant land, major redevelopment and major improvement, are subject to administrative design review approval to ensure compliance with the design standards and guidelines in Chapter 19.52 UPMC.

(16) Allowed in MF-L, MF-H and MU-M zones subject to compliance with multifamily design standards and guidelines per Chapter 19.53 UPMC. Vertical mixed use buildings that include multifamily units in the MU-M zone are exempt from these provisions and subject to compliance with the mixed use design standards adopted by reference in Chapter 19.50 UPMC.

(17) Allowed in R1 and R2 zones subject to compliance with small lot design standards and guidelines per Chapter 19.53 UPMC.

(18) Recycling collection receptacles in the Parks and Open Space zone shall not exceed a maximum capacity of 20 cubic yards.

(19) Eating and drinking establishments in the Light Industrial/Business Park zone are only permitted north of 24th Street.

(20) Uses allowed subject to compliance with mixed use design standards per Chapter [19.50](#) UPMC. The Director may exempt development proposals from compliance with specific mixed use design standards that conflict with UPMC Title [18](#), Shoreline Master Program, requirements.

(21) Uses located within the Day Island Medium Intensity (DIMI) Shoreline Environment are also subject to compliance with the requirements of UPMC Title [18](#). Non-water-oriented commercial, industrial and recreation uses, certain transportation and utility uses, and over-water portions of marinas and other boating facilities, are subject to shoreline conditional use permit approval in accordance with Table 18.30.A.

(22) May be authorized only in conjunction with an approved marina or other boating facility.

(23) Modifications to existing marinas and other boating facilities may be authorized in accordance with Level 1 zoning requirements and UPMC Title [18](#), Shoreline Master Program, requirements when located within the R1 Day Island overlay zone. Level 2 marinas are not permitted in the R1 Day Island overlay zone.

(24) Level 2 marinas and other boating facilities may be authorized in accordance with the Chambers Creek properties master site plan and UPMC Title [18](#), Shoreline Master Program, requirements when located within the R1 Chambers Creek properties overlay.

(25) Covered moorage lawfully established prior to adoption of the Shoreline Master Program is a permitted use; no new covered moorage may be authorized. Existing covered moorage may be maintained, modified or replaced, but not extended in terms of cumulative footprint and shading of water. See UPMC [18.30.070\(G\)](#).

(26) Predominantly marine-related activities, facilities, services, merchandise, and uses. Predominant means the most common, main or prevalent activities measured by the proportion of a site or building floor area devoted to such activities. The City may consider additional factors in determining whether marine-related activities are the predominant use of a site or building.

(27) Conditional use permit required for buildings or structures exceeding 45 feet in height.

[28. Subject to the development standards in UPMC 19.70.140.](#)

(Ord. 662 § 1 (Exh. A), 2015; Ord. 628 § 1 (Exh. A), 2013; Ord. 607 § 1 (Exh. A), 2012; Ord. 589 § 1 (Exh. A), 2011; Ord. 574 § 1 (Exh. A), 2010; Ord. 559 § 3 (Exh. A), 2009; Ord. 524 § 1 (Exh. A), 2008; Ord. 514 § 2, 2008; Ord. 455 § 1 (Exh. A), 2005; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 371 § 3, 2003).

[19.70.140 Marijuana Related Uses.](#)

[A. Purpose. The purpose of this section is to regulate marijuana producers, processors, and retailers, medical marijuana cooperatives, and marijuana research regulated under Chapters 69.50 and 69.51A RCW by identifying appropriate land use districts and establishing development and performance standards. Marijuana producers, processors, and retailers shall only be permitted when licensed by the Washington State Liquor and Cannabis Board. The production, sale, and possession of marijuana remains illegal under the federal Controlled Substances Act. Nothing herein or as provided elsewhere shall be construed as authority to violate or circumvent federal law.](#)

[B. Applicability. This section applies to marijuana uses licensed by the Washington State Liquor and Cannabis Board.](#)

C. Permitted Uses. Only marijuana retailers, producers and processors licensed by the Washington State Liquor and Cannabis Board are allowed. Marijuana production or processing shall not be considered agricultural uses.

