

Chapter 17.29
MARIJUANA BUSINESSES

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17.29.010 Purpose and intent.

The purpose of this chapter is to establish zoning regulations that provide for marijuana businesses allowed under a voter-approved statewide initiative (Initiative 502), now codified in Title 69 RCW, and subject to requirements of Chapter 314-55 WAC.

17.29.020 Definitions.

The following definitions apply to this chapter. Additional definitions related to marijuana businesses are contained in WAC 314-55-010 and RCW 69.50.101.

"Business name" or "trade name" means the name of a licensed business as used by the licensee on signs and advertising.

"Child care center" means an entity that regularly provides child day care and early learning services for a group of children for periods of less than twenty-four hours and is licensed by the Washington state department of early learning under Chapter 170-295 WAC.

"Elementary school" means a school for early education that provides the first four to eight years of basic education and is recognized by the Washington state superintendent of public instruction.

"Game arcade" means an entertainment venue featuring primarily video games, simulators, and/or other amusement devices.

"Library" means an organized collection of resources made accessible to the public for reference or borrowing supported with money derived from taxation.

"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, or 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 business" means any business that handles marijuana and is subject to Chapter 314-155 WAC.

"Marijuana processing business" means any business that engages in processing marijuana.

"Marijuana production business" means any business that engages in growing marijuana.

"Marijuana retail business" means an establishment engaged in selling marijuana to people for their personal or household use. It does not include businesses that produce or process marijuana and do not sell it directly for personal or household use.

"Playground" means a public outdoor recreation area for children, usually equipped with swings, slides, or other playground equipment, owned and/or managed by a city, county, state, or federal government.

"Public Park" means an area of land for the enjoyment of the public, having facilities for rest and/or recreation, such as a baseball diamond or basketball court, owned and/or managed by a city, county, state, federal government, or metropolitan park district and does not include parcels that are primarily comprised of a trail or trails.

"Public transit center" means a facility located outside of the public right of way that is owned and managed by a transit agency or city, county, state, or federal government for the express purpose of staging people and vehicles where several bus or other transit routes converge.

"Recreation center or facility" means a supervised center that provides a broad range of activities and events intended primarily for use by persons under twenty-one years of age, owned and/or managed by a charitable nonprofit organization, city, county, state, or federal government.

"Residence" means a building, dwelling unit or property where one or more persons may live or maintain an abode.

"Secondary school" means a high school and/or middle school, i.e., a school that is recognized by the Washington state superintendent of public instruction for the education of students, typically children, in grades seven to twelve who have completed their primary education.

17.29.030 Locations.

A. A marijuana business shall not be located within one thousand feet of the perimeter of the grounds of any of the following entities as defined in UGMC 17.29.020:

1. Elementary or secondary school;
2. Playground;
3. Recreation center or facility;
4. Child care center;
5. Park;
6. Transit center;
7. Library;
8. Game arcade where admission is not restricted to persons age 21 and older; or

9. Residential zoned properties.
- B. For purposes of subsection A of this section, the distance shall be measured as the shortest straight line distance from the property line of each entity identified in subsection A of this section to the property line of the marijuana business.
 - C. A marijuana retail business is not permitted except where the City's zoning regulations in accordance with Table 17.04.030.
 - D. Neither a marijuana production business nor a marijuana processing business is permitted outside zoning district in accordance with Table 17.04.030.
 - E. Marijuana businesses are not permitted as a home occupation under 17.04.090 and shall not operate at a residence as defined in this chapter.

