ORDINANCE NO. 28361

AN ORDINANCE relating to land use regulations associated with Initiative 502; amending Chapter 8.30 of the Tacoma Municipal Code (“TMC”), Public Nuisances, and TMC Title 13, Land Use Regulatory Code, pertaining to marijuana use regulations; and, upon the adopted regulations becoming effective, terminating the temporary moratorium enacted pursuant to Substitute Ordinance No. 28343, concerning the production, processing, researching and retail sale of marijuana.

WHEREAS State Initiative 502 (“I-502”), approved by Washington voters in November 2012, provides a framework for licensing and regulating the production, processing, and retail sale of recreational marijuana, and

WHEREAS, in February 2015, the City adopted pertinent land use regulations in order to provide policy and regulatory guidance and facilitate the review of recreational marijuana license applications within City limits, and

WHEREAS, in April 2015, the Washington State Legislature enacted the Cannabis Patient Protection Act, establishing regulations for the formerly unregulated aspects of the marijuana system and aligning it with the existing recreational system, and

WHEREAS the State Liquor and Cannabis Board, through its rulemaking process to establish corresponding administrative procedures and standards, has expanded the existing cap on retail marijuana stores in the City earlier than anticipated, and is set to promulgate other potential rule changes and establish a new class of use, the marijuana cooperative, and

WHEREAS, in order to preserve the City’s regulatory authority and the validity of its legislative process, and to allow sufficient time for local policy discussion on the matter, the City Council enacted a temporary moratorium on new

marijuana retail uses and the establishment of marijuana cooperatives for a period of six months, pursuant to Substitute Ordinance No. 28343, enacted on January 12, 2016, and

WHEREAS the six-month moratorium allowed the Planning Commission and staff sufficient time to develop recommendations for amended regulations which address community concerns, and

WHEREAS the Planning Commission developed its recommendations through a public review process, including a public hearing on March 2, 2016, and

WHEREAS the Planning Commission finalized its recommendations on April 6, 2016, for proposed amendments to the Marijuana Use Regulations and the Land Use Regulatory Code, and

WHEREAS Planning and Development Services staff also developed recommendations for proposed Code amendments based on technical analysis and public comments, and presented such recommendations for consideration by the Planning Commission, and

WHEREAS, while the Planning Commission and staff recommendations differ in certain key provisions, they present valuable alternatives for the City Council's decision-making, and both merit, and have been made available for, citizen review and comments, and

WHEREAS the nuisance regulations, as contained in Title 8 of the Tacoma Municipal Code, applicable to marijuana-related businesses are also being amended to be consistent with the proposed amendments to the Land Use Regulatory Code, and

WHEREAS, pursuant to TMC 13.02, the City Council is required to conduct a public hearing before enacting any amendments to the Land Use Regulatory Code and other relevant provisions of the Code, and

WHEREAS the City Council conducted a public hearing on the proposed amendments to the Land Use Regulatory Code and other relevant provisions of the Code on April 26, 2016; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Chapter 8.30 of the Tacoma Municipal Code ("TMC"), Public Nuisances, is hereby amended by amending Section 8.30.045, Cannabis, to read as set forth in the attached Exhibit "A."

Section 2. That Title 13 of the TMC, Land Use Regulatory Code, is hereby amended to read as set forth in the attached Exhibit "B."

Section 3. That the temporary moratorium on marijuana enacted pursuant to Substitute Ordinance No. 28343, concerning the production, processing, researching and retail sale of marijuana, is terminated as of the effective date of this ordinance.

