

ORDINANCE NUMBER 3297

AN ORDINANCE OF THE CITY OF LONGVIEW, WASHINGTON, RELATING TO ZONING AND LAND USE, REPEALING CHAPTERS 19.06, 19.15, 19.69, 19.75, AND 19.84 AND AMENDING THE CHAPTER LIST OF TITLE 19 INCLUDING FOOTNOTE, AND AMENDING CHAPTER 19.09 TO MODIFY ONE DEFINITION, AND AMENDING THE TITLE TO SECTION 19.22, AND AMENDING SECTIONS 19.20.020 AND 19.44.020, AND ADDING NEW SECTIONS TO CHAPTERS 19.78 AND 19.81 OF TITLES 19 OF THE LONGVIEW MUNICIPAL CODE, AND ADOPTING NEW CHAPTERS 19.06 AND 19.75 TO THE LONGVIEW MUNICIPAL CODE.

WHEREAS, the City of Longview is a code city and is authorized to adopt zoning controls pursuant to Chapter 35A.63 of the Revised Code of Washington (“RCW”); and

WHEREAS, the City of Longview adopted a revised Longview Comprehensive Plan in 2007; and

WHEREAS, the City of Longview has not engaged in a comprehensive review and revision of administrative sections of the zoning code for many years; and

WHEREAS, it was determined that a revised Title 19 of the Longview Municipal Code was necessary to ensure consistency between the City of Longview’s zoning standards, the Longview Comprehensive Plan and applicable state laws; and

WHEREAS, a SEPA Determination of Non-Significance was issued by the City of Longview on June 16, 2015, [SEPA Application Number E 2015-6]; and

WHEREAS, the Planning Commission reviewed proposed amendments to Title 19, held a public hearings on July 1, 2015 and forwarded a favorable recommendation for amendment to the City Council at its July 23, 2015 meeting; and

WHEREAS, the Longview City Council finds that the proposed modifications to Title 19 substantially advance the Longview Comprehensive Plan; and

WHEREAS, the Longview City Council finds that Title 19 of the Longview Municipal Code shall be amended as provided herein.

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

SECTION 1. The following Title page including chapter list of Title 19, of the Longview Municipal Code is hereby amended to read as follows; provided manifest and numbering errors shall be corrected prior to publication:

Title 19

ZONING¹

Chapters:

- 19.03 Comprehensive Plan
- 19.06 General Provisions
- 19.09 Definitions
- 19.12 Appeal Board of Adjustment
- 19.14 Repealed
- 19.15 ~~Districts Established~~
- 19.16 Repealed
- 19.17 Residential Care Facilities
- 19.18 Repealed
- 19.20 Residential Zoning Districts
- 19.21 Repealed
- 19.22 Supplemental Residential Zoning Standards
- 19.24 Repealed
- 19.27 Repealed
- 19.28 Standards for Manufactured Home Parks
- 19.30 Repealed
- 19.32 Repealed
- 19.33 Country Club District, C-D
- 19.35 Riverfront District, RF-1
- 19.39 Civic Center District, C-C
- 19.40 County Fairgrounds District, C-F
- 19.41 Seasonal Sales – Temporary Use Permit
- 19.42 Repealed
- 19.44 Commercial Zoning Districts
- 19.45 Repealed
- 19.46 Supplemental Commercial Zoning Standards
- 19.48 Repealed
- 19.51 Repealed
- 19.52 Repealed
- 19.53 Repealed
- 19.54 Repealed
- 19.55 Performance Standards – Industrial/Manufacturing Zones
- 19.57 Repealed
- 19.58 Industrial Zoning Districts
- 19.59 Repealed
- 19.60 Repealed
- 19.63 Repealed

- 19.65 Repealed
- 19.66 Planned Unit Development
- 19.67 Short Subdivisions
- 19.68 Boundary Line Adjustments
- ~~19.69 General Use Regulations~~
- 19.70 Adult Entertainment Establishments
- 19.72 Repealed
- 19.75 Nonconforming Uses
- 19.78 Off-Street Parking and Loading
- 19.79 Repealed
- 19.80 Longview Subdivision Code
- 19.81 Amendments
- ~~19.84 Enforcement by Building Inspector~~
- 19.87 Violations
- 19.90 Binding Site Plan