17.29.040 Special regulations.

- A. To operate within the City, each marijuana business is required to have a current business license issued by Washington State under the provisions of Chapter 314-55 WAC and a current business license issued by the City under the provisions of Chapter 4.04 UGMC.
- B. A retail marijuana business shall not sell marijuana, marijuana-infused products, or marijuana paraphernalia or otherwise be open for business before 8 am or after 11:00 pm on any day.
- C. For signage, marijuana businesses are subject to the requirements of Chapter 314-55-155 WAC and Chapter 17.08 UGMC, whichever is more restrictive. No off-premises signage is allowed.
- D. A marijuana business must take place within a fully enclosed secure indoor facility or greenhouse with rigid walls, a roof, and doors.
- E. Marijuana plants, products, and paraphernalia shall not be visible from outside the building in which the marijuana business is located.
- F. Marijuana businesses are subject to all applicable requirements of the Union Gap Municipal Code, including but not limited to the Building Code, (Title 14 UGMC) and the Fire Code (Title 13 UGMC), as now exists or may be amended.
- G. Marijuana businesses are subject to all applicable requirements of Title 69 RCW and Chapter 314-55 WAC and other state statutes, as they now exist or may be amended.

17.29.050 Enforcement of violations.

Violations of this Chapter shall be subject to enforcement action as provided in Chapter 1.18 UGMC or, as applicable, the Uniformed Controlled Substances Act, Title 69 RCW. In addition, violations of this' Chapter are deemed to be a public nuisance and may be abated under the procedures set forth in state law for the abatement of public nuisances.

TABLE 17.04.030

PERMITTED LAND USES

.	Class 1 review	Single Family 1	Single Family 2	Multi-Family	Corridor Multi-Family	Commercial	Regional Commercial	Downtown Business	Wholesale/Warehouse	Light-Industrial	Public Facility	Planned Recreational	Parks/Open Space
2.	Class 2 review												
3.	Class 3 review												
Blank.	Not permitted												
		R-1	R-2	R-3	R-4	C-1	C-2	CBD	W/W	L-I	PbF	PrC	PkO
Land Uses:													
Agricultural (Commercial)													
Agricultural, horticulture, general farming (not feedlots and stockyards)								1	1	1		1	
Agricultural building							2	1	1	1		1	
Agricultural chemical sales/storage							3	3	3	3			
Agricultural market					2	1	1	1	2	3			
Agricultural stand					2	1	1	1	2	3			
Agricultural related industries									1	1			
Animal husbandry								3	1	1			
Concentrated feeding operation									3	3			
Floricultural, aquaculture, within structures up to 400 sq. ft.		1	1	1	1	1	1	1	1	1	1	1	1
within structures larger than 400 sq. ft.						1	1	1	1	1	1	1	1
Fruit bin sales/storage							2	2	2	1			
Amusement and Recreation													

TABLE 17.04.030

PERMITTED LAND USES

	R-1	R-2	R-3	R-4	C-1	C-2	CBD	W/W	L-I	PbF	PrC	PkO
Amusement park (permanent)						3	3	3			3	
Bowling alleys						3	3	3	3		3	
Campground					3	3	3	3	3		3	3
Drive in theaters					3	3	3	3				
Fairgrounds						2	2	3	3			
Game and electronic game rooms						1	1	1				
Golf courses, clubhouses, golf driving ranges						1	1	3	3		1	1
Gymnasiums, exercise facilities					2	1	1	1	2		3	
Horse racing tracks, speedways											3	
Miniature golf courses					1	1	1				1	1
Movie theaters, auditoriums, exhibition halls						1	1	2	2		3	
Parks	1	1	1	1	1	1	1	1	1	1	2	1
Roller, ice skating rink						1	1					
Social gambling establishments						3	3	3				
	R-1	R-2	R-3	R-4	C-1	C-2	CBD	W/W	L-I	PbF	PrC	PkO
Community Services												
Adult Family Home	1	1	1	1	2	2	2					
Churches, synagogues, temples	2	2	1	1	1	1	1	2	3		2	1

TABLE 17.04.030

PERMITTED LAND USES

	R-1	R-2	R-3	R-4	C-1	C-2	CBD	W/W	L-I	PbF	PrC	PkO
Community center, meeting hall, fraternal organizations			3	3	1	1	1	2	2	1	2	1
Convalescent, or nursing home		3	3	3	3	3	3					
Cemeteries, mausoleums and columbariums					3	3	3	3		1	3	1
Day care homes, family	1	1	2	2	1	3	2	3	3	2		
Day care center	3	3	2	2	1	1	1	3	3	2		
Fire stations, police stations and ambulance service	3	3	3	3	1	1	1	1	1	1		
Funeral home						1	1				3	1
Halfway house	3	3	3	3			3					
Hospitals					3	3	3	3				
Correction facilities								3	3			
Junior or community colleges				2	2	2	2	2	3	3		
Libraries	2	2	2	1	1	1	1	1	2	1		
Museums, art galleries				2	1	1	1	1		1		
Schools, elementary and middle	3	3	3	3	3					3		
Senior high		3	3	3	3					3		
Business school					2	2	2	2	2	2		
Vocational school					2	2	2	2	1	2		
Storage of gravel and equipment for street construction								1	1	1		

