ORDINANCE 2013-15

AN ORDINANCE OF THE TOWN OF EATONVILLE, WASHINGTON, ADOPTING INTERIM REGULATIONS CONCERNING THE PRODUCTION, PROCESSING, AND RETAIL SALE OF RECREATIONAL MARIJUANA AND AMENDING TITLE 18 OF THE EATONVILLE MUNICIPAL CODE BY AMENDING CHAPTERS 18.02 "DEFINITIONS," 18.04 "DISTRICT REGULATIONS," AND ADDING A NEW CHAPTER 18.12 "RECREATIONAL MARIJUANA"

WHEREAS, in November of 2012, the Washington voters passed I-502, which directed the Washington State Liquor Control Board (LCB) to regulate recreational marijuana by licensing and taxing recreational marijuana producers, processors and retailers; and

WHEREAS, the regulatory scheme in I-502 required the LCB to adopt rules before December of 2013 to address: the methods for producing, processing and packaging of recreational marijuana; security requirements for retail outlets, retail outlet locations and hours of operation; labeling requirements; methods of transport of product throughout the state; taxing of marijuana-related activities; and the creation of a dedicated fund consisting of marijuana excise taxes, license fees, penalties and other income; and

WHEREAS, on September 4, 2013, the LCB issued proposed new regulations (the "Revised Proposed Rules"), which: prohibit the establishment of recreational marijuana businesses within 1,000 feet of certain identified sensitive uses; require criminal history background checks for licensees; establish qualifications for licensees; limit the amount of space available for recreational marijuana production; allow marijuana production to take place indoors in a fully enclosed, secure facility or outdoors enclosed by a physical barrier with an 8 foot high fence; limit the average inventory on the licensed premises at any time; limit the number of retailers within counties and cities within the counties based on estimated consumption and population data; establish insurance requirements for licensees; describe the security requirements, require employees to wear badges, and require alarm and surveillance systems on the licensed premises; require licensees track marijuana from seed to sale; establishes the manner in which free samples of marijuana may be provided; prohibit the sale of soil amendments, fertilizers and other crop production aids; identify transportation requirements, sign requirements, and recordkeeping requirements; identify a mechanism for enforcement of violations, including the failure to pay taxes; specify marijuana infused product serving sizes, maximum number of servings and limitations on transactions; identify marijuana waste disposal restrictions; describe the process for quality assurance testing, extraction and the requirements for packaging and labeling; describe advertising limitations; and explain the process for license suspension, revocation and penalties for violations; and

WHEREAS, according to the Revised Proposed Rules, the LCB will determine whether the recreational marijuana business licensee is within 1,000 feet of the sensitive uses identified in WAC 314-55-050(10) and shall not issue the license if it is within this area; and

WHEREAS, the LCB held a hearing on the Revised Proposed Rules on October 9, 2013 and intends to adopt Final Rules on November 18, 2013; accept license applications on November 18, 2013; and issue licenses beginning on December 1, 2013; and

WHEREAS, the short period of time between the LCB's adoption of Final Rules and the LCB's acceptance of license application leaves the Town insufficient time to adopt permanent regulations regarding the land use issues associated with the production, processing and retail sale of recreational marijuana within the Town of Eatonville; and

WHEREAS, the intent of adopting interim regulations is to provide sufficient time for the Town to evaluate the State's implementation of regulations pursuant to chapter 69.50 RCW and the siting and opening of marijuana businesses under I-502, as well as to provide basic guidance to prospective licensees; and

WHEREAS, pursuant to RCW 35.63.200, the Town Council held a properly noticed public hearing on November 25, 2013 to receive public comment regarding the proposed interim regulations concerning the production, processing, and retail sale of recreational marijuana; and

WHEREAS, after considering public comment, the Town Council considered this draft ordinance during its regular meetings on November 25, 2013 and December 9, 2013; and

WHEREAS, on December 9, 2013, the Town Council decided to adopt this ordinance; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF EATONVILLE AS FOLLOWS:

Section 1. The Town Council adopts all of the "Whereas" sections of this Ordinance as findings in support of this Ordinance.

Section 2. The Town Council adopts the Interim Amendments to Title 18 "Zoning" regarding recreational marijuana uses, as set forth in the attached Exhibit A.

Section 3. Title 18 of the Eatonville Municipal Code is hereby amended by amending Chapters 18.02 "Definitions," 18.04 "District Regulations," and by adding a new Chapter 18.12 "Recreational Marijuana," as set forth in the attached Exhibit A.

Section 4. The interim regulations concerning the production, processing, and retail sale of recreational marijuana, attached as Exhibit A, shall be in effect until June 9, 2014 unless earlier terminated.

Section 5. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 6. This ordinance shall take effect after publication of a summary, consisting of the title, pursuant to RCW 35.27.300.

1ST READING: 11/25/2013
2ND READING: 12/09/2013

PASSED by the Town Council of the Town of Eatonville and attested by the Clerk in authentication of such passage this 9th day of December 2013.

_____
Ray Harper
Mayor

ATTEST:

_____
Kathy Linnemeyer
Town Clerk

APPROVED AS TO FORM:

_____
Gregory A. Jacoby
Town Attorney

TOWN OF EATONVILLE

Agenda Staff Report

Agenda Item No.:		Meeting Date:	November 25, 2013
Subject:	Ordinance No. 2013-15 Adopting Interim Regulations Concerning the Production, Processing, and Retail Sale of Recreational Marijuana and Amending Eatonville Municipal Code Title 18 "Zoning"	Prepared by:	Gregory Jacoby Town Attorney
		Atty Routing No:	031-13
		Atty Review Date:	November 18, 2013

Summary: Staff has worked with the town attorney to develop land use regulations concerning recreational marijuana production, processing, and retail sales. In response to the passage of Initiative 502, the state liquor control board (LCB) has adopted new regulations concerning the licensing, operation, and location of recreational marijuana production, processing, and retail uses. On November 18th, the LCB began accepting license applications. It is anticipated that the LCB will issue licenses for recreational marijuana uses in March or April 2014. The LCB has indicated that it will issue 31 retail licenses in Pierce County, of which 14 will be in the larger communities of Tacoma, Lakewood, Puyallup, etc. and 17 will be "at large." It is impossible to know whether a license(s) will be issued in Eatonville.

In response to these developments, the town has three choices: 1) take no action; 2) ban recreational marijuana uses; or 3) adopt local regulations. If the town takes no action, then the LCB will evaluate applications and issue licenses based on Eatonville's current zoning code and the application of the LCB's 1000 foot buffer rule. The two maps that are provided with this report, illustrate the town's current zoning districts and the effect of the 1000 foot buffer. If the town bans recreational marijuana uses, the LCB will probably ignore the ban, issue licenses, and either the LCB or the license holders will sue the town. The third option is to accept that the LCB may license marijuana uses in Eatonville and modify your zoning code to ensure those uses are located and developed in a manner that is consistent with the town's standards.

The proposed ordinance would amend the town's zoning code as follows: retail marijuana outlets would be allowed in the C-2 general commercial district; retail marijuana outlets would be prohibited in all other zoning districts, including the C-1 downtown commercial district; marijuana production and processing would be allowed in the industrial district only. All allowed uses would still have to be located at least 1000 feet away from certain sensitive uses (schools, playgrounds, daycare facilities, parks, etc.) In addition, a new chapter would be added to Title 18 that incorporates and consolidates some of the key provisions of the LCB's rules, such as the 1000 foot buffer rule, identifies the zones where marijuana uses are permitted, and incorporates several other provisions recommended by the town's insurer.