1. For the statutory provisions regarding planning and zoning in a code city, see Chapter 35A.63 RCW. For the provisions regarding the required elements of the comprehensive plan, see RCW 35A.63.061. ~~For the statutory provisions regarding zoning in a code city, see Chapter 35A.63 RCW.~~

SECTION 2. Chapter 06 of Title 19 is repealed in its entirety and replaced as follows; provided manifest and numbering errors shall be corrected prior to publication:

Chapter 19.06

GENERAL PROVISIONS

Sections:

- 19.06.010 Title.
- 19.06.020 Purpose.
- 19.06.030 Conformity with this title required.
- 19.06.040 Interpretations - General.
- 19.06.050 Interpretation – zoning maps.
- 19.06.060 Fees.
- 19.06.070 Use districts – Established and designated.
- 19.06.080 Establishment of Zoning Map.
- 19.06.090 Enforcement.

19.06.010 Title.

This title shall be known and may be officially designated as the “zoning ordinance of the city.”

19.06.020 Purpose.

- (1) To implement the Longview Comprehensive Plan's goals, objectives and policies;
- (2) To protect health, safety and general welfare;
- (3) To provide for the economic, social, and aesthetic advantages of orderly development and redevelopment through harmonious groupings of compatible and complementary land uses and the application of appropriate development standards;
- (4) To provide for adequate public facilities and services in conjunction with development;
- (5) To ensure public safety by restricting development of lands containing physical hazards and to minimize the adverse environmental impacts of development; and
- (6) To ensure that land use decisions are made in accordance with the public interest and applicable laws of the State of Washington;
- (7) To provide adequate open space for light and air.

19.06.030 Conformity with this title required.

- (1) No use or structure shall be established, substituted, expanded, constructed, altered, moved, maintained, or otherwise changed except in conformance with this title.
- (2) Creation of or changes to lot lines shall conform to the use provisions, dimensional and other standards, and procedures of this title.
- (3) All land uses and development authorized by this title shall comply with all other regulations and/or requirements of this title as well as any other applicable local, State or Federal law. Where a difference exists between this title and other City regulations, the more restrictive requirements shall apply.
- (4) Where more than one part of this title applies to the same aspect of a proposed use or development, the more restrictive requirement shall apply.

19.06.040 Interpretations - General.

- (1) The Director of Community Development shall review and resolve any questions involving the proper interpretation or application of the provisions of this title and other city plans, codes, regulations and standards related to project permits that may be requested by any property owner, tenant, government officer, department, board, council or commission affected. The Director's decision shall be in keeping with the spirit and intent of this title and of the Comprehensive Plan.
- (2) Classification of Use. Recognizing that there may be uses not specifically mentioned in this title, either because of advancing technology or any other reason, the Director may permit or condition such use if it is clearly evident that the use is in conformity with the designated principal uses of the district in which it is to be located. When there is doubt as to the proper classification of a use, the Director may refer the matter to the Appeal Board of Adjustment who shall rule on the matter
- (3) Record. A record shall be kept of all interpretations and rulings made by the Director, Appeal Board of Adjustment, and City Council; such decisions shall be used for future

administration. The Director shall report decisions to the Planning Commission when it appears desirable and necessary to amend this title.

(4) Minimum Requirements. When interpreting and applying the regulations of this Development Code, its provisions shall be the minimum requirements, unless otherwise stated.

(5) Conflicts of Regulations. Except as otherwise specifically stated, where conflicts occur within this Zoning Code or between the provisions of this Zoning Code and the Building and Fire Codes, or other regulations of the City, the more restrictive shall apply.

(6) Conflict with State Law. The provisions of this title shall not have the effect of authorizing any activities prohibited by State law or other ordinances of the City of Longview.

(7) Official Zoning Map - Conflicts with Text. If any conflict between said map and text of this Article ensues, the text of this title shall prevail.

