

7/2/2020
JKW/GZ-1

Sponsor: Kohl-Welles/Zahilay

jln

Proposed No.: 2019-0413

1 **AMENDMENT TO STRIKING AMENDMENT S3 TO PROPOSED ORDINANCE**

2 **2019-0413, VERSION 1**

3 On page 67, after line 1387, insert:

4 "NEW SECTION. SECTION 30. There is hereby added to K.C.C. chapter 21A.06
5 a new section to read as follows:

6 Firearm: a weapon or device from which a projectile or projectiles may be fired
7 by an explosive such as gunpowder. Firearm does not include a flare gun or other
8 pyrotechnic visual distress signaling device, or a powder-actuated tool or other device
9 designed solely to be used for construction purposes."

10

11 On page 87, after line 1755, insert:

12 "SECTION 43. Ordinance 10870, Section 334, as amended, and K.C.C.
13 21A.08.070 are hereby amended to read as follows:

14 A. Retail land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			RURAL	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I
*	Building Materials and		P23						P2	P	P		(30)

	Hardware Stores												
*	Retail Nursery, Garden Center and Farm Supply Stores	P1 C1			P1 C1				P	P	P		
*	Forest Products Sales	P3 and 4	P4		P3 and 4						P		
*	Department and Variety Stores						C14a	P14	P5	P	P		
54	Food Stores						C15a	P15	P	P	P	C	P6
*	Agricultural Product Sales (28)							P25	P25	P25	P25	P25	P25
*	Farmers Market	P24	P24		P24	P24	P24	P24	P24	P24	P24	P24	P24
*	Motor Vehicle and Boat Dealers										P8		P
553	Auto Supply Stores									P9	P9		P
554	Gasoline Service Stations								P	P	P		P
56	Apparel and Accessory Stores									P	P		
*	Furniture and Home Furnishings Stores									P	P		
58	Eating and Drinking Places				P21 C19		P20 C16	P20 P16	P10	P	P	P	P
*	Remote Tasting Room				P13					P7	P7		
*	Drug Stores						C15	P15	P	P	P	C	
*	Marijuana retailer									P26 C27	P26 C27		
592	Liquor Stores									P	P		
593	Used Goods: Antiques/ Secondhand Shops									P	P		
*	Sporting Goods and Related Stores			P22 and 29	P22 and 29	P22 and 29	P22 and 29	P22 and 29	P22 and 29	P29	P29	P22 and 29	P22 and 29

*	Book, Stationery, Video and Art Supply Stores						C15a	P15	P	P	P		
*	Jewelry Stores									P	P		
*	Monuments, Tombstones, and Gravestones										P		
*	Hobby, Toy, Game Shops								P	P	P		
*	Photographic and Electronic Shops								P	P	P		
*	Fabric Shops									P	P		
598	Fuel Dealers									C11	P		P
*	Florist Shops						C15a	P15	P	P	P	P	
*	Personal Medical Supply Stores									P	P		
*	Pet Shops								P	P	P		
*	Bulk Retail									P	P		
*	Auction Houses										P12		P
*	Livestock Sales (28)												P

B. Development conditions.

1.a. As a permitted use, covered sales areas shall not exceed a total area of two thousand square feet, unless located in a building designated as historic resource under K.C.C. chapter 20.62. With a conditional uses permit, covered sales areas of up to three thousand five hundred square feet may be allowed. Greenhouses used for the display of merchandise other than plants shall be considered part of the covered sales area. Uncovered outdoor areas used to grow or display trees, shrubs, or other plants are not considered part of the covered sales area;

b. The site area shall be at least four and one-half acres;

c. Sales may include locally made arts and crafts; and

- 25 d. Outside lighting is permitted if no off-site glare is allowed.
- 26 2. Only hardware stores.
- 27 3.a. Limited to products grown on site.
- 28 b. Covered sales areas shall not exceed a total area of five hundred square feet.
- 29 4. No permanent structures or signs.
- 30 5. Limited to SIC Industry No. 5331-Variety Stores, and further limited to a
- 31 maximum of two thousand square feet of gross floor area.
- 32 6. Limited to a maximum of five thousand square feet of gross floor area.
- 33 7. Off-street parking is limited to a maximum of one space per fifty square feet
- 34 of tasting and retail areas.
- 35 8. Excluding retail sale of trucks exceeding one-ton capacity.
- 36 9. Only the sale of new or reconditioned automobile supplies is permitted.
- 37 10. Excluding SIC Industry No. 5813-Drinking Places.
- 38 11. No outside storage of fuel trucks and equipment.
- 39 12. Excluding vehicle and livestock auctions.
- 40 13. Permitted as part of the demonstration project authorized by K.C.C.
- 41 21A.55.110.
- 42 14.a. Not in R-1 and limited to SIC Industry No. 5331-Variety Stores, limited to
- 43 a maximum of five thousand square feet of gross floor area, and subject to K.C.C.
- 44 21A.12.230; and
- 45 b. Before filing an application with the department, the applicant shall hold a
- 46 community meeting in accordance with K.C.C. 20.20.035.