These are proposed as interim regulations, which means they will be in effect for six months. This will give the town council time to refer these regulations to the planning commission so that the planning commission can review the regulations, hold a public hearing, and make a recommendation for final regulations, as contemplated by EMC 18.09.050. In accordance with state law, a public hearing will be held on December 9th prior to the second reading of the ordinance.

Recommendation: Staff recommends approval of the first reading of Ordinance 2013-15.

Motion for consideration: I move to approve the first reading of Ordinance 2013-15 adopting interim regulations concerning the production, processing, and retail sale of recreational marijuana and amending Title 18 of the Eatonville Municipal Code by amending chapters 18.02 "Definitions," 18.04 "District Regulations," and adding a new chapter 18.12 "Recreational Marijuana."

Fiscal Impact: None.

Attachments:
Ordinance No. 2013-15 with Exhibit A
Town Zoning Map
Town Zoning Map with 1000 foot buffer around sensitive uses

Ordinance 2013-15
Introduced: November 25, 2013
Adopted: December 9, 2013

EXHIBIT A

Recreational Marijuana Uses

Interim Amendments to Title 18 "Zoning"

18.02 Definitions
18.02.095 Crop and tree farming.
18.02.258 Marijuana. *(new section)*
18.02.259 Marijuana-infused products. *(new section)*
18.02.260 Marijuana processor. *(new section)*
18.02.261 Marijuana producer. *(new section)*
18.02.262 Marijuana retailer. *(new section)*

18.04 District Regulations
18.04.110 C-1 – Downtown commercial district.
18.04.140 C-2 – General commercial district.
18.04.150 MU – Mixed use district.
18.04.180 I – Industrial district.
18.04.185 AP – Aerospace district.

18.12 Recreational Marijuana *(new chapter)*
18.12.010 Findings and purpose.
18.12.020 Applicability.
18.12.030 Location criteria.
18.12.040 Marijuana uses allowed in identified zones.
18.12.050 Business license required.
18.12.060 Signs and advertising.
18.12.070 Report of disturbance and unlawful activity.
18.12.080 Viability of activities; control of emissions.
18.12.090 No Town liability; indemnification.
18.12.100 Adoption by reference.

Chapter 18.02

DEFINITIONS

* * *

18.02.095 Crop and tree farming.

"Crop and tree farming" means the use of land for horticultural purposes, excluding the production of marijuana under a license issued by the Washington State Liquor Control Board.

* * *

18.02.258 Marijuana.

"Marijuana" shall mean 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. For the purposes of this Ordinance, "cannabis" or "marijuana" 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.

18.02.259 Marijuana-infused products.

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

18.02.260 Marijuana Processor.

"Marijuana processor" shall mean a person licensed by the State Liquor Control Board to process marijuana into useable 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 as wholesale to marijuana retailers.

18.02.261 Marijuana Producer.

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

18.02.262 Marijuana Retailer.

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

18.02.26~~35~~7 Major nonconforming building or structure.

"Major nonconforming building or structure" means any nonconforming building or structure located on a parcel which at any point borders or is in a residential district and which is not in compliance with the minimum development standards of the district in which it is located.

18.02.26~~45~~8 Minor nonconforming building or structure.

"Minor nonconforming building or structure" means any nonconforming building or structure which is not a major nonconforming structure and which is not in compliance with the minimum development standards of the district in which it is located.

18.02.26~~55~~9 Mixed use building or structure.

"Mixed use building or structure" means a building that contains two or more separate and distinct uses permitted in the zoning district where such building is located.

18.02.266~~0~~ Mixed use development.

"Mixed use development" means two or more permitted uses or conditional uses developed in conjunction with one another on the same site.

18.02.267~~2~~ Mobile/manufactured home.

"Mobile/manufactured home" means a residential unit on one or more chassis for towing to the point of use and designed to be used with a foundation as a dwelling unit on a year-round basis, and which bears an insignia issued by a state or federal regulatory agency indicating that the manufactured home complies with all applicable construction standards of the U.S. Department of Housing and Urban Development (HUD) definition of a manufactured home. The unit shall be certified for transportation on public streets by the State Department of Labor and Industries. The terms "mobile home" and "manufactured home" are considered to be interchangeable in the context of this title. A commercial coach, recreational vehicle or motor home are not a mobile manufactured home.

18.02.268~~5~~ Mobile home park.

"Mobile home park" means a lot, parcel or tract of land, improved or unimproved, under the ownership or management of one or more persons, which is utilized as the location for six or more mobile/manufactured homes for dwelling or sleeping purposes.

18.02.269~~7~~ Moderate risk waste.

"Moderate risk waste" means those wastes defined in WAC 173-303-040 as moderate risk wastes. This may include any waste that exhibits any of the properties of hazardous waste but is exempt from regulation under Chapter 70.105 RCW solely because the waste

is generated in quantities below the threshold for regulation, and any household waste which is generated from the disposal of substances identified by the department of ecology as hazardous household substances.

Chapter 18.04

DISTRICT REGULATIONS

* * *

18.04.110 C-1 – Downtown commercial district.

It is the purpose of the C-1 district to provide a place and create environmental conditions which will encourage the location of dense and varied retail, office, residential, civic and recreational activities which will benefit and contribute to the vitality of a central downtown location, to recognize and preserve the historic pattern of development in the area. In the C-1 area, permitted uses should be primarily pedestrian-oriented and able to take advantage of on-street and structured off-street parking lots.

A. Principally Permitted Uses in C-1 Zone. All of the uses below are permitted in the C-1 zoning district:

1. Retail establishments, including convenience goods, department and variety stores, and specialty shops such as apparel and accessories, gift shops, toy shops, card and paper goods shops, home and home accessory shops such as furniture stores and hardware stores, antique shops, and book shops; except, marijuana retail outlets shall not be allowed anywhere in the C-1 zoning district;

2. Personal services such as barber and beauty shops, dry cleaning, television and radio repair, shoe repair;

3. Food-related shops, restaurants (including outdoor seating areas and excluding drive-in restaurants and formula take-out food restaurants), night clubs, taverns;

4. Professional and administrative offices;

5. Performing and cultural arts uses, such as theaters, museums, art galleries and studios;

6. Hotels;

7. Printing establishments, business services such as copy services;

8. Mortuaries;

9. Existing dwellings may be rebuilt, repaired and otherwise changed for human occupancy. Accessory uses for existing buildings may be constructed. Such uses are garages, carports, storage sheds and fences;

10. Parks;

11. Multifamily residential uses;

12. Multifamily residential uses for senior citizens;

13. Banks and financial institutions (including drive-through drop boxes but excluding any other drive-in services);

14. Group homes class I-A, I-B and I-C;

15. Any other use that is determined by the planning director to be of the same general character as the above-permitted uses and in accordance with the stated purpose of the district;

16. Single-family residential uses;

17. Automobile sales;

18. Automobile repair;

19. Automobile dealership;

20. Woodworking shops with four or less personnel on the premises, including but not limited to employees, owners, proprietors, managers and sales agents.

B. Special Permit Uses. The following uses are permitted; provided, that they conform to the development standards listed in EMC 18.08.020:

1. Day care centers with no more than 12 children and no on-site parking;

2. Formula take-out food restaurants.

C. Accessory Uses. Permitted accessory uses are as follows:

1. Accessory uses and buildings customarily appurtenant to a permitted use, such as incidental storage facilities, which must be enclosed, and loading and unloading areas;

2. For permitted uses, hazardous substance land uses, including on-site hazardous waste treatment and/or storage facilities which do not accumulate more than 5,000 pounds of hazardous substances or wastes or any combination thereof at any one time on site, subject to the provisions of EMC 18.08.050(D)(9), except off-site hazardous waste treatment and/or storage facilities which are not permitted in this district.