(8) Rounding of Quantities. Discrete physical measurements, including but not limited to, those not subject to fractional division, such as number of housing units or parking spaces, shall be rounded to the next higher whole number when the fraction is greater than .5, and to the next lower whole number when the fraction is equal to or less than .5, except as otherwise provided in this Development Code.

(9) In case of inconsistency or conflict, regulations, conditions or procedural requirements that are specific to an individual land use shall supersede regulations, conditions or procedural requirements of general application.

19.06.050 Interpretation – zoning maps.

Where due to the scale, lack of scale, lack of detail or illegibility of the City zoning map, or due to any other reason, there is uncertainty, contradiction or conflict as to the intended location of a district boundary line, the boundary line shall be determined by the Director in accordance with all of the following criteria:

(1) Rights-of-way. Boundaries indicated as approximately following the center lines of streets, highways, railroad tracks, alleys, drainage ditches, bridges, or other right-of-way shall be construed to follow such center lines. Whenever any public right-of-way is lawfully vacated, the lands formerly within the vacated right-of-way shall automatically be subject to the same land use district designation that is applicable to lands abutting the vacated areas. In some cases where the right-of-way formerly served as a land use district boundary, the land within the right-of-way now vacated shall be allocated proportionately among the subject land use districts;

(2) Parcel, lot, tract. Boundaries indicated as approximately following the boundaries of a parcel, lot, or tract shall be construed as following such boundaries;

(3) Jurisdiction boundary. Boundaries indicated as approximately following a City or County boundary, or the Planning Area Boundary, shall be construed as following said boundary;

(4) Natural features. Boundaries indicated as approximately following a river, stream, drainage channel, topographic contour or other changeable natural feature not corresponding to any feature listed in subsections 1-3 above, shall be construed as following such feature; and

(5) Map scaling. If none of the rules of interpretation described in subsections (1) through (4) of this section apply, then the zoning boundary shall be determined by map scaling.

(6) Cowlitz River. For those portions of the Cowlitz River where the City limits is the center of the river, the zoning district of the abutting land extends into the river to the City limit line.

19.06.060 Fees.

The fees to be paid upon the filing of a petition or application relating to land use decisions, planning commission actions, and appeal board of adjustment actions shall be as set forth in Table 19-A:

Table 19-A – Longview Fee Schedule for Planning Actions	
ACTION	FEE
PLANNING COMMISSION AND STAFF	
Subdivision – Preliminary plat	\$1,704 + \$79 per lot
Subdivision – Preliminary plat extension	\$332
Subdivision – Final plat	\$1,704 + \$79 per lot
Short plat	\$1,136
Short plat appeal	\$1,136
Binding site plan A	\$1,136 + \$79 per lot
Binding site plan B	\$2,272 + \$103 per lot
Planned unit development – Preliminary	\$2,272 + \$103 per lot
Planned unit development – Final	\$2,272 + \$103 per lot
Planned unit development – Amendment	\$682
Boundary line adjustment	\$342
Boundary line adjustment appeal	\$342

Table 19-A – Longview Fee Schedule for Planning Actions	
ACTION	FEE
Vacation hearing	\$342
Rezone request	\$2,272
Zoning text amendment request	\$2,272
Comprehensive plan amendment request	\$2,272
Special property use hearing for D-C district	\$682
Seasonal Sales Temporary Use Permit	\$58
APPEAL BOARD OF ADJUSTMENT	
Appeal of administrative decision	\$454
Review of the building official's interpretation	\$454
Similar use determination	\$454
Special property use hearing	\$682
Variance hearing	\$1,136
OTHER INSPECTIONS AND FEES	
1. Additional review required by changes, additions or revisions to submitted documents (minimum charge – one-half hour)	\$61 per hour ¹
2. For use of outside consultants	Actual costs ²
<p>1Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.</p> <p>2Actual costs include administrative and overhead costs.</p>	

When submittal documents are incomplete or changed so as to require additional review or when the project involves deferred submittal documents, an additional review fee shall be charged at the rate shown in amended Table 19-A.