Passed _____

_____
Mayor

Attest:

_____
City Clerk

Approved as to form:

_____
Deputy City Attorney

EXHIBIT "A"

Chapter 8.30

PUBLIC NUISANCES

Sections:

8.30.010 Purpose and intent.
8.30.020 Definitions.
8.30.030 Public nuisance defined.
8.30.040 Specific public nuisances declared.
8.30.045 Cannabis.
8.30.050 Parking of vehicles on residential property.
8.30.055 Abandoned property in the right-of-way.
8.30.060 Penalty for violation.
8.30.070 Emergency actions.
8.30.080 Notice of Violation and Abatement.
8.30.090 Alternative Process – Notice of Violation, civil penalty, and abatement.
8.30.100 Hearing by the Hearing Examiner.
8.30.110 Abatement process.
8.30.120 Recovery of costs and expenses.
8.30.130 Hearing regarding cost of abatement.
8.30.140 Additional relief.
8.30.150 Repeat offenders.
8.30.160 Severability.

* * *

8.30.045 Cannabis.

A. Relationship with other laws.

Producing, manufacturing, processing, delivering, distributing, possessing, and using cannabis are crimes under federal law and may be crimes under the municipal code and state law. This section is a civil remedy and does not affect any state or federal law governing the production, manufacture, processing, delivery, distribution, possession, researching, or use of cannabis.

B. Definitions.

1. "Cannabis" or "Marijuana" means all parts of the plant Cannabis, commonly known as marijuana, whether growing or not; 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.

~~2. "Cannabis garden" means any place, area, or garden where cannabis is produced or processed and either (a) the person producing or processing the cannabis is not a qualifying patient or designated provider or (b) a copy or copies of the valid documentation of the qualifying patient(s) who own or share responsibility for the garden is not available at all times on the premises or (c) the number of plants or useable cannabis on the premises exceeds the limits set forth in RCW 69.51A.040(1)(a), RCW 69.51A.040(1)(b), or RCW 69.51A.085, or the garden is not otherwise in full compliance with RCW 69.51A.040(1)(a), RCW 69.51A.040(1)(b), or RCW 69.51A.085. Cannabis garden does not include a state-licensed marijuana producer, processor, or retailer as authorized by RCW 69.50 and operating in compliance therewith.~~

~~3. "Collective garden" means any place, area, or garden where qualifying patients (as defined in RCW 69.51A.010) share responsibility and engage in the production, processing, and delivery of cannabis for medical use as set forth in RCW 69.51A.085 and in full compliance with all limitations and requirements set forth in RCW 69.51A.085. "Collective garden" does not include any office, meeting place, or club associated with a collective garden which is not located within the same structure as the collective garden itself.~~

~~4. "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 24 hours licensed by the Washington State Department of Early Learning under chapter 170-295 WAC.~~

~~5. "Dispensary" means any place where cannabis is delivered, sold, or distributed or offered for delivery, sale, or distribution. Dispensary does not include a state-licensed marijuana retail establishment as authorized by RCW 69.50 and operating in compliance therewith. Dispensary does not include a private residence where a designated provider delivers medical cannabis to his or her qualifying patient or a private residence where a member of a collective garden delivers medical cannabis to another member of the same collective garden. Dispensary does not include a collective garden, but does include any office, meeting place, club, or other place which is not located within the same structure as the collective garden itself where medical cannabis is delivered regardless of whether the delivery is made to another member of the collective garden.~~

~~6. "Drop-in center for youth" means an establishment operated by a social service or charity organization that is designed to provide recreational, educational, or counseling services to youth.~~

~~7. "Drug rehabilitation facility, substance abuse facility, or detoxification center" means any facility licensed by the Washington State Department of Social and Health Services whose primary focus is treatment for a person with a chemical or drug dependency, whether on an outpatient or inpatient basis.~~

~~8. "Elementary school" means a school for early education that provides the first four to eight years of basic education and recognized by the Washington State Superintendent of Public Instruction.~~

~~9. "Game arcade" means an entertainment venue featuring primarily video games, simulators, and/or other amusement devices where persons under 21 years of age are not restricted.~~

~~10. "Library" means an organized collection of resources made accessible to the public for reference or borrowing supported with money derived from taxation.~~