D. Conditional Uses. Conditional uses are as follows:

1. Commercial parking lots or structures;

2. Railway and bus depots, taxi stands;

3. Group homes class II-A, II-B, II-C and III;

4. General conditional uses as listed in EMC 18.08.030;

5. Woodworking shops with five or more personnel on the premises, including, but not limited to, employees, owners, proprietors, managers and sales agents. Conditions for woodworking shops appear in EMC 18.08.030.

E. Development Standards. The development standards are as follows:

1. Minimum Lot. Minimum lot of record or 5,000 square feet, whichever is less;

2. Maximum Site Coverage. One hundred percent;

3. Setbacks. None except as required by landscaping, or if off-street parking is provided on-
site;

4. Height Limitation. Three stories or 40 feet;

5. Landscaping. The landscaping requirements of Chapter 18.07 EMC shall apply;

6. Building construction shall conform to the following criteria:

a. Visible walls shall be of lap siding, brick, stone, or stucco with no more than 50 percent glazing of any wall and glazing area calculated to include all mullions and jambs;

b. Roofs of buildings less than 25 feet tall shall be no flatter than four feet horizontal to one foot vertical and shall be finished with dark earth-toned flat tiles, shakes, textured shingles, or metal panels.

F. Signs. The sign requirements of Chapter 18.06 EMC shall apply.

G. Off-Street Parking. The off-street parking requirements of Chapter 18.05 EMC shall apply.

18.04.140 C-2 General commercial district.

The purpose and intent of the general commercial district is to recognize the existence of commercial areas developed in strips along certain major thoroughfares; to provide use incentives and development standards which will encourage the redevelopment and upgrading of such areas; to provide for a range of trade, service, entertainment and recreation land uses which occur adjacent to major traffic arterials and residential uses; and to provide areas for development which are automobile-oriented and designed for convenience, safety and the reduction of the visual blight of uncontrolled advertising signs, traffic control devices and utility equipment.

A. Principally Permitted Uses. Principally permitted uses are as follows:

1. Trade.
   a. Wholesale. Bakery.
   b. Retail – General Merchandise.
      i. Department stores;
      ii. Dry goods and general merchandise;
      iii. Electrical supplies;
      iv. Farm equipment;
      v. Hardware;
      vi. Heating and plumbing equipment;
      vii. Lumberyards;
      viii. Mail order houses;
      ix. Merchandise vending machine operators;
      x. Paint, glass and wallpaper;
      xi. Variety stores.
   c. Retail – Food.
      i. Bakeries, with accessory manufacturing;
      ii. Candy, nut and confectionery, with accessory manufacturing;
      iii. Dairy products;
      iv. Fruits and vegetables;
      v. Groceries;
      vi. Meat, fish and poultry;
   d. Retail – Automotive, Marine Craft, Aircraft and Accessories.
      i. Aircraft and accessories;
      ii. Marine craft and accessories;
      iii. Motor vehicles (new or used cars and recreation vehicles);
      iv. Tires, batteries and accessories;

v. Gasoline service stations.

e. Retail – Apparel and Accessories.

New or used apparel and accessories.

f. Retail – Furniture, Home Furnishings and Equipment.

New or used and finished or unfinished furniture, home furnishings and equipment.

g. Retail – Eating and Drinking Establishments.

i. Drinking establishments (taverns and cocktail lounges);

ii. Eating establishments (restaurants, including formula take-out food restaurants).

h. Retail – Other.

i. Antiques;
ii. Bicycles;
iii. Books;
iv. Bottled gas;
v. Cameras and photographic supplies;
vi. Cigars and cigarettes;
vii. Computers and software;
viii. Drug and proprietary items;
ix. Florists;
x. Fuel and ice dealers;
xi. Fuel oil;
xii. Gifts, novelties and souvenirs;
xiii. Hay, grains and feeds;
xiv. Jewelry;
xv. Liquor;
xvi. Newspapers;
xvii. Optical goods;
xviii. Pets and pet supplies;
xix. Secondhand merchandise;
xx. Sporting goods;
xxi. Stationery;
xxii. Videocassette sales and rentals.
xxiii. Marijuana Retail.

2. Services.

a. Finance, Insurance and Real Estate Services.

i. Banking and related services;
ii. Commodity brokers, dealers and related services;
iii. Housing and investment services;
iv. Insurance brokers, agents and related services;
v. Insurance carriers;
vi. Real estate agents, brokers and related services;
vii. Real estate operators, lessors and management services;
viii. Real estate subdividing and developing services;

ix. Security brokers and dealers and related services;
x. Title abstracting and insurance services.

b. Personal Services.
i. Beauty and barber services;
ii. Diaper services;
iii. Funeral and crematory services;
iv. Laundering and dry cleaning (self services);
v. Laundering, dry cleaning and dyeing services;
vi. Linen supply and industrial laundry services;
vii. Photographic services;
viii. Pressing, alteration and garment repair;
ix. Rug cleaning and repair services;
x. Shoe repair, shoe shining and hat cleaning services.

c. Business Services.
i. Advertising services;
ii. Automobile and truck rental;
iii. Blueprinting and photocopying services;
iv. Business and management consulting services; adjustment and collection services;
v. Consumer and mercantile credit reporting services; adjustment and collection services;
vi. Detective and protective services;
vii. Disinfecting and exterminating services;
viii. Employment services;
ix. Equipment rental and leasing services;
x. Food lockers without food preparation facilities;
xi. Motion picture distribution and services;
xii. News syndicate services;
xiii. Other dwelling and business services;
xiv. Outdoor advertising services;
xv. Photo finishing services;
xvi. Research, development and testing services;
xvii. Stenographic services and other duplicating and mailing services;
xviii. Trading stamp services;
xix. Window cleaning services.

d. Repair Services.
i. Armature rewinding services;
ii. Automobile repair services;
iii. Automobile wash services;
iv. Electrical repair services;
v. Fleet vehicle maintenance;
vi. Radio and television repair services;
vii. Reupholster and furniture repair services;

viii. Small engine repair;
xix. Truck repair;
x. Watch, clock and jewelry repair services.

e. Professional Services.
i. Accounting, auditing and book-keeping services;
ii. Educational and scientific research services;
iii. Engineering and architectural services;
iv. Hospital services;
v. Legal services;
vi. Medical and dental laboratory services;
vii. Medical and dental services;
viii. Medical clinic, outpatient services;
ix. Sanitarium, convalescent and rest home services;
x. Urban planning services.

f. Contract Construction Services.
i. Building construction, general contractor services;
ii. Carpentering, wood flooring, and woodworking shops;
iii. Concrete services;
iv. Electrical services;
v. Masonry stonework, tile setting and plastering services;
vi. Painting, paper hanging and decorating services;
vii. Plumbing, heating and air conditioning services;
viii. Roofing and sheet metal services;
ix. Water well drilling services.

g. Educational Services.
i. Art and music schools;
ii. Barber and beauty schools;
iii. Business and stenographic schools;
iv. Correspondence schools;
v. Dancing schools;
vi. Driving schools, auto;
vii. Driving schools, truck;
viii. Vocational or trade schools.

h. Miscellaneous Services.
i. Animal grooming parlors;
ii. Business associations and organizations;
iii. Civic, social and fraternal associations;
iv. Labor unions and similar labor organizations;
v. Veterinary clinics and animal hospital services when located no closer than 150 feet to any residential use, providing the animals are housed indoors, with no outside runs, and the building is soundproofed. Soundproofing must be designed by competent acoustical engineers;
vi. Welfare and charitable services.