19.06.070 Use districts – Established and designated.

For the purpose of promoting public health, safety, morals and the general welfare, and in accordance with the provisions of RCW 35A.63.100, and all present and future amendments, additions and changes thereto, all land within the boundaries of the city shall be classified according to the following districts:

Residential district, R-1;
Residential district, R-2;
Residential district, R-3;
Residential district, R-4;
Traditional neighborhood residential, TNR;
Downtown commerce, D-C;
Country club district, C-D;
County event center district, CEC;
Civic center district, C-C;
Central business district, CBD;
Regional commercial district, RC;
General commercial district, GC;
Neighborhood commercial district, NC;
Office/commercial district, O/C;
Riverfront district, RF-1;
Light industrial district, LI-A;
Light industrial district, LI-B;
Heavy industrial district, HI;
Commercial/industrial district, C/I.

19.06.080 Establishment of Zoning Map. The designation, location and boundaries of the zones established by LMC 19.06.070 are as shown and depicted on the Zoning Map(s) of the City, which shall be maintained as such and which are hereby incorporated by reference in this section and maintained on file in at the Longview Community Development Department. Zoning for all land within the City of Longview is established as shown on the Official Zoning Map.

19.06.090 Enforcement.

(1) The Community Development Director or designee may bring enforcement actions for any violations of the provisions of this code and may institute any appropriate action or proceeding to

prevent violations of these regulations. In particular, but without limitation, in case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this chapter, the Community Development Director or designee may institute any appropriate action or proceedings to:

- (a) Prevent such unlawful acts and restrain, correct, or abrogate such violation;
 - (b) Prevent the occupancy of the building, structure, or land;
 - (c) Prevent any illegal act, conduct, business, or use in or about such premises, including, but not limited to, all remedies provided in this Title and Title 1; or
 - (d) Bring an enforcement action(s) to sanction violations of the code.
- (2) The imposition of any penalty does not preclude the City from instituting any appropriate action or proceeding to require compliance with the provisions of this Title and the administrative orders and determinations made under this Title.

SECTION 3. The following Section of Title 19, Chapter 09 of the Longview Municipal Code is hereby amended to read as follows; provided manifest and numbering errors shall be corrected prior to publication:

19.09.410 Lot of record.

“Lot of record” means a plot of land:

- (1) That was created and recorded before February 19, 2010; and
- (2) For which the deed, or other instrument dividing the land, is recorded with the Cowlitz County auditor’s office.
- (3) An owner’s segregation processed through the Cowlitz County Assessor’s Office for taxing purposes only is not a “lot of record.”

SECTION 4. The following chapter shall be and is hereby repealed in its entirety:
19.15 Districts Established

SECTION 5. The title to Title 19, Chapter 22 of the Longview Municipal Code is hereby amended to read as follows; provided manifest and numbering errors shall be corrected prior to publication:

19.22 Supplemental Residential Zoning Standards

SECTION 6. The following Section of Title 19, Chapter 20 of the Longview Municipal Code is hereby amended to read as follows; provided manifest and numbering errors shall be corrected prior to publication:

19.20.020 Uses.

Table 19.20.020-1 includes uses that are permitted (“P”) or allowed through a special property use permit (“SPU”). If a field is blank, the use is not allowed in that particular zone. A field that is marked with a “P-PUD” symbol is only permitted if allowed via an approved planned unit development (PUD) and preliminary plat (as required) in accordance with Chapter 19.66 LMC. Approval of a PUD is discretionary and is not appropriate for development of a single residence on a single existing lot. Note that more specific development standards may apply to various uses as set forth in LMC 19.20.040, 19.20.050, 19.20.060 and 19.20.070.