D. Review Required – Conditional Use Permit. A Conditional Use Permit is required to operate any marijuana retailer, producer, or processor. Conditional use permits shall be processed in accordance with UPMC 19.85.020 and UPMC Title 22 and with all other applicable provisions of the University Place Municipal Code.

E. Limitations on Marijuana Retail Uses. The following limitations shall apply to all marijuana retailers, unless stated otherwise:

1. A marijuana retailer shall not be located within 1,000 feet of the following uses or any use included in Chapter 314-55 WAC now or as hereafter amended:

Elementary or secondary school;  
Playgrounds;  
Recreation center or facility;  
Child care centers;  
Public parks;  
Public transit centers;  
Libraries; and  
Any game arcade where persons under twenty-one years of age are not restricted.

2. No marijuana retailer shall be located within 1,000 feet of any other marijuana retailer.

F. Limitations on Marijuana Processors and Producers. The following limitations shall apply to all marijuana processors or producers, unless stated otherwise:

1. A marijuana processor or producer shall not be located within 1,000 feet of the following uses or any use included in Chapter 314-55 WAC now or as hereafter amended:

Elementary or secondary school;  
Playgrounds;

2. Marijuana processors or producers shall not be located within 100 feet of the following zones and uses or any use included in Chapter 314-55 WAC now or as hereafter amended:

R1 or R2 Zones  
Recreation center or facility;  
Child care centers;  
Public parks;  
Public transit centers;  
Libraries; and  
Any game arcade where persons under twenty-one years of age are not restricted.

G. Limitations on all Marijuana Uses. The following limitations shall apply to all marijuana uses, unless stated otherwise:

1. Odor. Marijuana odor shall be contained within the structure and/or tenant space so that odor from the marijuana cannot be detected by a person with a normal sense of smell from any abutting use or property. If marijuana odor can be smelled from any abutting use or property, the marijuana retailer shall be required to implement measures, including but not limited to the installation of the ventilation equipment necessary to contain the odor.

H. Marijuana Cooperatives. Marijuana cooperatives, as defined in RCW 69.51A.250 and WAC 314-55-410, are allowed in accordance with State law requirements and the following additional standards:

1. Marijuana cooperatives must be conducted in a manner that is clearly secondary and incidental to the primary use of the property as a residence and do not significantly alter the exterior of the property or affect the residential character of the neighborhood.
2. No outdoor display or storage of marijuana growing, processing or producing materials, goods, supplies, or equipment is allowed.
3. No change in the outside appearance of the building or premises, or other visible evidence that the residence is being used for a cooperative is permitted.
4. The cooperative shall not generate nuisances such as traffic, on-street parking, noise, vibration, glare, odors, fumes, electrical interference, or hazards to any greater extent than what is usually experienced in the residential neighborhood.

## Exhibit B

### Chapter 5.35 MARIJUANA/CANNABIS USES

#### Sections:

<u>5.35.010</u>	Definitions.
<u>5.35.0210</u>	State-licensed marijuana businesses.
<u>5.35.0320</u>	Cannabis dispensaries.
<u>5.35.0430</u>	Severability.

#### 5.35.010 Definitions.

"Cannabis," also known as marijuana, means all parts of the plant cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

"Cannabis dispensary" means any cannabis (marijuana) use that is not licensed by the State, which operates in a manner analogous to a retail store by having qualifying patient customers who wish to purchase cannabis (marijuana) for money execute paperwork to join an RCW 69.51A "collective garden" make their purchase for money, and, after completion of the purchase, execute paperwork to resign from the collective.

"Marijuana," also known as cannabis, means all parts of the plant cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

"Marijuana-infused products" means products that contain marijuana or marijuana extracts and are intended for human use. The term "marijuana-infused products" does not include usable marijuana.

"Marijuana processor" means a person licensed by the State Liquor Control Board to process marijuana into usable marijuana and marijuana-infused products, package and label usable marijuana and marijuana-infused products for sale in retail outlets, and sell usable marijuana and marijuana-infused products at wholesale to marijuana retailers.

"Marijuana producer" means a person licensed by the State Liquor Control Board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

"Marijuana retailer" means a person licensed by the State Liquor Control Board to sell usable marijuana and marijuana-infused products in a retail outlet.