3. Residential.
    a. Lodgings:
        i. Hotels;
        ii. Motels.
    b. Existing dwellings may be rebuilt, repaired and otherwise changed for human occupancy. Accessory uses for existing dwellings may be constructed. Such uses are garages, carports, storage sheds and fences.
    c. Transitional housing facilities, limited to a maximum of 20 residents at any one time and four resident staff.
    d. Housing:
        i. Single-family residential uses;
        ii. Multifamily residential uses.
4. Cultural, Entertainment and Recreational.
    a. Cultural Activities and Nature Exhibitions.
        i. Art galleries;
        ii. Historic and monument sites.
    b. Public Assembly.
        i. Amphitheaters;
        ii. Arenas and field houses;
        iii. Auditoriums;
        iv. Drive-in movies;
        v. Exhibition halls;
        vi. Legitimate theaters (live);
        vii. Motion picture theaters;
        viii. Stadiums.
    c. Amusements and Recreation.
        i. Amusement parks;
        ii. Athletic clubs;
        iii. Bowling;
        iv. Fairgrounds;
        v. Go-cart tracks;
        vi. Golf driving ranges;
        vii. Miniature golf;
        viii. Skating (roller or ice);
        ix. Tennis;
        x. Video arcades.
5. Other Uses.
    a. Other retail trade, service or entertainment or recreational uses that are of the same general character as those listed in this subsection, which are deemed compatible with other permitted uses in this district and which operate in accordance with the stated purpose of this district.
    b. Municipal uses and buildings.

B. Special Permit Uses. The following uses are permitted:

1. Nursery schools and day care centers;

2. Churches;

3. Drive-in restaurants.

C. Accessory Uses. Permitted accessory uses are as follows:

1. Accessory uses and buildings customarily appurtenant to a permitted use, such as incidental storage facilities;

2. For permitted uses, hazardous substance land uses, including on-site hazardous waste treatment or storage facilities which do not accumulate more than 10,000 pounds of hazardous substances or wastes or any combination thereof at any one time on the site, subject to the provisions of EMC 18.08.050(D)(9), except off-site hazardous waste treatment or storage facilities, which are not permitted in this district.

D. Conditional Uses. Conditional uses are as follows:

1. Printing and publishing establishments, and accessory uses and buildings customarily appurtenant to such use;

2. Mini warehouses and self-service storage;

3. General conditional uses as listed in EMC 18.08.030, except for transitional housing with a maximum of 20 residents and four staff;

4. Kennels;

5. For permitted uses, accessory hazardous substance land uses which are not subject to cleanup requirements which accumulate more than 10,000 pounds of hazardous substances or wastes or any combination thereof at any one time on the site in any 30-day period of time, subject to the provisions of EMC 18.08.050(D)(9), except off-site hazardous waste treatment or storage facilities, which are not permitted in this district;

6. Group homes class I-A, I-B, I-C, II-A, II-B, II-C and III;

7. Recreational vehicle parks.

E. Development Standards.

1. Minimum Lot. Minimum lot area is 10,000 square feet.

2. Maximum Site Coverage. Maximum site coverage is 40 percent.

3. Front Yard. There shall be a front yard of at least 25 feet in depth.

4. Side Yard. No side yard is required, except when a side yard abuts a residential district, and then a 20-foot side yard shall be required.

5. Rear Yard. No rear yard is required, except when a rear yard abuts a residential district, and then a 20-foot rear yard shall be required.

6. Height Limitations. The height limitation is 40 feet, three stories.

7. Landscaping. The landscaping requirements of Chapter 18.07 EMC shall apply.

8. Outdoor Storage. Outdoor storage areas shall be fenced for security and public safety by a sight-obscuring fence unless it is determined through the development plan review that a sight obscuring fence is not necessary.

9. Building construction shall conform to the following criteria:

a. Visible walls shall be of lap siding, brick, stone, or stucco with no more than 50 percent glazing of any wall and glazing area calculated to include all mullions and jambs;

b. Roofs of buildings less than 25 feet tall shall be no flatter than four feet horizontal to one foot vertical and shall be finished with dark earth-toned flat tiles, shakes, textured shingles, or metal panels.

F. Signs. The sign regulations of Chapter 18.06 EMC shall apply.

G. Off-Street Parking.

1. The off-street parking requirements of Chapter 18.05 EMC shall apply.

2. Off-street parking may be located in required yards, except in areas required to be landscaped.

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18.04.150 MU – Mixed use district.

The purpose of the MU district is to implement the policies adopted in the land use element of the comprehensive plan. This zone district is intended to provide a high level of diversity in housing types, including townhouses and flats ranging from two to three stories. In addition, ground floor neighborhood-scale commercial and/or office uses are encouraged to create a cohesive pedestrian-oriented community. These uses are designed to complement and support the downtown commercial development.

A. Principal Uses. Principal uses are:

1. Multifamily dwellings (i.e., apartments, townhouses, condominiums, and duplexes);

2. Single-family detached and attached dwellings; and

3. Nursing homes, retirement homes, convalescent centers, and congregate care residential facilities.

B. Secondary Uses. Secondary uses are:

1. For projects that include frontage on an arterial or collector street, neighborhood-scale commercial and/or office uses (consistent with the commercial uses permitted in EMC 18.04.140, C-2 – General commercial district) are permitted on the ground floor of buildings. The neighborhood-scale commercial and office uses shall front on the arterial and collector streets and associated street intersections.

a. Except marijuana retail outlets shall not be allowed in the mixed use district.

2. Home occupations in accordance with EMC 18.08.040.

3. Accessory buildings that are subordinate to the principal building and are incidental to the use of the principal building on the same lot.

C. Conditional Uses. Conditional uses shall be processed in accordance with EMC 18.09.030. Conditional uses are:

1. Day care centers;

2. Adult family home or day care;

3. Public facilities and utilities and essential public facilities;

4. Wireless and cellular communication facilities;

5. Religious facilities; and

6. Schools.

D. Review Requirements. All development in this district shall be processed as a planned unit development (PUD), EMC 18.04.190.

E. Density. The minimum density is six housing units per net acre with a maximum density of 15 housing units per net acre. Up to 23 housing units per net acre are permitted within developments that incorporate commercial and/or office uses on the ground floor. To qualify for the density bonus, in mixed use projects the equivalent of 30 percent of the ground floor area (building footprint/gross area) of those structures fronting an arterial or a collector street shall be developed with retail or commercial uses.

F. Maximum Lot Coverage. The maximum lot coverage shall be:

1. Forty percent; or

2. Fifty percent if a development incorporates retail uses on the first floor.

G. Maximum Height. The maximum height shall be 40 feet or three stories.

H. Street Setbacks. Street setbacks shall be 15 feet minimum from the back sidewalk or 20 feet minimum from the back of curb.

I. Side Yard Setbacks. Side yard setbacks shall be no less than five feet each or 10 feet in total or more if determined by the fire chief.

J. Rear Yard Setbacks. Rear yard setback requirements are zero feet unless determined otherwise by the fire chief.

K. Landscaping. Landscaping requirements for the C-2 general commercial district in Chapter 18.07 EMC shall apply.

L. Off-Street Parking. Off-street parking requirements for residential and commercial uses in Chapter 18.05 EMC shall apply.