15.a. Not permitted in R-1 and limited to a maximum of five thousand square feet of gross floor area and subject to K.C.C. 21A.12.230; and

b. Before filing an application with the department, the applicant shall hold a community meeting in accordance with K.C.C. 20.20.035.

16.a. Not permitted in R-1 and excluding SIC Industry No. 5813-Drinking Places, and limited to a maximum of five thousand square feet of gross floor area and subject to K.C.C. 21A.12.230, except as provided in subsection B.20. of this section; and

b. Before filing an application with the department, the applicant shall hold a community meeting in accordance with K.C.C. 20.20.035.

17. Repealed.

18. Repealed.

19. Only as:

a. an accessory use to a permitted manufacturing or retail land use, limited to espresso stands to include sales of beverages and incidental food items, and not to include drive-through sales; or

b. an accessory use to a recreation or multiuse park, limited to a total floor area of three thousand five hundred square feet.

20. Only as:

a. an accessory use to a recreation or multiuse park; or

b. an accessory use to a park and limited to a total floor area of one thousand five hundred square feet.

21. Accessory to a park, limited to a total floor area of seven hundred fifty square feet.

70 22. Only as an accessory use to:

71 a. a large active recreation and multiuse park in the urban growth area; or

72 b. a park, or a recreation or multiuse park in the RA zones, and limited to a

73 total floor area of seven hundred and fifty square feet.

74 23. Only as accessory to SIC Industry Group No. 242-Sawmills and SIC

75 Industry No. 2431-Millwork and;

76 a. limited to lumber milled on site; and

77 b. the covered sales area is limited to two thousand square feet. The covered

78 sales area does not include covered areas used to display only milled lumber.

79 24. Requires at least five farmers selling their own products at each market and

80 the annual value of sales by farmers should exceed the annual sales value of nonfarmer

81 vendors.

82 25. Limited to sites located within the urban growth area and:

83 a. The sales area shall be limited to three hundred square feet and must be

84 removed each evening;

85 b. There must be legal parking that is easily available for customers; and

86 c. The site must be in an area that is easily accessible to the public, will

87 accommodate multiple shoppers at one time and does not infringe on neighboring

88 properties.

89 26.a. Per lot, limited to a maximum aggregated total of two thousand square feet

90 of gross floor area devoted to, and in support of, the retail sale of marijuana.

91 b. Notwithstanding subsection B.26.a. of this section, the maximum

92 aggregated total gross floor area devoted to, and in support of, the retail sale of marijuana

may be increased to up to three thousand square feet if the retail outlet devotes at least five hundred square feet to the sale, and the support of the sale, of medical marijuana, and the operator maintains a current medical marijuana endorsement issued by the Washington state Liquor and Cannabis Board.

c. Any lot line of a lot having any area devoted to retail marijuana activity must be one thousand feet or more from any lot line of any other lot having any area devoted to retail marijuana activity; and a lot line of a lot having any area devoted to new retail marijuana activity may not be within one thousand feet of any lot line of any lot having any area devoted to existing retail marijuana activity.

d. Whether a new retail marijuana activity complies with this locational requirement shall be determined based on the date a conditional use permit application submitted to the department of local services, permitting division, became or was deemed complete, and:

(1) if a complete conditional use permit application for the proposed retail marijuana use was not submitted, or if more than one conditional use permit application became or was deemed complete on the same date, then the director shall determine compliance based on the date the Washington state Liquor and Cannabis Board issues a Notice of Marijuana Application to King County;

(2) if the Washington state Liquor and Cannabis Board issues more than one Notice of Marijuana Application on the same date, then the director shall determine compliance based on the date either any complete building permit or change of use permit application, or both, were submitted to the department declaring retail marijuana activity as an intended use;

116 (3) if more than one building permit or change of use permit application was
117 submitted on the same date, or if no building permit or change of use permit application
118 was submitted, then the director shall determine compliance based on the date a complete
119 business license application was submitted; and

120 (4) if a business license application was not submitted or more than one
121 business license application was submitted, then the director shall determine compliance
122 based on the totality of the circumstances, including, but not limited to, the date that a
123 retail marijuana license application was submitted to the Washington state Liquor and
124 Cannabis Board identifying the lot at issue, the date that the applicant entered into a lease
125 or purchased the lot at issue for the purpose of retail marijuana use and any other facts
126 illustrating the timing of substantial investment in establishing a licensed retail marijuana
127 use at the proposed location.

