

ORDINANCE O-4528

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE AND ZONING AND AMENDING KIRKLAND ZONING CODE CHAPTER 115.

1 WHEREAS, the City Council has received a recommendation  
2 from the Kirkland Planning Commission to amend Chapter 115 of the  
3 Kirkland Zoning Code, as set forth in the report and recommendation of  
4 the Planning Commission dated July 25, 2016 and bearing Kirkland  
5 Planning and Building Department File No. CAM16-00961; and  
6

7 WHEREAS, prior to making the recommendation, the Kirkland  
8 Planning Commission, following notice as required by RCW 36.70A.035,  
9 on June 23, 2016, held a public hearing, on the amendment proposals  
10 and considered the comments received at the hearing; and  
11

12 WHEREAS, prior to making the recommendation, the Houghton  
13 Community Council, following notice as required by RCW 36.70A.035,  
14 on June 23, 2016, held a courtesy hearing at a joint hearing with the  
15 Planning Commission, on the amendment proposals and considered the  
16 comments received at the hearing; and  
17

18 WHEREAS, pursuant to the State Environmental Policy Act  
19 (SEPA), there has accompanied the legislative proposal and  
20 recommendation through the entire consideration process, a SEPA  
21 Addendum to Existing Environmental Documents issued by the  
22 responsible official pursuant to WAC 197-11-625; and  
23

24 WHEREAS, in regular public meeting the City Council considered  
25 the environmental documents received from the responsible official,  
26 together with the report and recommendation of the Planning  
27 Commission; and  
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29 NOW, THEREFORE, the City Council of the City of Kirkland do  
30 ordain as follows:  
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32 Section 1. Chapter 115 of the Kirkland Zoning Code is hereby  
33 amended by the addition of a new Section 115.155 to read as follows:  
34

35 **115.155: Marijuana Retail Business – Buffer Requirements**  
36 **from Licensed Child Care Centers (not effective within the**  
37 **Houghton Community Municipal Corporation).**  
38

39 Except as otherwise provided in this Section, the distance requirements  
40 of RCW 69.50.331(8)(a) (as it now exists or may subsequently be  
41 amended) shall apply to state liquor and cannabis board licensing of all  
42 marijuana producers, processors, retailers and research premises.  
43 Pursuant to RCW 69.50.331(8)(b), the Washington State Liquor and  
44 Cannabis Board may issue a license for a marijuana retail premises  
45 located within 1,000 feet of the perimeter of the grounds of a child care  
46 center, but no portion of the property on which a state-licensed

47 marijuana retailer is located may be within 100 feet of the perimeter of  
48 the grounds of a child care center. For the purpose of this Section,  
49 "child care center" shall have the definition set forth in WAC 170-295-  
50 0010. This section shall not be effective within the Houghton  
51 Community Municipal Corporation.  
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53 Section 2. If any section, subsection, sentence, clause, phrase,  
54 part or portion of this ordinance, including those parts adopted by  
55 reference, is for any reason held to be invalid or unconstitutional by any  
56 court of competent jurisdiction, such decision shall not affect the validity  
57 of the remaining portions of this ordinance.  
58

59 Section 3. This ordinance shall be in full force and effect five  
60 days from and after its passage by the Kirkland City Council and  
61 publication, as required by law.  
62

63 Section 4. A complete copy of this ordinance shall be certified  
64 by the City Clerk, who shall then forward the certified copy to the King  
65 County Department of Assessments.  
66

67 Passed by majority vote of the Kirkland City Council in open  
68 meeting this 6th day of September, 2016.  
69

70 Signed in authentication thereof this 6th day of September,  
71 2016.

  
MAYOR

Attest:

  
City Clerk

Publication Date: September 12, 2016

Approved as to Form:

  
City Attorney