TABLE 17.04.030

PERMITTED LAND USES

	R-1	R-2	R-3	R-4	C-1	C-2	CBD	W/W	L-I	PbF	PrC	PkO
Wastewater treatment, sprayfields								3	3	1	3	3
Zoo								3	3		2	2
Manufacturing												
Aircraft parts						3	3	1	1			
Apparel and accessories					2	2	2	1	1			
Bakery products (wholesale)					2	2	2	1	1			
Beverage industry					2	2	1	1	1			
Canning, preserving and packaging fruits, vegetables and other foods					2	2	2	2	2			
Cement and concrete plants								3	2			
Chemicals (industrial, agricultural, wood)								2	2			
Confectionery and related products (wholesale)							2	1	1			
Cutlery, hand tools and general hardware								1	1			
Product assembly					2	2	2	1	1			
Drugs								1	1			
Electrical transmission and distribution equipment								1	1			
Electronic components and accessories								1	1			

TABLE 17.04.030

PERMITTED LAND USES

						2	2	2	1	1			
		R-1	R-2	R-3	R-4	C-1	C-2	CBD	W/W	L-I	PbF	PrC	PkO
	Product assembly					2	2	2	1	1			
	Fabricated structural metal products								1	1			
	Food processing						2	2	1	1			
	Furniture and custom cabinet shop					2	2	2	1	1			
	Product assembly					2	2	2	1	1			
	Glass, pottery and related products								1	1			
	Product assembly					2	2	2	1	1			
	Grain mill products								1	1			
	Heating apparatus wood stoves								1	1			
	Leather products							3	3	1			
	Leather tanning								3	3			
	Machinery and equipment								1	1			
	<u>Marijuana processing business</u>								<u>1</u>	<u>1</u>			
	<u>Marijuana production business</u>								<u>1</u>	<u>1</u>			
	Medical, optical, dental and scientific instruments							2	1	1			
	Product assembly					2	2	2	1	1			
	Meat, poultry and dairy products								1	1			

TABLE 17.04.030

PERMITTED LAND USES

	R-1	R-2	R-3	R-4	C-1	C-2	CBD	W/W	L-I	PbF	PrC	PkO
Metal cans								1	1			
Paints, varnishes, lacquers, enamels and allied products								2	2			
Paperboard containers and boxes								1	1			
Plastic products						2	2	1	1			
Product assembly						2	2	1	1			
Injection and extrusion molding						2	2	1	1			
Printing, publishing and binding						2	2	1	1			
Printing trade (service industries)						2	2	1	1			
Rendering plants, slaughter houses								3	3			
Rubber products								2	2			
Sawmills and planing mills								3	2			
Sheet metal and welding shops							3	1	1			
Sign manufacturing						1	2	1	1			
Stone products (includes finishing of monuments for retail sale)						2	2	1	1			
Transportation equipment, including trailers and campers							3	1	1			

TABLE 17.04.030

PERMITTED LAND USES

	R-1	R-2	R-3	R-4	C-1	C-2	CBD	W/W	L-I	PbF	PrC	PkO
Woodworking and wood products: cabinets, shelves, etc.							3	1	1			
Mining/Refining/Off-site Hazardous Waste Treatment												
Asphalt paving and roofing materials, rock crushing								3	3			
Mining including sand and gravel pits								3	3		3	
Any grading, leveling, excavation or stockpiling of earthen materials not associated with an approved Class (2) or Class (3) use							3	2	2	3	3	
Off-site hazardous waste treatment and storage facilities								3	3			
Residential												
Detached single family dwelling	1	1	2	2							3	
Detached zero lot line single family dwelling	2	2	2	2							3	
Attached single family dwelling	2	2	1	1							3	
Two-family dwelling	3	2	1	1							3	
Multi-family dwelling: 0-5.5 DU/NRA	2	2	1	1							3	
5.6-7 DU/NRA		3	1	1							3	