~~11. "Medical cannabis garden" means any place, area, or garden where a qualifying patient or designated provider (as defined in RCW 69.51A.010) produces or processes cannabis for medical use as set forth in RCW 69.51A.040 and in full compliance with all limitations and requirements set forth in RCW 69.51A.040.~~

~~12. "Perimeter" means a property line that encloses an area.~~

~~13. "Playground" means a public outdoor recreation area for children, usually equipped with swings, slides, and other playground equipment, owned and/or managed by a city, county, state, or federal government.~~

~~14. "Processor" or "licensed processor" shall mean a marijuana processor licensed by the state pursuant to RCW 69.50.325(2).~~

~~15. "Producer" or "licensed producer" shall mean a marijuana producer licensed by the state pursuant to RCW 69.50.325 (1).~~

~~16. "Public park" or "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. Public park does not include trails.~~

~~17. "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.~~

~~18. "Recreation center or facility" means a supervised center that provides a broad range of activities and events intended primarily for use by persons under 21 years of age, owned and/or managed by a charitable nonprofit organization, city, county, state, or federal government.~~

~~19. "Retailer" or "licensed retailer" shall mean a marijuana retailer licensed by the state pursuant to RCW 69.50.325(3).~~

~~20. "Secondary school" means a high and/or middle school: a school for students who have completed their primary education, usually attended by children in grades 7 to 12 and recognized by the Washington State Superintendent of Public Instruction.~~

21. The definitions contained in Chapter 69.50 RCW, Chapter 69.51A RCW, and WAC 314-55 shall be used to define any term in this section not otherwise defined herein.

C. Nuisance defined.

The production, manufacture, processing, delivery, distribution, possession, or use of cannabis for medical purposes for which there is an affirmative defense under state law, or for other purposes as outlined and regulated in accordance with RCW 69.50, may be a nuisance by unreasonably annoying, injuring, or endangering the comfort, repose, health, or safety of others; by being unreasonably offensive to the senses; by being an unlawful act; by resulting in an attractive nuisance; or by otherwise violating the municipal code or state law.

The following specific acts, omissions, places, and conditions are declared to be a public nuisance, including, but not limited to, any one or more of the following:

1. Any place selling, distributing, or providing marijuana to others, except as properly licensed or registered by the Washington State Liquor and Cannabis Board, cannabis garden is a nuisance per se.

2. Any dispensary is a nuisance per se.

32. Any cannabis garden, collective garden, dispensary, medical cannabis garden, state licensed processor, producer, or licensed retailer where cannabis is displayed against or adjacent to exterior windows directly visible from the adjacent public right-of-way.

43. Any cannabis garden, collective garden, dispensary, medical cannabis garden, state licensed processor, producer, or retailer, or state registered cooperative where the odor of cannabis can be smelled or detected from the adjacent public right-of-way.

4. A marijuana club is a nuisance per se.

5. Any collective garden located within 600 feet of the perimeter of any of the following, whether in or out of the City:

a. Public or private elementary or secondary school;

b. Daycare, nursery, preschool, or child care center;

c. Public park;

d. Library;

e. Drug rehabilitation facility, substance abuse facility, or detoxification center; or

f. Drop-in center for youth.

g. The distance shall be measured as the shortest straight line from the closest parcel line in which the collective garden is located to the closest parcel line of any of the uses in this subsection.

6. Any collective garden where any person under the age of 18 years is present or is permitted to be present.

7. Any collective garden or medical cannabis garden that is not fully enclosed within a structure.

8. Any parcel containing more than one collective garden, medical cannabis garden, or combination of collective garden and medical cannabis garden.

9. Any collective garden or cannabis garden where any violation of Chapter 69.50 RCW occurs and for which the affirmative defense created by Chapter 69.51A RCW would not apply.