Table 19.20.020-1 Permitted Uses in Residential Districts					
Use	Zoning District				
	R-1	R-2	R-3	R-4	TNR
Single-family dwelling ¹ (including manufactured homes per Chapter 16.38 LMC)	P	P ²	See note 1	See note 1	P
Duplex (two-family dwellings)		P ²	P	P	
Triplex (three-family dwellings)		P ²	P	P	
Fourplex (four-family dwellings)		P ²	P	P	
Multifamily dwelling		P- PUD	P	P	
Townhouse (single-family attached dwelling)	P- PUD	P	P	P	P- PUD
Townhouse (two attached townhouses only per zero lot line provisions)					P
Accessory dwelling unit ⁵	P	P	P	P	P
Home occupation	P	P	P	P	P
Accessory structure	P	P	P	P	P
Manufactured home park	<u>SPU</u> <u>P</u> ⁷				
Day care, family home with 12 or fewer children	P	P	P	P	P
Day care center (exceeding 12 children)		SPU	SPU	P	
Adult family home	P	P	P	P	P
Residential treatment facilities other than adult family homes				SPU	

Table 19.20.020-1 Permitted Uses in Residential Districts					
Use	Zoning District				
	R-1	R-2	R-3	R-4	TNR
and those listed elsewhere in the use table					
Congregate care, assisted living and continuing care facilities and nursing homes for elderly individuals; including accessory services to the above uses			SPU	P	
Hospitals, medical clinics, health care providers as they are defined in RCW 48.44.010(10) and (15) as presently enacted or hereafter amended; including accessory services to the above uses				P ⁶	
Office buildings, office uses				P	
Hotels and motels				SPU	
Home gardens and gardening of vacant land ³	P	P	P	P	P
Public or private schools	SPU	SPU	SPU	SPU	SPU
Parks and public playgrounds, including public facilities for athletic events	P	P	P	P	P
Religious and secular assembly uses	SPU	SPU	SPU	SPU	SPU
Public utility structures	SPU	P	P	P	SPU
Cemeteries, funeral homes and associated uses	SPU	SPU	SPU	SPU	SPU
Agricultural activity per LMC 19.20.070(2)	P				P
Wireless facilities ⁴	See note 4	See note 4	See note 4	See note 4	See note 4
Public safety facility ⁶	SPU	SPU	SPU	SPU	SPU

Notes:

1. New single-family dwellings are only permitted within the R-3 and R-4 zones on lots existing at the time of the initial enactment of the ordinance codified in this chapter.
2. Only one single-family dwelling, duplex, triplex or fourplex shall be located on a legal lot unless otherwise approved via a planned unit development in accordance with Chapter 19.66 LMC. This note is not intended to prohibit accessory dwelling units.
3. For gardening on vacant land, no buildings are allowed except for one garden shed not to exceed 100 square feet in size and with a height not to exceed 10 feet. The garden shed is subject to the setback requirements of a primary building.

4. Please see Chapter 16.75 LMC for wireless communication locations, standards and requirements.
5. Detached accessory dwelling units are not permitted in townhouse, zero lot line detached housing, or attached zero lot line housing developments.
6. An ambulance service facility is only permitted when integrated with a public safety facility such as a fire station.
7. Subject to the approval processes as given in LMC Chapters 19.28 and 19.90.

SECTION 7. The following Section of Title 19, Chapter 44 of the Longview Municipal Code is hereby amended to read as follows; provided manifest and numbering errors shall be corrected prior to publication:

19.44.020 Uses.

Table 19.44.020-1 includes uses that are permitted (“P”) or allowed through a special property use permit (“SPU”). If a field is blank, or the use is not listed, the use is not allowed in that particular zone.

Table 19.44.020-1. Permitted uses in commercial zones.						
Use						
Retail Sales and Service	D-C	CBD	RC¹	NC²	GC	O/C
Sales oriented: Stores selling, leasing, or renting consumer, home and business goods	P	P	P	P	P	P ¹²
Personal service-oriented: Financial, insurance, real estate, professional outlets and offices, and beauty/barber shops	P	P	P	P	P	P
Health care providers ³	P	P	P	P	P	P
Repair oriented: Repair of TVs, bicycles, clocks, watches, shoes, guns, appliances and office equipment; photo or laundry drop off; quick printing; tailor; locksmith; and upholsterer	P	P		P	P	P

