

6/5/20

JKW/GZ-1 – Gun retailers

Sponsor: Kohl-Welles/Zahilay

jln

Proposed No.: 2019-0413

1 **AMENDMENT TO STRIKING AMENDMENT S2 TO PROPOSED ORDINANCE**

2 **2019-0413, VERSION 1**

3 On page 94, after line 1928, insert:

4 "SECTION 46. Ordinance 10870, Section 334, as amended, and K.C.C.

5 21A.08.070 are hereby amended to read as follows:

6 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
*	Building Materials and Hardware Stores		P23							P2	P	P		
*	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								P25	P25	P25	P25	P25	P25

	Sales (28)													
*	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 <u>and</u> <u>29</u>	P22 <u>and</u> <u>29</u>	P22 <u>and</u> <u>29</u>	P22 <u>and</u> <u>29</u>	P22 <u>and</u> <u>29</u>	P22 <u>and</u> <u>29</u>	P29	P29	P22 <u>and</u> <u>29</u>	P22 <u>and</u> <u>29</u>
*	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

7 B. Development conditions.

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

- 15 b. The site area shall be at least four and one-half acres;
- 16 c. Sales may include locally made arts and crafts; and
- 17 d. Outside lighting is permitted if no off-site glare is allowed.

18 2. Only hardware stores.

19 3.a. Limited to products grown on site.

20 b. Covered sales areas shall not exceed a total area of five hundred square feet.

21 4. No permanent structures or signs.

22 5. Limited to SIC Industry No. 5331-Variety Stores, and further limited to a
23 maximum of two thousand square feet of gross floor area.

24 6. Limited to a maximum of five thousand square feet of gross floor area.

25 7. Off-street parking is limited to a maximum of one space per fifty square feet
26 of tasting and retail areas.

27 8. Excluding retail sale of trucks exceeding one-ton capacity.

28 9. Only the sale of new or reconditioned automobile supplies is permitted.

29 10. Excluding SIC Industry No. 5813-Drinking Places.

30 11. No outside storage of fuel trucks and equipment.

31 12. Excluding vehicle and livestock auctions.

32 13. Permitted as part of the demonstration project authorized by K.C.C.

33 21A.55.110.

34 14.a. Not in R-1 and limited to SIC Industry No. 5331-Variety Stores, limited to
35 a maximum of five thousand square feet of gross floor area, and subject to K.C.C.

36 21A.12.230; and

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

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

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

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

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

- 48 17. Repealed.
- 49 18. Repealed.
- 50 19. Only as:
- 51 a. an accessory use to a permitted manufacturing or retail land use, limited to
- 52 espresso stands to include sales of beverages and incidental food items, and not to include
- 53 drive-through sales; or
- 54 b. an accessory use to a recreation or multiuse park, limited to a total floor area
- 55 of three thousand five hundred square feet.
- 56 20. Only as:
- 57 a. an accessory use to a recreation or multiuse park; or
- 58 b. an accessory use to a park and limited to a total floor area of one thousand
- 59 five hundred square feet.
- 60 21. Accessory to a park, limited to a total floor area of seven hundred fifty
- 61 square feet.
- 62 22. Only as an accessory use to:
- 63 a. a large active recreation and multiuse park in the urban growth area; or
- 64 b. a park, or a recreation or multiuse park in the RA zones, and limited to a
- 65 total floor area of seven hundred and fifty square feet.
- 66 23. Only as accessory to SIC Industry Group No. 242-Sawmills and SIC
- 67 Industry No. 2431-Millwork and;
- 68 a. limited to lumber milled on site; and
- 69 b. the covered sales area is limited to two thousand square feet. The covered
- 70 sales area does not include covered areas used to display only milled lumber.

71 24. Requires at least five farmers selling their own products at each market and
72 the annual value of sales by farmers should exceed the annual sales value of nonfarmer
73 vendors.

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

75 a. The sales area shall be limited to three hundred square feet and must be
76 removed each evening;

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

78 c. The site must be in an area that is easily accessible to the public, will
79 accommodate multiple shoppers at one time and does not infringe on neighboring
80 properties.

81 26.a. Per lot, limited to a maximum aggregated total of two thousand square feet
82 of gross floor area devoted to, and in support of, the retail sale of marijuana.

83 b. Notwithstanding subsection B.26.a. of this section, the maximum
84 aggregated total gross floor area devoted to, and in support of, the retail sale of marijuana
85 may be increased to up to three thousand square feet if the retail outlet devotes at least
86 five hundred square feet to the sale, and the support of the sale, of medical marijuana, and
87 the operator maintains a current medical marijuana endorsement issued by the
88 Washington state Liquor and Cannabis Board.

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

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

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

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

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

112 (4) if a business license application was not submitted or more than one
113 business license application was submitted, then the director shall determine compliance
114 based on the totality of the circumstances, including, but not limited to, the date that a
115 retail marijuana license application was submitted to the Washington state Liquor and
116 Cannabis Board identifying the lot at issue, the date that the applicant entered into a lease

117 or purchased the lot at issue for the purpose of retail marijuana use and any other facts
118 illustrating the timing of substantial investment in establishing a licensed retail marijuana
119 use at the proposed location.

120 e. Retail marijuana businesses licensed by the Washington state Liquor and
121 Cannabis Board and operating within one thousand feet of each other as of August 14,
122 2016, and retail marijuana businesses that do not require a permit issued by King County,
123 that received a Washington state Liquor and Cannabis Board license to operate in a
124 location within one thousand feet of another licensed retail marijuana business prior to
125 August 14, 2016, and that King County did not object to within the Washington state
126 Liquor and Cannabis Board marijuana license application process, shall be considered
127 nonconforming and may remain in their current location, subject to the provisions of
128 K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses, except:

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

130 and

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

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

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

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

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

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

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

158 (4) if a business license application was not submitted or more than one
159 business license application was submitted, then the director shall determine compliance
160 based on the totality of the circumstances, including, but not limited to, the date that a retail
161 marijuana license application was submitted to the Washington state Liquor and Cannabis
162 Board identifying the lot at issue, the date that the applicant entered into a lease or

163 purchased the lot at issue for the purpose of retail marijuana use, and any other facts
164 illustrating the timing of substantial investment in establishing a licensed retail marijuana
165 use at the proposed location; and

166 c. Retail marijuana businesses licensed by the Washington state Liquor and
167 Cannabis Board and operating within one thousand feet of each other as of August 14,
168 2016, and retail marijuana businesses that do not require a permit issued by King County,
169 that received a Washington state Liquor and Cannabis Board license to operate in a
170 location within one thousand feet of another licensed retail marijuana business prior to
171 August 14, 2016, and that King County did not object to within the Washington state
172 Liquor and Cannabis Board marijuana license application process, shall be considered
173 nonconforming and may remain in their current location, subject to the provisions of
174 K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses, except:

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

176 and

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

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

181 Renumber the remaining sections consecutively and correct any internal references
182 accordingly.

183 29. Businesses selling firearms that have a storefront, have hours during which
184 they are open for business and post advertisements or signs observable to passersby that
185 firearms are available for sale shall be located at least five hundred feet or more from any

186 elementary, middle/junior high and secondary or high school properties. Businesses
187 selling firearms in existence before June 30, 2020, shall be considered nonconforming
188 and may remain in their current locations, subject to the provisions of K.C.C. 21A.32.020
189 through 21A.32.075 for nonconforming uses."

190

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

193

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