10. Any place bearing a sign or placard advertising cannabis for sale or delivery, except that a state-licensed marijuana retailer is permitted to display a single sign no larger than 1,600 square inches identifying the retail outlet by the licensee's business or trade name. No state-licensed marijuana producer, processor, or retailer shall place or maintain, or cause to be placed or maintained, an advertisement of marijuana, useable marijuana, or a marijuana-infused product in any form or through any medium whatsoever:

~~a. Within 1,000 feet of the perimeter of an elementary or secondary school, playground, recreation center or facility, child care center, public park, library, public transit center, court house, correctional facility, drug rehabilitation facility, substance abuse facility, or detoxification center or any game arcade where admission to which is not restricted to persons aged 21 years or older;~~

~~b. On or in a public transit vehicle or public transit shelter; or~~

~~c. On or in a publicly owned or operated property.~~

~~11~~5. Any place where any production, manufacture, processing, delivery, distribution, possession, or use of cannabis occurs for which there is no affirmative defense under state law, or except as expressly authorized by Chapter 69.50 RCW.

~~12~~6. Any place other than a private residence where cannabis is smoked or ingested.

~~13. Any state-licensed cannabis retailer, processor, or producer located within 1,000 feet of the perimeter of any of the following, whether in or out of the City:~~

~~a. Playground, recreation center, or facility;~~

~~b. Child care center;~~

~~c. Public park;~~

~~d. Public transit center;~~

~~e. Library;~~

~~f. Game arcade where admission to which is not restricted to persons aged 21 years or older;~~

~~g. Elementary or secondary school;~~

~~h. Any state licensed retailer within 1,000 feet of the perimeter of a court house, correctional facility, drug rehabilitation facility, substance abuse facility, or detoxification center.~~

~~i. The distance shall be measured as the shortest straight line from the closest parcel line in which the state licensed cannabis retailer, processer, or producer is located to the closest parcel line of any of the uses in this subsection.~~

~~14~~7. Any state-licensed cannabis retailer, processor, or producer where any person under the age of 21 years is present or is permitted to be present, unless permitted by state law.

~~15~~8. Any state-licensed retailers selling products or services other than useable marijuana, marijuana-infused products, or paraphernalia intended for the storage or use of useable marijuana or marijuana-infused products.

~~16. Any state-licensed retailers selling useable marijuana, marijuana-infused products, or paraphernalia between 12 a.m. and 8 a.m.~~

~~17~~9. Any unlicensed marijuana retailer, producer, researcher, or processer operating within City limits.

10~~8~~. Any state-licensed producer whose production activities are not within a fully enclosed, secure facility or greenhouse with rigid walls, a roof and doors, or whose outdoor production activities are not enclosed by a sight obscured wall or fence at least eight feet high.

EXHIBIT "B"
As amended 5-24-16

Marijuana Regulations

LAND USE REGULATORY CODE CHANGES
Amending TMC Chapters 13.06 Zoning and 13.06A Downtown Tacoma

Chapter 13.06 Zoning

Sections:

13.06.100 **Residential Districts.**
13.06.100.B.1 R-1 Single-Family Dwelling District.
13.06.100.B.2 R-2 Single-Family Dwelling District.
* * *
13.06.555 View-Sensitive Overlay District.
13.06.560 Parks, recreation and open space.
13.06.565 Marijuana Uses~~Businesses~~.
13.06.570 Live/Work and Work/Live.
13.06.600 **Zoning code administration – General purposes.**
13.06.601 Public Facility Sites – Development Regulation Agreements Authorized.
* * *
13.06.650 Application for rezone of property.
13.06.655 Amendments to the zoning regulations.
13.06.700 **Definitions and illustrations.**
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13.06.565 Marijuana Uses~~Businesses~~.

A. Intent. In November 2012, Washington voters passed Initiative 502, which establishes precedent for the production, processing and retail sale of marijuana for recreational purposes. In April 2015, the state Legislature enacted two laws, 2SSB 5052 and 2E2SHB 2136. The new laws establish regulations for the formerly unregulated aspects of the marijuana system, establish a "medical marijuana endorsement" that allows licensed marijuana retailers to sell medicinal marijuana to qualifying patients and designated providers, and attempt to align these changes with the existing recreational system.

