

ORDINANCE NO. 3370

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**AN ORDINANCE OF THE CITY OF LONGVIEW, WASHINGTON AMENDING LMC 19.35.010 TO ALLOW IN THE RIVERFRONT DISTRICT GAMBLING ESTABLISHMENTS IN ASSOCIATION WITH A RESTAURANT/COCKTAIL LOUNGE**

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WHEREAS, on October 25, 2017, the City received an application for a zoning text amendment to allow in the Riverfront (RF-1) District gambling casinos/card rooms in association with a restaurant/cocktail lounge.); and

WHEREAS, currently, “gambling casinos, card rooms, bingo parlors, pari-mutuel betting parlors, and video arcades” are only allowed in the Central Business District upon receiving a special property use permit. Thus, a zoning text amendment is needed to allow gambling establishments in the Riverfront District; and

WHEREAS, an Environmental Checklist for the proposed zoning code revisions was reviewed pursuant to the State Environmental Policy Act and a determination of non-significance was issued on November 14, 2017. The comment period for the SEPA checklist ended on November 28, 2017; and

WHEREAS, pursuant to Chapter 19.81 of the Longview Municipal Code, a legal notice was published in the Longview Daily News on November 18, 2017 and December 3, 2017; and

WHEREAS, the 2006 Comprehensive Plan classified the Riverfront District area as High Density Residential and Public/Quasi-Public/Institutional. Locating gambling establishments in these classifications is not consistent with their Comprehensive Plan intent statements. However, in 2012/2013, a proposal was considered to eliminate the Riverfront District. The Planning Commission determined the area should continue to allow commercial and recreational uses; and

WHEREAS, silting in the river has limited opportunities for in-water recreational activities. Gambling Casinos/Card Rooms in association with a restaurant/cocktail lounge will at least allow for a recreational opportunity that takes advantage of the ambiance of the river environment; and

WHEREAS, limiting the size of the gambling casino/card room will help to ensure the land use is compatible with the neighborhood.

**NOW THEREFORE**, The City Council of the City of Longview do ordain as follows:

**Section 1** That Chapter 19.35.010 of the Longview Municipal Code shall be, and is hereby amended to read as follows; provided, manifest and numbering errors shall be corrected prior to publication:

### 19.35.010 Uses permitted.

In the riverfront district, RF-1, no buildings or premises shall be used nor shall any building or structure be hereafter erected or altered except for one or more of the following uses:

- (1) Single-family dwellings;
- (2) Multifamily dwellings;
- (3) Roominghouses and boardinghouses, institutional lodging, convalescent care, retirement and assisted living facilities;
- (4) The usual accessory buildings commonly appurtenant to single-family or multifamily dwellings, such as private garages, utility buildings or tool storage sheds, complying with the requirements of residential districts R-1, R-2, R-3 and R-4 as if in fact located within these residential districts;
- (5) Clubhouses owned and operated by boating clubs;
- (6) Fraternal lodges;
- (7) Fixed or floating docks for pleasurecraft;
- (8) Launching ramps and lifts for pleasurecraft;
- (9) Marinas for pleasurecraft, including as a part thereof restaurants and cocktail lounges, and facilities for the display, sale, service and repair of pleasurecraft, sporting goods and other water-oriented or boating supplies. Service of pleasurecraft includes auto detailing as an accessory activity;
- (10) Restaurants and cocktail lounges; including Gambling Casinos/Card Rooms in association with a Restaurant/Cocktail Lounge. The floor area dedicated for gambling operations shall be less than the

area dedicated for the restaurant and cocktail lounge and in no case shall the floor area for gambling operations be more than 4,000 square feet.

- (11) Motel and hotel facilities;
- (12) Governmental offices;
- (13) Professional offices and business offices;
- (14) Public parking lots;
- (15) Planned unit developments, in accordance with the provisions of Chapter [19.66](#) LMC;
- (16) Commercial parks for trailers and other recreational vehicles;
- (17) Recreational parks and playgrounds including private tennis clubs, racquet clubs and swim clubs;
- (18) Group homes with a maximum number of 20 residents, excluding staff; provided, that no group home shall be allowed within 600 feet of any other group home;
- (19) Day care facilities for the care of children exceeding 12 in number, subject to state and local building code and fire regulations;
- (20) Retail stores of all descriptions where the sale of the merchandise is completed within the building, including manufacturing and/or assembly in connection therewith, and only if there is no excessive noise or vibration producing machinery used in the process; and the materials or methods used produce no obnoxious dust, fumes, smoke or odors; provided, however, that no manufacturing occupancies which process highly combustible, flammable or explosive materials shall be permitted;
- (21) Public or private schools, churches, juvenile and adult justice facilities which include detention facilities, offices and courtrooms, and public utility structures, such as substations, pumping plants, telephone exchanges, may be allowed as special property uses in the manner provided by Chapter [19.12](#) LMC;
- (22) Mobile and marine telecommunications and audio equipment accessories, sales, service and installation;
- (23) Wireless communication facilities as permitted in Chapter [16.75](#) LMC;
- (24) Personal service establishments. (Ord. 3363 § 1, 2017; Ord. 3333 § 5, 2016; Ord. 2818 § 1, 2001; Ord. 2790 § 1, 2000; Ord. 2632 § 1, 1996; Ord. 2473 § 1, 1991; Ord. 2424 § 1, 1990; Ord. 2337 § 1, 1988; Ord. 2002 § 4, 1980; Ord. 1904 § 6, 1978; Ord. 1787 § 1, 1976).

**Section 2.** If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance and the same shall remain in full force and effect. The City of Longview hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 3.** That the City of Longview City Clerk is hereby ordered and directed to cause this Ordinance to be published.

**Section 4.** Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

**Section 5.** This Ordinance shall be in full force and effect from and after thirty (30) days from the date of its passage and publication as provided by law.

Passed by the City Council this \_\_\_\_ day of \_\_\_\_\_, 2018.

Approved by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
James J. McNamara  
City Attorney

Published: \_\_\_\_\_