128 e. Retail marijuana businesses licensed by the Washington state Liquor and
129 Cannabis Board and operating within one thousand feet of each other as of August 14,
130 2016, and retail marijuana businesses that do not require a permit issued by King County,
131 that received a Washington state Liquor and Cannabis Board license to operate in a
132 location within one thousand feet of another licensed retail marijuana business prior to
133 August 14, 2016, and that King County did not object to within the Washington state
134 Liquor and Cannabis Board marijuana license application process, shall be considered
135 nonconforming and may remain in their current location, subject to the provisions of
136 K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses, except:

137 (1) the time periods identified in K.C.C. 21A.32.045.C. shall be six months;
138 and

(2) the gross floor area of a nonconforming retail outlet may be increased up to the limitations in subsection B.26.a. and B.26.b. of this section.

27. Per lot, limited to a maximum aggregated total of five thousand square feet gross floor area devoted to, and in support of, the retail sale of marijuana, and;

a. Any lot line of a lot having any area devoted to retail marijuana activity must be one thousand feet or more from any lot line of any other lot having any area devoted to retail marijuana activity; and any lot line of a lot having any area devoted to new retail marijuana activity may not be within one thousand feet of any lot line of any lot having any area devoted to existing retail marijuana activity; and

b. Whether a new retail marijuana activity complies with this locational requirement shall be determined based on the date a conditional use permit application submitted to the department of local services, permitting division, became or was deemed complete, and:

(1) if a complete conditional use permit application for the proposed retail marijuana use was not submitted, or if more than one conditional use permit application became or was deemed complete on the same date, then the director shall determine compliance based on the date the Washington state Liquor and Cannabis Board issues a Notice of Marijuana Application to King County;

(2) if the Washington state Liquor and Cannabis Board issues more than one Notice of Marijuana Application on the same date, then the director shall determine compliance based on the date either any complete building permit or change of use permit application, or both, were submitted to the department declaring retail marijuana activity as an intended use;

162 (3) if more than one building permit or change of use permit application was
163 submitted on the same date, or if no building permit or change of use permit application
164 was submitted, then the director shall determine compliance based on the date a complete
165 business license application was submitted; and

166 (4) if a business license application was not submitted or more than one
167 business license application was submitted, then the director shall determine compliance
168 based on the totality of the circumstances, including, but not limited to, the date that a retail
169 marijuana license application was submitted to the Washington state Liquor and Cannabis
170 Board identifying the lot at issue, the date that the applicant entered into a lease or
171 purchased the lot at issue for the purpose of retail marijuana use, and any other facts
172 illustrating the timing of substantial investment in establishing a licensed retail marijuana
173 use at the proposed location; and

174 c. Retail marijuana businesses licensed by the Washington state Liquor and
175 Cannabis Board and operating within one thousand feet of each other as of August 14,
176 2016, and retail marijuana businesses that do not require a permit issued by King County,
177 that received a Washington state Liquor and Cannabis Board license to operate in a
178 location within one thousand feet of another licensed retail marijuana business prior to
179 August 14, 2016, and that King County did not object to within the Washington state
180 Liquor and Cannabis Board marijuana license application process, shall be considered
181 nonconforming and may remain in their current location, subject to the provisions of
182 K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses, except:

183 (1) the time periods identified in K.C.C. 21A.32.045.C. shall be six months;
184 and

(2) the gross floor area of a nonconforming retail outlet may be increased up to the limitations in subsection B.27. of this section, subject to K.C.C. 21A.42.190.

28. If the agricultural product sales or livestock sales is associated with agricultural activities it will be reviewed in accordance with K.C.C. 21A.08.090.

29. Businesses selling firearms that have a storefront, have hours during which it is open for business, and post advertisements or signs observable to passersby that firearms are available for sale shall be located at least five hundred feet or more from any elementary, middle/junior high and secondary or high school properties. Businesses selling firearms in existence before June 30, 2020, shall be considered nonconforming and may remain in their current location, subject to the provisions of K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses."

Renumber the remaining sections consecutively and correct any internal references accordingly, including in Attachment D.

EFFECT: Establishes a requirement for businesses selling firearms to be located a minimum of five hundred feet from any elementary, middle/junior high and secondary or high school property and establishes nonconformity for existing retailers.