Pursuant to RCW 69.50, the State has adopted rules establishing a state-wide regulatory and licensing program for marijuana uses (WAC 314-55). It is therefore necessary for the City to establish local regulations to address such uses.

It is the intent of these regulations to ensure that such state-licensed uses are located and developed in a manner that is consistent with the desired character and standards of this community and its neighborhoods, minimizes potential incompatibilities and impacts, and protects the public health, safety and general welfare of the citizens of Tacoma. Recognizing the voter-approved right to establish certain types of marijuana businesses, it is also the intent of these regulations to provide reasonable access to mitigate the illicit marijuana market and the legal and personal risks and community impacts associated with it.

B. Applicability. The provisions of this Section shall apply city-wide. The specific development standards provided in this Section shall be in addition to the zoning and development standards generally applicable to the proposed use and the relevant zoning district. All licensed marijuana uses are required to fully comply with the provisions of this Section.

1. No Marijuana use ~~that purports to be a marijuana producer, processor or retailer,~~ as ~~defined and~~ regulated herein and in WAC 314-55, that ~~was engaged in that activity~~existed prior to the enactment of Ordinance No. 28182 on November 5, 2013, ~~this ordinance~~ shall be deemed to have been a legally established use or entitled to claim legal non-conforming status.

2. As of July 1, 2016, in accordance with state law, collective gardens are prohibited.

3~~2~~. For purposes of this Section and the standards applicable to state-licensed ~~recreational~~ marijuana uses, the terms and definitions provided in WAC 314-55 shall generally apply unless the context clearly indicates otherwise.

C. Standards.

1. Marijuana uses (marijuana producer, marijuana processor, marijuana researcher, and marijuana retailer) shall only be permitted as allowed under RCW 69.50 and WAC 314-55.

2. Marijuana uses shall only be allowed within the City of Tacoma if licensed by the State of Washington and the City of Tacoma, and operated consistent with the requirements of the State and all applicable City ordinances, rules, requirements and standards.

3. Marijuana uses shall only be allowed in those zoning districts where it is specifically identified as an allowed use (see the zoning district use tables, Sections 13.06.100, -.200, -.300, and -.400 and Chapter 13.06A).

4. Marijuana uses shall be designed to include controls and features to prevent odors from travelling off-site and being detected from a public place, the public right-of-way, or properties owned or leased by another person or entity.

5. Marijuana retail uses shall not include drive-throughs, exterior, or off-site sales.

6. 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.

7. Signage and advertising shall be allowed only in accordance with the standards set forth in TMC Sections 13.06.520 - .522, the additional standards set forth in WAC 314-55, and any other applicable standards or requirements.

8. Displays against or adjacent to exterior windows shall not include marijuana or marijuana paraphernalia.

9. Marijuana cooperatives, as defined in RCW 69.51A.250 and WAC 314-55-410, are allowed in accordance with State law requirements and the following additional standards:

a. Marijuana cooperatives must be conducted in a manner that is clearly secondary and incidental to the primary use of the property as a residence and do not significantly alter the exterior of the property or affect the residential character of the neighborhood.

b. No outdoor display or storage of marijuana growing, processing or producing materials, goods, supplies, or equipment is allowed.

c. No change in the outside appearance of the building or premises, or other visible evidence that the residence is being used for a cooperative is permitted.

d. The cooperative shall not generate nuisances such as traffic, on-street parking, noise, vibration, glare, odors, fumes, electrical interference, or hazards to any greater extent than what is usually experienced in the residential neighborhood.

10. All marijuana retail uses must have a State license and medical endorsement in accordance with RCW 69.50 and WAC 314-55 in order to obtain a City business license.