"Retail outlet" means a location licensed by the State Liquor Control Board for the retail sale of usable marijuana and marijuana-infused products.

"THC concentration" means the percent of delta-9 tetrahydrocannabinol content per dry weight of any part of the plant cannabis, or per volume or weight of marijuana product, or the combined percent of delta-9 tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant cannabis regardless of moisture content.

"Usable marijuana" means dried marijuana flowers. The term "usable marijuana" does not include marijuana-infused products.

(Ord. 637 § 3 (Exh. B), 2014).

**5.35.0210 State-licensed marijuana businesses.**

The following provisions apply to marijuana businesses licensed by Washington State:

A. State-licensed marijuana businesses shall be subject to all standards and other requirements of the University Place development regulations.

B. As a condition of licensure, all applicants for a University Place marijuana-related business license shall execute in a form prescribed by the City an acknowledgement that they are aware that marijuana remains a controlled substance under Federal law, and that they are subject to criminal prosecution and forfeiture of their business and personal assets under Federal law; that they indemnify, defend, hold harmless and release the City and its officers and employees from any and all claims arising in any manner from Federal enforcement against them or their business.

~~C. State-licensed marijuana businesses shall not be permitted within 1,000 feet of the perimeter grounds of the following entities:~~

- ~~1. Elementary or secondary schools;~~
- ~~2. Playground;~~
- ~~3. Recreation center or facility;~~
- ~~4. Child care center;~~
- ~~5. Public park;~~
- ~~6. Public transit center;~~
- ~~7. Library;~~
- ~~8. Game arcade (where admission is not restricted to persons age 21 or older).~~

~~University Place shall rely upon the definitions set forth in the Washington Administrative Code when identifying the entities listed above.~~

~~DC.~~ All applications by State-licensed marijuana businesses for conditional use permits in University Place shall include written Federal certification of compliance by the applicant with all requirements of Federal law.

~~ED.~~ Compliance with Federal Law. No application for a State-licensed marijuana business shall be accepted by University Place until such time as the Federal law is amended to allow marijuana production, processing, and retail sale for recreational use in the State of Washington.

~~EF.~~ Marijuana-Licensed Retail Outlets.

1. State-licensed marijuana retail outlets shall only be permitted through a conditional use permit in a mixed use district (MUD).
2. Subject to any more specific conditions in the CUP, a City-permitted, State-licensed marijuana retail outlet may sell usable marijuana, marijuana-infused products, and marijuana paraphernalia between the hours of 8:00 a.m. and 9:00 p.m.
3. Subject to any more specific conditions in the CUP, a City-permitted, State-licensed marijuana retail outlet may only sell usable marijuana, marijuana-infused products, and marijuana paraphernalia in a detached building containing no additional business activities.

G. State-Licensed Marijuana Processors. State-licensed marijuana processors shall be permitted through a conditional use permit in a light-industrial-business park zone.

H. State-Licensed Marijuana Producers.

1. State-licensed marijuana indoor producers shall be permitted through a conditional use permit in a light-industrial-business park zone.
2. Marijuana outdoor producers are prohibited.
3. Subject to any more specific conditions in the CUP, a City-permitted, State-licensed marijuana production shall take place within a fully enclosed secure indoor facility or greenhouse.
4. Subject to any more specific conditions in the CUP, a City-permitted, State-licensed marijuana indoor production facility shall be limited to 10,000 square feet of production space.

I. Nuisance Abatement. In addition to any other available remedy or penalty, any violation of this section, or any continued business operation after any State or Federal directive to cease operations is declared to be a public nuisance per se, and may be abated under the applicable provisions of this code or State law.

(Ord. 637 § 3 (Exh. B), 2014).

**5.35.0320 Cannabis dispensaries.**

Cannabis dispensaries as defined in this chapter are prohibited in University Place, and are declared to be a public nuisance per se.

(Ord. 637 § 3 (Exh. B), 2014).

**5.35.0430 Severability.**

If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances shall not be affected.

(Ord. 637 § 3 (Exh. B), 2014).