TABLE 17.04.030

PERMITTED LAND USES

	7.1-12 DU/NRA			2	2							3	
	12.1-20 DU/NRA			3								3	
		R-1	R-2	R-3	R-4	C-1	C-2	CBD	W/W	L-I	PbF	PrC	PkO
	Manufactured home parks	3	3	3	3								
	Manufactured homes												
	Class A	1	1	1	1								
	Class B	2	2	2	2								
	Class C			3	3								
	Boarding house	3	3	2	2								
	Nursing home		3	2	2	2		2					
	Assisted care housing	3	3	2	2			2					
	Temporary hardship units	3	3	3	3								
	Second floor dwelling units							1					
	Retail Trade and Service												
	Addressing, mail, and stenographic services					1	1	1	1	1			
	Advertising agencies					1	1	1	1	1			
	Animal clinic/hospital					2	1	1	2	2			
	Antique store					1	1	1	2	2			
	Artist's supplies					1	1	1	2	2			
	Auction house						2	2	1	2			
	Automobile sales						2	2	1				
	Automobile, carwash					3	1	1	1	2			
	maintenance					2	1	1	1	2			

TABLE 17.04.030

PERMITTED LAND USES

	and repair shops												
	paint and body shops						1	2	1	2			
	parts and accessories (tires, batteries, etc.)					2	1	1	1	2			
	specialized repair shops (radiator, engine, etc.)					2	1	1	1	2			
	towing service							3	1	2			
	wrecking and dismantling yard								3	3			
		R-1	R-2	R-3	R-4	C-1	C-2	CBD	W/W	L-I	PbF	PrC	PkO
	Bakery				2	1	1	1	1	3			
	Beauty and barber shops				3	1	1	1	1	1			
	Bed and breakfast inn	3	3	2	2	1	2	1					
	Boats and marine accessories					3	1	1	1				
	Books, stationery, office supplies					1	1	1	1				
	Building and trade contractor (plumbing, heating, electrical etc.)						1	1	1	1			
	Butcher shop				3	2	1	1	1				
	Camera store				3	1	1	1	1				
	Candy store				3	1	1	1	1				
	Clothing and accessories				3	1	1	1	1				
	Coin and stamp shop				3	1	1	1	1				

TABLE 17.04.030

PERMITTED LAND USES

	R-1	R-2	R-3	R-4	C-1	C-2	CBD	W/W	L-I	PbF	PrC	PkO
Commercial services					1	1	1	1	2			
Communication towers	3	3	3	3	3	3	3	3	3	3	3	
Computer and electronics stores				3	1	1	1	1	2			
Delicatessen				3	1	1	1	1	1			
Department, discount, variety stores					2	1	1	1				
Drug stores (optical goods, orthopedic supplies)					1	1	1	1				
Employment agency					1	1	1	1				
Fabric store					1	1	1	1				
Farm and implements, tools and heavy construction equipment						1	1	1	1			
Farm supplies					3	1	1	1	2			
Financial institutions					2	1	1	1				
Florist					1	1	1	1				
Food store, specialty				3	2	1	1	1				
Fuel, oil and coal distributors						1	3	1	1			
Furniture, home furnishing, appliances					2	1	1	1				
General hardware, garden equipment and supplies				3	1	1	1	1	3			
Gift shop				3	1	1	1	1				
Grocery/convenience store closed 10:00 p.m.				3	1	1	1	1	3			