~~9~~11. Location requirements.

a. As provided in RCW 69.50.331 and WAC 314-55-050, marijuana uses shall not be allowed to locate within 1,000 feet of elementary schools, secondary schools, or playgrounds~~public parks, playgrounds, recreation/community centers, libraries, child care centers, schools, game arcades, and public transit centers~~. For purposes of this standard these uses are as defined in WAC 314-55.

b. Marijuana retail uses shall not be allowed to locate within 500 feet of public parks, recreation centers or facilities, libraries, child care centers, and game arcades within all downtown districts; shall not be allowed to locate within 1,000 feet of public parks, recreation centers or facilities, libraries, child care centers, and game arcades outside of downtown districts; and shall not be allowed to locate within 100 feet of public transit centers. For purposes of this standard, these uses are as defined in WAC 314-55.

c~~b~~. Marijuana retail uses shall not be allowed to locate within ~~1,000~~500 feet of correctional facilities, court houses, drug rehabilitation facilities, substance abuse facilities, and detoxification centers within all downtown districts; and shall not be allowed to locate within 1,000 feet of correctional facilities, court houses, drug rehabilitation facilities, substance abuse facilities, and detoxification centers outside of downtown districts.

d. Marijuana producer, processor and researcher uses shall not be allowed to locate within 1,000 feet of public parks, recreation centers or facilities, libraries, child care centers, game arcades, and public transit centers. For purposes of this standard, these uses are as defined in WAC 314-55.

e. Marijuana cooperatives shall not be allowed to locate within one mile of a marijuana retailer; and shall not be allowed to locate within 1,000 feet of primary and secondary schools, playgrounds, public parks, recreation centers or facilities, libraries, child care centers, game arcades, and public transit centers. For purposes of this standard, these uses are as defined in WAC 314-55.

f. Marijuana cooperatives shall not be allowed to locate within 1,000 feet of correctional facilities, court houses, drug rehabilitation facilities, substance abuse facilities, and detoxification centers.

e~~g~~. The methodology for measuring the ~~buffers~~ distances outlined above in subsections ~~9.a and 9.b.~~11.a through f shall be the shortest straight line from the closest parcel line in which the state licensed marijuana retailer, processer, producer, researcher or cooperative is located to the closest parcel line of any of the uses in these subsections. ~~as provided in WAC 314-55.~~

d~~h~~. It shall be the responsibility of the owner or operator of the proposed state-licensed marijuana use or cooperative to demonstrate and ensure that a proposed location is not within one of the buffers outlined above in subsections ~~9.a and 9.b~~11.a through f.

e~~i~~. 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 district, shall not be allowed to convert to a marijuana use.

j. A maximum of sixteen (16) retail marijuana stores are allowed to operate in the City of Tacoma.

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13.06.700 Definitions and illustrations.

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13.06.700.D

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Drug rehabilitation facility, or substance abuse facility. Any facility licensed by the Washington State Department of Social and Health Services whose primary focus is treatment for a person with a chemical or drug dependency, whether on an outpatient or inpatient basis.

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13.06.700.M

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Marijuana. As defined in RCW 69.50.101 and provided herein for reference. 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 or germination.

Marijuana Cooperative (or Cooperative). As regulated by RCW 69.51A.250 and provided herein by reference, qualifying patients or designated providers may form a cooperative and share responsibility for acquiring and supplying the resources needed to produce and process marijuana only for the medical use of members of the cooperative.

Marijuana processor. As defined in RCW 69.50.101 and provided here for reference. A person licensed by the state liquor ~~control~~and cannabis 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. As defined in RCW 69.50.101 and provided here for reference. A person licensed by the state liquor ~~control~~and cannabis board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

Marijuana researcher. As defined in RCW 69.50.101 and provided here for reference. A person licensed by the state liquor and cannabis board to produce, process, and possess marijuana for the purposes of conducting research on marijuana and marijuana-derived drug products.