Stand-alone liquor store		P ¹⁰	P		P	
Eating and Drinking Establishments	D-C	CBD	RC¹	NC²	GC	O/C
Restaurant	P	P	P	P	P	P
Restaurant, with incidental consumption of alcoholic beverages	P	P ¹⁰	P	SPU	P	P
Bars, taverns, and nightclubs	P	P ¹⁰	P		P	
Restaurant, with drive-through facility	SPU	P	P		P	P
Restaurant, with seating in the public right-of-way	P	P		P	P	P
Walk-up food establishment with no indoor seating	SPU				SPU	SPU
Brewpub	P	P	P ¹¹		P	P
Lodging, temporary stay	D-C	CBD	RC¹	NC²	GC	O/C
Hotels, motels and lodges	P	P	P ⁴		P	P
Recreational vehicle (RV) parks and campgrounds					P	
Bed and breakfast inns	P ⁵			P		
Vehicle sales, renting, service, and storage	D-C	CBD	RC¹	NC²	GC	O/C
Vehicle repair and service of consumer motor vehicles, including motorcycles, all-terrain vehicles and light and medium trucks.		P			P	P
Automobile, light and medium truck dealers		P			P	P ¹²
Bus, heavy truck, RV, travel trailer or other large vehicle dealers						

Bicycle, motorcycle, all-terrain vehicle dealers	P ⁶	P	P		P	
Boat or marine craft dealer					P	P
Vehicle storage, outdoor					P	
Vehicle washing					P	P
Vehicle renting and leasing		P			P	P
Vehicle fueling station		P	P ¹³	P ¹⁴	P	P ¹²
Amusement/Cultural	D-C	CBD	RC¹	NC²	GC	O/C
Indoor continuous entertainment activities such as bowling alleys, skating rinks, game arcades and pool halls	P	P	P		P	
Outdoor continuous entertainment activities such as miniature golf and skateboard facilities					P	
Theaters, indoor	P	P	P		P	
Drive-in theaters, stadiums and arenas					P	
Museums, botanical and zoological gardens, public plazas, performing and cultural arts studios	P	P			P	
Athletic, health and racket clubs	P	P	P	P	P	P
Circuses, carnivals, or amusement rides		SPU			SPU	
Membership clubs such as fraternal organizations	P ⁷	P			P	
Gambling casinos, card rooms, bingo parlors, pari-mutuel betting parlors, and video arcades		SPU ¹⁰				
Residential	D-C	CBD	RC¹	NC²	GC	O/C

Residential dwellings above the first story of commercial buildings	P	P		P	P	P
Congregate care, assisted living and continuing care facilities and nursing homes for elderly individuals; including accessory services to the above uses	SPU				SPU	SPU
Existing residences without any increase in density			P			
Transitional housing facility	SPU8					SPU
Emergency shelters for homeless persons and families	SPU8				P	
<u>Residential Care Facilities per Chapter 19.17</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Education	D-C	CBD	RC¹	NC²	GC	O/C
Schools that meet state requirements for elementary, secondary or higher education, public or private	SPU					
Vocational or technical institutions and colleges	SPU	P			P	P
Dance, music or art schools or studios; athletic, sports-training or martial arts facilities or schools	SPU	P		SPU	P	P
Driving school	SPU	P			P	P
Miscellaneous	D-C	CBD	RC¹	NC²	GC	O/C
Day care facilities for the care of more than 12 children	SPU	P		P	P	P
Commercial off-street parking lots and garages	SPU	P			P	P
Sidewalk businesses in accordance with LMC 12.30.090 through 12.30.140	P	P		P	P	P
Funeral parlors		P			P	P

Basic utility facilities, non-building structures	SPU	SPU	SPU	SPU	P	SPU
Self-service storage (mini warehouses)					P	SPU
Convention centers	SPU	P	P		P	P
Bus terminals and stations, transportation and transit facilities	SPU	P	P	P	P	P
Drive-in and drive-through facilities associated with an allowed use	SPU	P	P		P	P
Telecommunications structures and equipment, subject to the provisions of Chapter 16.75 LMC		P	P	P	P	P
Small animal clinics or veterinary hospitals	P ⁹	P ⁹			P ⁹	P ⁹
Pet grooming	P	P	P	P	P	P
Boat marinas						P
Microbrewery/winery		SPU			SPU	
Religious assembly and institutions, community centers	P ⁷	P			P	P