TABLE 17.04.030

PERMITTED LAND USES

to 6:00 a.m.													
open 10:00 p.m. to 6:00 a.m. (24 hr.)				3	2	1	1	1	3				
	R-1	R-2	R-3	R-4	C-1	C-2	CBD	W/W	L-I	PbF	PrC	PkO	
Heating and plumbing equipment stores retail						1	1	1	1				
Heating and plumbing equipment stores wholesale only						3	2	1	1				
Heavy equipment storage, maintenance and repair						2	3	1	1				
Insurance agents, brokers and service agencies				3	1	1	1	1	1				
Jewelry, watches, silverware sales and repair				3	1	1	1	1					
Kennels					3	2	2	2					
Laundries					3	1	1	1					
Liquor stores					2	1	1	1					
Lumber yards						1	1	1	1				
Manufactured home and recreational vehicle sales						1	1	1					
<u>Marijuana retail business</u>					1	1	1						
Medical and dental laboratories, offices and clinics					3	1	1	2	2				
Motels and hotels						1	1	1					
Motor vehicle fuel sales					3	1	1	1	3				

TABLE 17.04.030

PERMITTED LAND USES

	R-1	R-2	R-3	R-4	C-1	C-2	CBD	W/W	L-I	PbF	PrC	PkO
Motorcycle sales and repair (maintenance, repair and parts)						1	1	1				
Music stores				3	1	1	1	1				
Nursery						1	1	1				
Paint, glass and wallpaper sales				3	2	1	1	1	1			
Pet stores, pet supplies, dog grooming and training				3	2	1	1	1	2			
Printing, photocopy service				3	2	1	1	1	1			
Professional office buildings for architects, attorneys, government, etc.				3	1	1	1	1	1			
Radio/T.V. studio						2	1	1	1			
Real estate office						1	1	1	1			
Recycling center							2	1	1			
Rental: Automobile					2	1	1	1				
Small tools and equipment					2	1	1	1				
Truck and/or trailer, fleet leasing services							3	1	2			
Heavy equipment						2	2	1	1			
Repairs: Small appliances, TV, electronics, business machines, watches, etc.				3	1	1	1	1	2			

TABLE 17.04.030

PERMITTED LAND USES

Locksmith and gunsmith				3	1	1	1	1	2			
Re-upholstery and furniture				3	1		1	1	2			
Small engine and garden equipment					2	1	1	1	2			
	R-1	R-2	R-3	R-4	C-1	C-2	CBD	W/W	L-I	PbF	PrC	PkO
Restaurants, cafes and drive-in eating facilities					1	1	1	1	3			
Second hand store				3	1	1	1	1				
Shoe repair and shoe shine shop				3	1	1	1	1				
Shooting ranges (indoor)						3	3	3		3		
Small tools, lawn/garden equipment					2	1	1	2				
Sporting goods, bicycle shops				3	1	1	1	2				
Taverns and bars, dine, drink and dance establishments					3	1	1	2				
Technical equipment sales					2	1	1	1	1			
Toy and hobby store				3	1	1	1	1				
Truck service sales and shops						1	1	1	1			
Video sales/rental				3	1	1	1	1				
Waste material processing and junk handling								3	3			
Transportation												

TABLE 17.04.030

PERMITTED LAND USES

	R-1	R-2	R-3	R-4	C-1	C-2	CBD	W/W	L-I	PbF	PrC	PkO
Electric Vehicle battery charging station							1	1	1	1		
Bus terminals, storage and maintenance facilities							3	1	1	1		
Transportation brokerage offices, without truck parking					1	1	1	1	1			
with truck parking						1	1	1	1			
Contract truck hauling, rental of trucks with drivers						1	3	1	1			
Air, rail, truck terminals (for short term start, office, etc.)						1	3	1	1			
Railroad switch yards, maintenance and dispatching centers, etc.								3	3			
Airport landing field						3	3	3	3			
Utilities												
Power generating facilities								3	3			
Utility services (substations, etc.)	3	3	3	3	3	3	3	1	1	2	2	
Wholesale Trade-Storage												
Warehouses							3	1	1			
Wholesale trade						3	1	1	1			
Storage facilities, bulk						3	2	1	1			

TABLE 17.04.030

PERMITTED LAND USES

	Commercial						2	2	1	1			
	Residential ministorage		3	3	3	2	1	2	1	1			