Marijuana-infused products. As defined in RCW 69.50.101 and provided here for reference. Products that contain marijuana or marijuana extracts and are intended for human use. The term "marijuana-infused products" does not include useable marijuana.

Marijuana retailer. As defined in RCW 69.50.101 and provided here for reference. A person licensed by the state liquor ~~control~~and cannabis board to sell ~~useable~~ marijuana concentrates, ~~and~~useable marijuana, and marijuana-infused products in a retail outlet.

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13.06.700.S

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Substance abuse facility. (See "Drug rehabilitation facility").

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13.06.200 Commercial Districts.

3. Use table abbreviations.

P	=	Permitted use in this district.
CU	=	Conditional use in this district. Requires conditional use permit, consistent with the criteria and procedures of Section 13.06.640.
TU	=	Temporary Uses allowed in this district subject to specified provisions and consistent with the criteria and procedures of Section 13.06.635.
N	=	Prohibited use in this district.

4. District use table.

Uses	T	C-1	C-2	PDB	Additional Regulations [2,3] (also see footnotes)
Marijuana processor, producer, and researcher	N	N	N	N	
~~Marijuana producer~~	~~N~~	~~N~~	~~N~~	~~N~~	
Marijuana retailer	N	P	P	P*	*Limited to 7,000 square feet of floor area, per business, in the HM and PDB Districts. See additional requirements contained in Section 13.06.565

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13.06.300 Mixed-Use Center Districts.

3. District use table.

Uses	NCX	CCX	UCX	RCX	CIX	HMX	URX	NRX	Additional Regulations [2,3] (also see footnotes)
Marijuana processor, producer, and researcher	N	N	N	N	P	N	N	N	See additional requirements contained in Section 13.06.565
~~Marijuana producer~~	~~N~~	~~N~~	~~N~~	~~N~~	~~P~~	~~N~~	~~N~~	~~N~~	~~See additional requirements contained in Section 13.06.565~~
Marijuana retailer	P	P	P	N	P	P*	N	N	*Limited to 7,000 square feet of floor area, per business, in the HMX District. See additional requirements contained in Section 13.06.565

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13.06.400 Industrial Districts.

4. District use table.

Uses	M-1	M-2	PMI	Additional Regulations[1]
Marijuana processor, producer, and researcher	P	P	P	See additional requirements contained in Section 13.06.565
~~Marijuana producer~~	~~P~~	~~P~~	~~P~~	~~See additional requirements contained in Section 13.06.565~~
Marijuana retailer	P~	P~	N	~Within the South Tacoma M/IC Overlay District, limited to 10,000 square feet of floor area per development site in the M-2 district and 15,000 square feet in the M-1 district. See additional requirements contained in Section 13.06.565

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Chapter 13.06A Downtown Tacoma

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13.06A.050 Additional use regulations.

A. Use Categories.

1. Preferred. Preferred uses are expected to be the predominant use in each district.

2. Allowable. Named uses and any other uses, except those expressly prohibited, are allowed.

3. Prohibited. Prohibited uses are disallowed uses (no administrative variances).

B. The following uses are prohibited in all of the above districts, unless otherwise specifically allowed:

1. Adult retail and entertainment.

2. Heliports.

3. Work release facilities.

4. Jails and correctional facilities.

5. Billboards

6. Drive-throughs not located entirely within a building.

C. Special needs housing shall be allowed in all downtown districts in accordance with the provisions of Section 13.06.535.

D. Live/work and work/live uses shall be allowed in all downtown districts, subject to the requirements contained in Section 13.06.570.

E. Marijuana uses (marijuana producer, marijuana processor, marijuana researcher and marijuana retailer). Marijuana retailers shall be allowed in all downtown districts, subject to the additional requirements contained in Section 13.06.565. Marijuana producers, ~~and~~ marijuana processors, and marijuana researchers shall be prohibited in all downtown districts.

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