M. Sign Regulations. Sign regulations for commercial uses in Chapter 18.06 EMC shall apply.

18.04.180 I – Industrial district.

The purpose of the I district is to provide areas suitable for a broad range of industrial activities whose characteristics are of a light industrial nature. Development standards are aimed at maintaining an efficient and desirable industrial area.

A. Principally Permitted Uses. The following list is illustrative of the types of permitted uses and is not intended to be exclusive:

1. Manufacturing, processing, assembling and packaging of articles, products or merchandise from previously prepared natural or synthetic materials, including, but not limited to, asbestos, bristles, bone, canvas, cellophane and similar synthetics, chalk, clay (pulverized only, with gas or electric kilns), cloth, cork, feathers, felt, fiber, fur, glass (including glass finishing), graphite, hair, horn, leather, paints (except boiling processes) paper, paraffin, plastic and resins, precious or semiprecious metals or stones, putty, pumice, rubber, shell, textiles, tobacco, wire, wood, wool and yarn;

2. Manufacturing, processing, treating, assembling and packaging of articles, products or merchandise from previously prepared ferrous, nonferrous or alloyed metals (such as bar stock, sheets, tubes, and wire and other extrusions), including light foundry casting and forging operations and other forming operations;

3. Printing, publishing and allied industries, including such processes as lithography, etching, engraving, binding, blueprinting, photocopying, film processing and similar operations or activities;

4. Manufacturing, processing, blending and packaging of the following:

a. Drugs, pharmaceuticals, toiletries and cosmetics;

b. Food and kindred products, such as confectionery products, chocolate, cereal breakfast foods, bakery products, paste products, fruits and vegetables, beer, beverages (except fermenting and distilling), prepared food specialties (such as coffee, dehydrated and instant foods, extracts, spices and dressings), previously butchered meat or seafood packaging, freezing and processing (excluding rendering, curing, canning or slaughtering) and similar products;

c. Dairy products and byproducts such as milk, cream, cheese and butter, including the processing and bottling of fluid milk and cream and wholesale distribution;

5. Warehousing and distribution facilities and the storage of goods or products, including rail-truck transfer facilities;

6. Crop and tree farming;

7. Administrative or executive offices which are part of a predominant industrial operation;

8. Scientific research, testing and experimental development laboratories;

9. Establishments engaged in electronic, automotive, aerospace, missile, airframe or related manufacturing and assembly activities, including precision machine shops producing parts, accessories, assemblies, systems, engines, major components and whole electronic or electrical devices, automobiles, aircraft, missiles, aerospace or underwater vehicles or similar products, but specifically excluding explosive fuels and propellants;

10. Manufacturing, processing, assembling and packaging of precision components and products, including precision machine shops for products such as radio and television equipment, home appliances, scientific, optical, medical, dental and optical goods, phonograph records and prerecorded audiovisual tape, measurement and control devices, sound equipment and supplies, personal accessories, and products of similar character;

11. Headquarters offices of industrial operations;

12. Alcoholic beverages processes, such as distilling and fermenting;

13. Automobile service center;

14. Retail and service uses as listed in this subsection (A)(14). These uses are intended primarily to serve the needs of the industrial area, are compatible with the permitted types of industrial uses, and will not interfere with the orderly development of the industrial area. Such uses shall be limited to 25 percent of the gross floor area of any single- or multi-building development. Retail and service uses which exceed the 25 percent limit on an individual or cumulative basis shall be subject to review individually through the conditional use permit process.

a. Retail Trade Uses.

i. Merchandise vending machine operators;

ii. Tires, batteries and accessories (industrial sales);

iii. Eating places, except drive-ins or those with drive-through facilities.

b. Service Uses.

i. Finance, Insurance and Real Estate Services;

(A) Banking and related services;
(B) Security brokers and dealers and related services;
(C) Commodity brokers and dealers and related services;
(D) Insurance carriers;
(E) Insurance brokers and agents and related services;
(F) Real estate operators, lessors and management services;
(G) Real estate agents and brokers and related services;
(H) Real estate subdividing and developing services;
(I) Housing and investment services.

ii. Personal Services.

(A) Linen supply and industrial laundry services;
(B) Diaper services;
(C) Rug cleaning and repair services;
(D) Photographic services;
(E) Beauty and barber services;
(F) Fur repair and storage services.

iii. Business Services.

(A) Advertising services (general);
(B) Outdoor advertising services;
(C) Consumer and mercantile credit reporting services, and adjustment and collection services;
(D) Direct mail advertising services;
(E) Stenographic services and other duplicating and mailing services;
(F) Window cleaning services;
(G) Disinfecting and exterminating services;
(H) News syndicate services;
(I) Employment services;
(J) Food lockers, with or without food preparation facilities;
(K) Business and management consulting services;
(L) Detective and protective services;
(M) Equipment rental and leasing services;
(N) Automobile and truck rental services;
(O) Motion picture distribution services;
(P) Travel agencies.

iv. Repair Services.

(A) Electrical repair services;
(B) Radio and television repair services;
(C) Reupholster and furniture repair services;
(D) Armature rewinding services.

v. Professional Services.

(A) Medical and dental laboratory services;
(B) Legal services;
(C) Engineering and architectural services;
(D) Educational and scientific research services;
(E) Accounting, auditing and book-keeping services;
(F) Urban planning services;
(G) Counseling services.

vi. Contract Construction Services.
(A) Building construction, general contractor services;
(B) Plumbing, heating and air conditioning services
(C) Painting, paper hanging and decorating services;
(D) Electrical services;
(E) Masonry, stonework, tile setting and plastering services;
(F) Carpentering and wood flooring;
(G) Roofing and sheet metal services;
(H) Concrete services;
(I) Water well drilling services;

vii. Educational Services.
(A) Vocational or trade schools;
(B) Business and stenographic schools;
(C) Driving schools, truck.

viii. Miscellaneous Services.
(A) Business associations and organizations;
(B) Labor unions and similar labor organizations.

Other retail trade and service uses are permitted which may be deemed by the planning director to be of the same general character as and compatible with those uses listed in this subsection (A)(14);

15. Gymnastic schools and similar uses;

16. Health and fitness clubs and facilities;

17. Other similar uses which the planning director finds compatible with the principally permitted uses described in this subsection (A), consistent with the purpose and intent of the I district and not of a type to adversely affect the use of adjoining properties;

18. Existing dwellings may be rebuilt, repaired and otherwise changed for human occupancy. Accessory uses for existing dwellings may be obstructed. Such uses are garages, carports, storage sheds and fences;

19. Municipal uses and buildings;

20. Gasoline service stations, with or without retail convenience grocery sales;

21. Nursery schools and day care centers;

22. Adult uses.

23. Marijuana producer and marijuana processor.

B. Reserved.

C. Accessory Uses. The following are the accessory uses permitted in the I district:

1. Repair operations for products described as principally permitted uses and sales and service incidental to a principally permitted use, provided such operations are housed as part of the buildings comprising the basic operations;

2. Dwelling units, limited to not more than one per establishment, for security or maintenance personnel and their families, when located on the premises where they are employed in such capacity. No other residential use shall be permitted;

3. Employee recreation facilities and play areas;

4. Restaurant, cafe or cafeteria operated in conjunction with a principally permitted use for the convenience of persons employed on the premises;

5. Nursery schools and day care facilities operated in conjunction with a permitted use;

6. Other accessory uses and buildings customarily appurtenant to a principally permitted use;

7. For permitted uses, hazardous substance land uses, including on-site hazardous waste treatment or storage facilities, which are not subject to cleanup permit requirements of Chapter 18.02 EMC and which do not accumulate more than 20,000 pounds of hazardous substances or wastes or any combination thereof at any one time on the site, subject to the provisions of EMC 18.08.050. Off-site hazardous waste treatment or storage facilities are not permitted in this district, except through a special use combining district.

