

ZONING CODE AMENDMENT TEXT

Table 21.04.030A. Residential Zones. Categories for marijuana retail sales, marijuana processing and marijuana production/collective gardens are added to Table 21.04.030A of the Comprehensive Allowed Uses Chart as follows:

Table 21.04.030A Comprehensive Allowed Uses Chart: Residential Zones									
Online Users: Click on District Abbreviation to View Map -- >	UR	RA5	R1	R3	R4, R5	R6	R8	R1N	R12, R18, R20, R30
General Sales or Service									
<u>Marijuana retail sales</u>									
Manufacturing and Wholesale Trade									
<u>Marijuana processing</u>									
Agriculture									
<u>Marijuana production/collective garden</u>									

Table 21.04.030B. Nonresidential Zones. Categories for marijuana retail sales, marijuana processing and marijuana production/collective gardens are added to Table 21.04.030B of the Comprehensive Allowed Uses Chart as follows:

Table 21.04.030B Comprehensive Allowed Uses Chart: Nonresidential Zones									
<i>Online Users: Click on District Abbreviation to View Map --></i>	NC-1	NC-2	GC	BP	MP	I	GDD	BCDD1	BCDD2
General Sales or Service									
Marijuana retail sales				P					
Manufacturing and Wholesale Trade									
Marijuana processing				P	P	P	P		
Agriculture									
Marijuana production/collective garden									

Table 21.04.030C. Mixed Use Zones. Categories for marijuana retail sales, marijuana processing and marijuana production/collective gardens are added to Table 21.04.030C of the Comprehensive Allowed Uses Chart as follows:

Table 21.04.030C Comprehensive Allowed Uses Chart: Mixed Use Zones						
<i>Online Users: Click on District Abbreviation to View Map --></i>	OT, AP, TWNC, BC, VV, TR, SMT, TSQ, RVBD	RVT, CTR, EH	OV1, OV2, OV3	OV4	OV5	OBAT
General Sales or Service						
<u>Marijuana retail sales</u>	P	P	P	P	P	
Manufacturing and Wholesale Trade						
<u>Marijuana processing</u>			P	P	P	P
Agriculture						
<u>Marijuana production/collective garden</u>						

Chapter 21.41 Marijuana-Related Uses. A new chapter 21.41--entitled Marijuana-Related Uses--is hereby added to read as follows:

RZC 21.41 MARIJUANA-RELATED USES

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

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

21.41.030 Collective gardens. No Washington State Liquor Control Board license is required for collective gardens. A collective garden must meet the following requirements:

A. A collective garden must be in a permanent structure designed to comply with the City Building Code and constructed under a building permit from the City regardless of the size or configuration of the structure.

B. Outdoor collective gardens are prohibited.

C. No production, processing, or delivery of marijuana may be visible to the public.

D. A collective garden must meet all requirements under RCW 69.51A.085, including but not limited to limitations on the number of members, number of plants, amount of useable marijuana on site, maintenance of each member's valid documentation of qualifying patient status.

E. A collective garden must meet the separation requirements set forth in RZC 21.41.040.

21.41.040 Buffers.

A. No collective garden, marijuana processor, marijuana producer, or marijuana retailer shall locate within 1000 feet, measured in the manner set forth in WAC 314-55-050(10), from any of the existing uses as defined in WAC 314-55-010:

1. Elementary or secondary school;
2. Playground;
3. Recreation center or facility;
4. Public park;

5. Public transit center;
6. Library; or
7. Game arcade.

B. In addition, no collective garden, marijuana processor, marijuana producer, or marijuana retailer shall locate within 1000 feet, measured in the manner set forth in WAC 314-55-050(10), from the following:

1. Any residential zoning district;
2. Any existing collective garden, state-licensed marijuana processor, marijuana producer or marijuana retailer; or
3. Any child care center that regularly provides child day care or early learning services for a group of children for periods of less than twenty-four hours, whether or not licensed by the Washington State department of early learning under chapter 170-295 WAC.

Chapter 21.78 - Definitions - Amended. The following definitions in chapter 21.78 of the Redmond Zoning Code are amended as follows:

Crop Production. The growing and harvesting of crops, such as grains, vegetables, fruits, trees, flowers, and other ornamental horticulture. Crop Production does not include marijuana production.

General Sales or Services. An establishment engaging in the retail sale, rental, or lease of goods or the provision of services, including but not limited to automobile sales or service; heavy consumer goods sale or service; durable consumer goods or service; the sale or service of other consumer goods, grocery, food and beverage sales; health and personal care services; finance and insurance services; real estate services; professional services; and restaurant and food services. General sales or services does not include hotels, motels, and other accommodation services; mail order or direct sales establishments; membership wholesale/retail warehouses; ~~and~~ packing, crating, and convention and trade show services; and marijuana retail sales.

Home Business. A business activity which results in a product or service and is conducted in whole or in part on a residential premises and is clearly subordinate to use of the premises as a residence. Home Business does not include any activity relating to marijuana.

Manufacturing and Wholesale Trade. An establishment that engages in the transformation of raw materials into finished products, in the sale or distribution of those products to persons, firms, or corporations for resale, in the storage of materials or products in a warehouse or similar structure, or in the assembly or fabrication of goods. A manufacturing or wholesale trade establishment does not engage in the retail sale of products to the end consumer. Manufacturing and wholesale trade does not include any activity relating to marijuana.

Chapter 21.78 - Definitions - New. Section 21.78 of the Redmond Zoning Code is amended to add the following definitions:

Collective Garden. A facility, use, or location at which qualifying patients grow, produce, process, transport, or deliver marijuana for medical use, as provided in RCW 69.51A.085. A location utilized solely for the purpose of distributing marijuana shall not be considered a collective garden.

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

Marijuana Processing. Processing of marijuana by a marijuana processor into useable marijuana and marijuana-infused products, including the packaging and labeling of useable marijuana and marijuana-infused products for sale in retail outlets, and sale of useable marijuana and marijuana-infused products at wholesale to marijuana retailers.

Marijuana Processor. A person licensed by the state liquor control board to process marijuana into useable marijuana and marijuana-infused products, package and label useable marijuana and marijuana-infused products for sale in retail outlets, and sell useable marijuana and marijuana-infused products at wholesale to marijuana retailers.

Marijuana Producer. A person licensed by the state liquor control board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

Marijuana Production. Production of marijuana by a marijuana producer to sell at wholesale to marijuana processors and other marijuana producers.

Marijuana Retail Sales. The sale of usable marijuana and marijuana-infused products by a marijuana retailer in a retail outlet.

Marijuana Retailer. A person licensed by the state liquor control board to sell useable marijuana and marijuana-infused products in a retail outlet.

Retail Outlet. A location licensed by the state liquor control board for the retail sale of useable marijuana and marijuana-infused products.

THC Concentration. 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.

Useable Marijuana. Dried marijuana flowers. The term “useable marijuana” does not include marijuana-infused products.