D. Conditional Uses. The following are the types of conditional uses permitted in the I district, subject to approval by the board of adjustment. The list of conditionally permitted uses is illustrative of the types of uses which shall be permitted and is not intended to be exclusive.

1. Any principally permitted use whose operations are predominantly conducted out-of-doors rather than completely enclosed within a building;

2. Any type of principally permitted use whose operations are predominately for the repair of products described rather than the manufacturing or processing of such products;

3. Retail and service uses as listed in EMC subsection (A)(14) of this section which individually or on a cumulative basis exceed 25 percent of the gross floor area of any single- or multi-building development. Conditional use permits shall be required on an individual tenant or business basis and shall be granted only when it is demonstrated that the operational characteristics of the use will not adversely impact on-site or off-site conditions on either an individual or cumulative basis;

4. General conditional uses as listed in EMC 18.08.030;

5. Principally permitted uses in the C-2 districts;

6. Manufacturing of paint;

7. Source separation and recovery of recyclable materials for solid wastes;

8. For permitted uses, accessory hazardous substance land uses which accumulate more than 20,000 pounds of hazardous substances or wastes or any combination thereof at any one time on the site, subject to the provisions of EMC 18.08.050 (D)(9). Off-site

hazardous waste treatment or storage facilities are not permitted in this district, except through a special use combining district;

9. Single-family residential and multifamily residential uses.

E. Development Standards.

1. Minimum Lot. Minimum lot area is 20,000 square feet.

2. Maximum Site Coverage. Maximum site coverage is 65 percent.

3. Yards, Generally.

a. Front Yard. The minimum front yard setback shall be related to the classification of the adjacent street. This classification shall be determined by the town public works director. The setbacks are as follows:

i. Properties fronting on arterials and collector streets shall have a minimum setback of 40 feet;

ii. Properties fronting on local access streets shall have a minimum setback of 30 feet.

b. Side Yard on Flanking Street of Corner Lot. The minimum side yard on the flanking street of a corner lot shall be related to the classification of the adjacent street. This classification shall be determined by the town public works director. The setbacks are as follows:

i. Properties fronting on arterials and collector streets shall have a minimum setback of 40 feet;

ii. Properties fronting on local access streets shall have a minimum setback of 30 feet.

c. Side Yard. The side yards shall have an aggregate width of 10 percent of the lot width, but the aggregate width need not be more than 30 feet. There shall be a minimum of 10 feet on each side.

d. Rear Yard. No rear yard is required, except as may be required by transitional conditions.

4. Yards, Transitional Conditions. Transitional conditions shall exist when an I district adjoins a residential district containing a density of two dwelling units or more per acre or a proposed residential area indicated on the town comprehensive plan. Such transitional conditions shall not exist where the separation includes an intervening use such as a river, freeway, railway main line, major topographic differential or other similar conditions, or where the industrial properties face on a limited access surface street on which the housing does not face. When transitional conditions exist as defined in this subsection (E)(4), a yard of not less than 50 feet shall be provided.

5. Height Limitation. The height limitation is two stories or 35 feet. Beyond this height, to a height not greater than either four stories or 60 feet, there shall be added one additional foot of yard for each one foot of additional building height. The planning director shall be authorized to approve one additional story, provided such height does not detract from the continuity of the industrial area, and may propose such conditions as may be necessary to reduce any incompatibility with surrounding uses. Any additional height increases may be granted by the board of adjustment.

6. Landscaping. The landscaping requirements of Chapter 18.07 EMC shall apply.

7. Outside Storage. Outside storage or operations yards shall be confined to the area to the rear of a line which is an extension of the front wall of the principal building, and shall be reasonably screened from view from any street by appropriate walls, fencing, earth mounds or landscaping.

8. Loading Areas.

a. Loading areas must be located in such a manner that no loading, unloading or maneuvering of trucks associated therewith takes place on public rights-of-way.

b. Earth berms and landscaping shall be provided along street frontages as necessary to screen dock-high loading areas from public rights-of-way. Berms shall be a minimum of 30 inches in height. Landscaping located on the berm shall conform to type III landscaping described in EMC 18.07.050(C) pertaining to visual buffers.

9. Multitenant Buildings. Multitenant buildings shall be permitted.

10. Improvement and Maintenance of Yards and Open Spaces. All required yards, parking areas, storage areas, operations yards and other open uses on the site shall be improved as required by this title and shall be maintained in a neat and orderly manner appropriate for the district at all times. The planning director shall be authorized to reasonably pursue the enforcement of this subsection (E)(10) where a use is in violation, and to notify the owner or operator of the use in writing of such noncompliance. The property owner or operator of the use shall be given a reasonable length of time to correct the condition.

F. Signs. The sign regulations of Chapter 18.06 EMC shall apply.

G. Off-Street Parking.

1. The off-street parking requirements of Chapter 18.05 EMC shall apply.

2. Those areas not required to be landscaped may be used for off-street parking.

H. Performance Standards. The performance standards as provided in EMC 18.08.050 shall apply.

18.04.185 AP – Aerospace district.

This district is intended to allow airport related activities such as runway, flight operations, aircraft storage, aircraft repair and maintenance, aircraft modification, commercial land uses, industrial land uses, and residential land uses.

A. Permitted Uses. The following uses are permitted, provided they do not violate the restrictions identified and listed in EMC 18.04.187.

1. Airport, heliport and aircraft tie-down areas;

2. Hangars, fuel depots, aircraft sales and repair facilities, and similar facilities pertaining to aircraft;

3. Single-family residential use as permitted in EMC 18.04.010;

4. Commercial uses as permitted in EMC 18.04.140;

5. Industrial uses as permitted in EMC 18.04.180;

a. Except marijuana producer and marijuana processor uses are prohibited in the AP – Aerospace District.

6. Any structure customarily accessory to the above uses shall be permitted;

7. Flight instruction;
8. Aircraft rental;
9. Air taxi service; and
10. Aircraft and parts manufacturing.

B. Conditional Use. Other uses as determined by the board of adjustment to be of a similar and compatible nature are permitted upon application and approval of a conditional use permit. In reviewing and granting a conditional use permit, the board of adjustment shall follow the conditional use permit procedures outlined in EMC 18.09.030.

C. Variances. The board of adjustment may grant a variance upon application and approval of a variance permit; provided, that the granted variance does not significantly endanger the operation of an aircraft and the lives and property in the aerospace district and its surrounding area. In reviewing and granting a variance, the board of adjustment shall follow the variance procedures outlined in EMC 18.04.187 and 18.09.040.

D. Restrictions. It is found that airport operations create a hazard that endangers the lives and property of users of the airport and of occupants of land or property in its vicinity. Therefore, it is necessary in the interest of the public health, public safety and general welfare that the creation or establishment of airport hazards be prevented by overlaying certain restrictions on development as specified below and further specified in EMC 18.04.187, Airport overlay zone.

1. No use may be made of land within the aerospace district in such manner as to create electrical interference with radio communication between the aircraft and the airport and air traffic control, making it difficult for fliers using the airport, impair visibility in the vicinity thereof, or otherwise endanger the landing, taking off or maneuvering of aircraft.

2. The planning commission may attach any reasonable restrictions and requirements to any parcel of land within the aerospace district and any parcel of land adjacent or in the vicinity of the aerospace district as the planning commission deems necessary to protect the public health, safety and general welfare and to mitigate any adverse effects of proposed development that in the judgment of the planning commission is incompatible with the operation of the airport.

3. Any commercial use within the aerospace district shall provide for a six-foot-wide buffer on each side of the commercial use when it abuts residential property. If the adjacent residential properties are not as yet developed, the planning director may require, as a condition of issuing a building permit, a landscaping plan to be completed at a future date set by the planning commission. The planning commission shall have the authority to require a bond to secure performance of the future landscaping requirement.

4. No landscaping higher than one foot above ground shall be permitted in an area extending from the edge of the runway to a distance of 100 feet. Landscaping along streets and taxiways shall not exceed two feet in height in order to allow unobstructed taxiing of aircraft. Light poles and street signs are not permitted. Any lighting along streets and taxiways shall be at ground level, not exceeding one foot in height.

5. No building or structure in the aerospace district shall have a height greater than 28 feet for a residential structure and 38 feet for a commercial or industrial structure. No building or structure in the aerospace district is permitted to penetrate the height limitation set forth in EMC 18.04.187 without a board of adjustment approved variance as specified in EMC 18.04.18.

E. Minimum Lot Size. No lot within the aerospace district shall be less than 21, 500 square feet. The minimum lot width shall be 100 feet. All lots in this district shall abut a dedicated public street or shall have such other access as held suitable by the planning commission, meeting required road standards for private roads, or, if applicable, subdivisions.

F. Setback Requirements. Every front yard shall have a minimum setback requirement of 25 feet, and a minimum side yard setback of eight feet except for corner lots which shall have minimum side yard setback of 25 feet for the side yard facing another street. There shall be a minimum 25-foot setback from the rear property line. An accessory building which is detached and located within 10 feet of a rear or side property line provided said property line does not front on a street. All attached accessory structures shall comply with the setback requirements for the main structure.

G. Parking. All lots shall provide parking spaces in accordance with lot usage as set forth in Chapter 18.05 EMC. Hangars do not qualify as required parking spaces for automobiles.

H. Signs. No sign erected in the aerospace district shall exceed two feet in height, measured from ground level.

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Chapter 18.12

RECREATIONAL MARIJUANA

Sections:

18.12.010 Findings and purpose.
18.12.020 Applicability.
18.12.030 Location criteria.
18.12.040 Marijuana uses allowed in identified zones.
18.12.050 Business license required.
18.12.060 Signs and advertising.
18.12.070 Report of disturbance and unlawful activity.
18.12.080 Viability of activities; control of emissions.
18.12.090 No Town liability; indemnification.
18.12.100 Adoption by reference.

18.12.010 Findings, purpose, and intent.

A. In November 2012, Washington voters passed Initiative 502, which established precedent for the production, processing and retail sale of marijuana for recreational purposes. Pursuant to chapter 69.50 RCW, the State has adopted rules establishing a state-wide regulatory and licensing program for marijuana uses (chapter 315-55 WAC). It is therefore desirable for the Town to establish local regulations to address such uses.

B. The purpose of these regulations is to establish where recreational marijuana producers, processors and retail outlets may locate in the Town, and to describe the restrictions upon such uses. In addition to compliance with this Ordinance, every recreational marijuana processor, producer and retail outlet shall obtain a Town business license under chapter 5.04 of the Eatonville Municipal Code (EMC).

C. These regulations are intended to ensure that state-licensed marijuana uses are located and developed in a manner that is consistent with the desired character and standards of the Town of Eatonville, minimizes potential incompatibilities and impacts, and protects the public health, safety, and general welfare of the citizens of Eatonville.

D. No part of Ordinance is intended to or shall be deemed to conflict with federal law, including but not limited to, the Controlled Substances Act, 21 U.S.C. Section 800 et seq., the Uniform Controlled Substances Act (chapter 69.50 RCW) nor to otherwise permit any activity that is prohibited under either Act, or any other local, state or federal law, statute, rule or regulation. Nothing in this Ordinance shall be construed to supersede Washington state law prohibiting the acquisition, possession, manufacture, sale or use of medical cannabis or recreational marijuana in any manner not authorized by chapter 69.51A RCW or chapter 69.50 RCW. Nothing in this Ordinance shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others,

or that creates a nuisance, as defined herein. It is the intention of the Town Council that this Ordinance be interpreted to be compatible with federal and state enactments and in furtherance of the public purposes that those enactments encompass.

18.12.020 Applicability.

A. The provisions of this chapter shall apply Town-wide. The specific development standards provided herein shall be in addition to the zoning and development standards generally applicable to the proposed use and the relevant zoning district.

B. No person or use that purports to be a marijuana producer, processor, or retailer, as defined and regulated herein and in chapter 314-55 WAC, that was engaged in that activity prior to the enactment of this Ordinance shall be deemed to have been a legally established use or entitled to claim legal non-conforming status.

18.12.030 Location criteria.

A. As provided in RCW 69.50.331 and WAC 314-55-050, no recreational marijuana producer, processor or retail outlet may locate within one thousand (1,000) feet of any of the following:

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. Any game arcade (where admission is not restricted to persons age twenty-one or older.

B. The methodology for measuring the buffers described above shall be as provided in WAC 314-55-050.

C. It shall be the responsibility of the owner or operator of the proposed state-licensed marijuana use to demonstrate and ensure that a proposed location is not within one of the buffers outlined above.

D. No recreational marijuana producer, processor or retail outlet may locate within any residentially zoned district or within any residential unit in the Town.

18.12.040 Marijuana uses allowed in identified zones.

A. Marijuana uses (marijuana producer, marijuana processor, and marijuana retailer) shall only be allowed in those zoning districts where it is specifically identified as a permitted use.

1. Marijuana producer is a permitted use in the I – Industrial District, as set forth in EMC 18.04.180(A)(23).

2. Marijuana processor is a permitted use in the I – Industrial District, as set forth in EMC 18.04.180(A)(23).

3. Marijuana retailer is a permitted use in the C-2 – General Commercial District, as set forth in EMC 18.04.140(A)(1)(h)(xxiii).

B. In accordance with WAC 314-55-147, marijuana retail uses shall not be open to the public between the hours of 12 a.m. and 8 a.m.

C. An existing nonconforming use located within a zoning district that would otherwise not permit marijuana uses, such as an old convenience store in a residential zone, shall not be allowed to convert to a marijuana use.

18.12.050 Licenses required.

A. A valid, current license is required from the Washington State Liquor Control Board for operation of any recreational marijuana producer, processor or retail use. A copy of this license shall be submitted to the Town as part of the complete application for a Town business license.

B. No recreational marijuana producer, processor, or retail outlet may operate or open for business prior to receipt of a Town business license. The process for obtaining a Town business license is set forth in chapter 5.04 EMC.

18.12.060 Signs and advertising.

A. All signage and advertising for a recreational marijuana producer, processor, or retail outlet shall comply with the applicable provisions of this chapter, the sign and district regulations set forth in title 18 EMC, and WAC 314-55-155 (and all applicable rules and regulations promulgated thereunder).

B. The Town may enforce this section pursuant to chapter 18.060 EMC. For violations of WAC 314-55-155 and 314-55-525, the Town may report the violation to the State Liquor Control Board.

18.12.070 Report of disturbance and unlawful activity.

A. All licensees and any agent, manager or employee thereof shall immediately report to the Town Police Department any disorderly act, conduct or disturbance and any unlawful activity committed in or on the licensed and permitted premises, including, but not limited to, any unlawful resale of marijuana, and shall also immediately report any such activity in the immediate vicinity of the business.

B. Each licensee shall post and keep at all times visible to the public in a conspicuous place on the premises a sign with a minimum height of fourteen (14) inches and a minimum width of eleven (11) inches with each letter to be a minimum of one-half (1/2) inch in height, which shall read as follows:

WARNING:
The Town of Eatonville Police Department must be notified of all disorderly acts, conduct or disturbances and all unlawful activities which occur on or within the premises of this licensed establishment.

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C. It shall not be a defense to a prosecution of a code enforcement action under this section that the licensee was not personally present on the premises at the time such unlawful activity, disorderly act, conduct or disturbance was committed; however, no agent or employee of the licensee shall be personally responsible for failing to report any disorderly act, conduct or disturbance and any unlawful activity hereunder if such agent, servant or employee was absent from the premises at the time such activity was committed.

18.12.080 Visibility of activities; control of emissions.

A. All activities of the recreational marijuana business, including, but not limited to, cultivating, growing, processing, displaying, manufacturing, selling and storage, shall be conducted out of the public view.

B. No recreational marijuana or paraphernalia shall be displayed or kept in a business so as to be visible from outside the licensed premises.

C. Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting the recreational marijuana business must be in effect at all times. In the event that any odors, dust, fluids or other substances exit a recreational marijuana business, the owner of the subject premises and the licensee shall be jointly and severally liable for such conditions and shall be responsible for the immediate, full clean-up and correction of such condition. The licensee shall properly dispose of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations.

18.12.090 No Town liability; indemnification.

A. By accepting a Town business license issued pursuant to this chapter and chapter 5.04 EMC, the licensee waives and releases the Town, its officers, elected officials, employees, volunteers and agents from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of business owners, operators, employees, clients or customers for a violation of federal, state or local laws and regulations.

B. By accepting a Town business license issued pursuant to this chapter and chapter 5.04 EMC, all licensees, jointly and severally, if more than one, agree to indemnify, defend and hold harmless the Town, its officers, elected officials, employees, volunteers and agents, insurers and self-insurance pool against all liability, claims and demands on account of any 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 arising out of or in any manner connected with the operation of the recreational marijuana business that is the subject of the license.

18.12.100 Adoption by reference.

The Town hereby adopts chapter 314-55 WAC by reference, as well as RCW 69.50.101. A copy of these rules and the statute adopted by reference is on file in the office of the Town clerk for use and examination by the public. A copy of these rules and

statutes has also been on file while this ordinance has been under consideration by the council and after adoption.

Town of Eatonville Official Zoning Map

- Town Boundary
- Urban Growth Area
- C-2
- C-1
- MF-2
- MF-1
- Aerospace
- Industrial
- Mixed Use
- SF-3
- SF-2
- SF-1

Created By Nick Bond 8/9/2011

Ordinance 2011-10

As adopted by Town of Eatonville Ordinance 2011-10

Mayor Date

Town Clerk Date

Town Attorney Date

N

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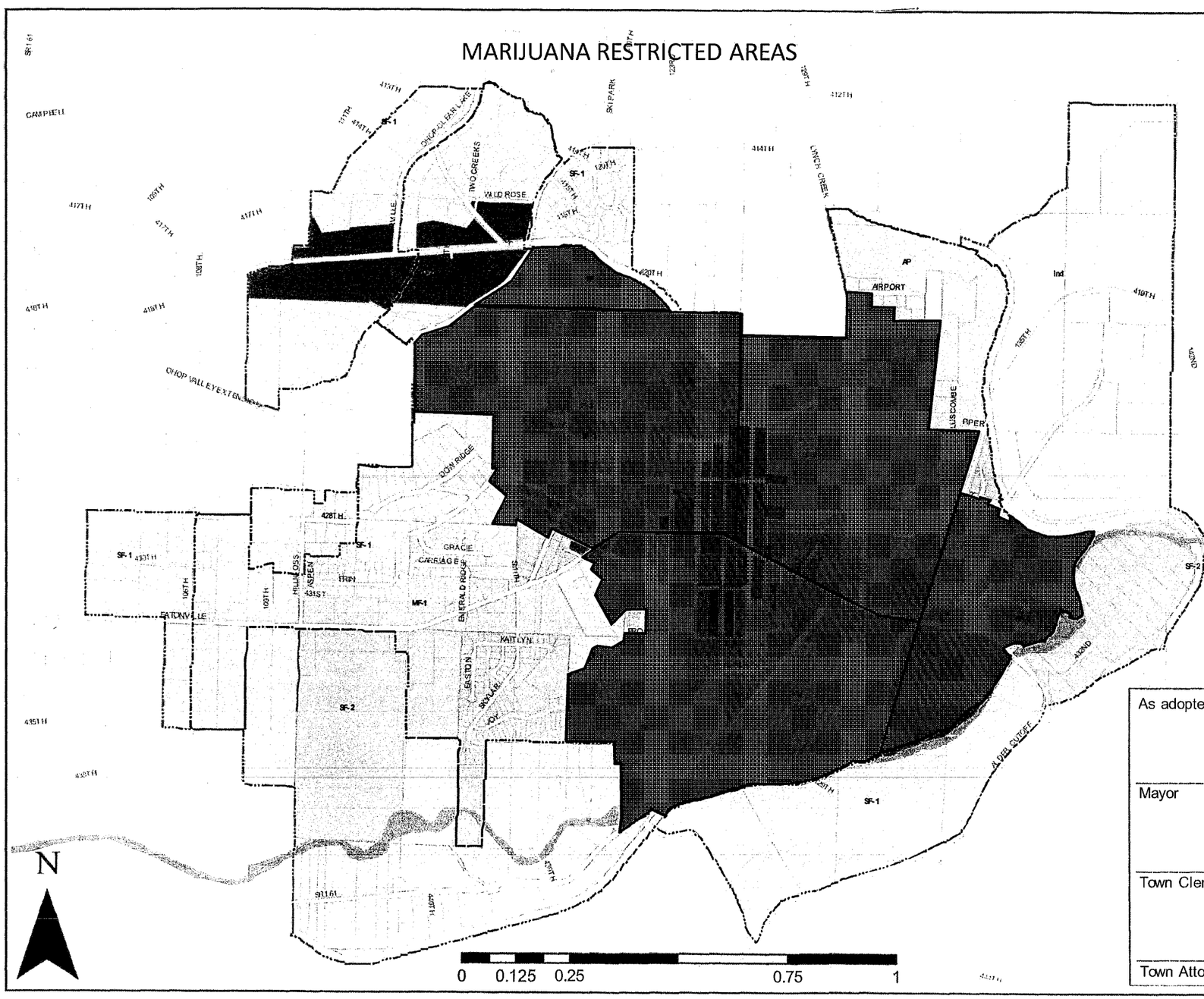
MARIJUANA RESTRICTED AREAS



Town of Eatonville Official Zoning Map

- Town Boundary
- Urban Growth Area
- C-2
- C-1
- MF-2
- ME-i
- Prospane
- hdusbial
- £xed Use
- SF-3
- SF-2
- SF-i

Created By Nick Bond 8/9i2 011

Ordinance 2011-10

As adopted by Town of Eatonville Ordance2O11-1O

Mayor Date

Town Clerk Date

Town Attorney Date