1. See LMC 19.44.050 for further clarification on what is a permitted use within the regional commercial district.

2. See LMC 19.44.040 for further clarification on what is a permitted use within the neighborhood commercial district.

3. Providers of ambulance services need a special property use permit.

4. Motels/hotels and lodging facilities shall have a minimum of 40 guest rooms.

5. Bed and breakfast inns must be located above the first floor in the D-C district.

6. No outdoor display of motorized vehicles is allowed.

7. In the D-C district any property use intended to primarily provide meeting areas for secular and non-secular uses without an on-going active ground-floor use is prohibited. An active ground floor use means a retail, business, or entertainment use where persons come and go on a constant and frequent basis.

8. No ground floor residential.

9. The medical care and services administered to animals shall occur only within the confines of the principal building located on the premises.

10. These uses are not allowed within 700 feet of the center line of the west end of the city street named Mark Morris Court.

11. Brewpubs are permitted outright only in conjunction with LMC 19.44.050(4), Sit-down restaurants with a minimum enclosed floor area of 5,000 square feet.

12. These uses are only allowed in the O/C district if they are located west of 12th Avenue except Assessor's Parcel Number 08749 is allowed to have these uses also.

13. Per LMC 19.44.050.

14. Per LMC 19.44.040.

SECTION 8. The following chapter shall be and is hereby repealed in its entirety:
19.69 General Use Regulations

SECTION 9. Chapter 75 of Title 19 is repealed in its entirety and replaced as follows; provided manifest and numbering errors shall be corrected prior to publication:

Chapter 19.75 Nonconforming Uses and Developments and Substandard Lots of Record

Sections:

19.75.010 Nonconforming Uses and Developments – Purpose

19.75.020 Nonconforming Uses

19.75.030 Nonconforming Development, Substandard lots of record

19.75.010 Nonconforming Uses and Developments – Purpose.

This Chapter provides standards and procedures for nonconforming situations (i.e., existing uses or development that do not comply with this Title). The standards for nonconforming uses and development are intended to provide some relief from code requirements for uses and developments that were established prior to the effective date of this Title and do not comply with current standards. Whenever this Chapter refers to the effective date of this Title, the reference shall be deemed to include the effective date of any amendments to this Title if the amendment, rather than this Title as originally adopted, creates a nonconforming situation. This chapter also applies to nonconforming uses or development that became such as a result of being annexed into the City.

19.75.020 Nonconforming Uses.

Where at the time of adoption of this Title a use of land exists which would not be permitted by the regulations imposed by this Title and was lawful at the time it was established, the use may be continued as long as it remains otherwise lawful, provided:

(1) Expansion Prohibited. No such nonconforming use is enlarged, increased or extended to occupy a greater area of land or space than was occupied at the effective date of adoption or amendment of this Title. No additional structure, building or sign shall be constructed on the lot in connection with such nonconforming use of land:

(2) Location. No such nonconforming use shall be moved in whole or in part to any portion of the lot other than that occupied by such use at the effective date of adoption or amendment of this Title;

(3) Discontinuation or Abandonment. The nonconforming use of land is not discontinued for any reason for a period of more than 12 months. For purposes of calculating the 12 month period, a use is discontinued or abandoned upon the occurrence of the first of any of the following events:

- (a) On the date when the use of land is physically vacated;
- (b) On the date the use ceases to be actively involved in the sale of merchandise or the provision of services;
- (c) On the date of termination of any lease or contract under which the nonconforming use has occupied the land; or
- (d) On the date a request for final reading water and/or power meters is made to the applicable utility providers.

(4) Application of Zoning Code Criteria and Standards. If the use is discontinued or abandoned for any reason for a period of more than 12 months, any subsequent use of land shall conform to the applicable standards and criteria specified by the Code for the zoning district in which such land is located.

19.75.030 Nonconforming Development, Substandard Lots of Record

Where a development exists at the effective date of adoption or amendment of this Title that could not be built under the terms of this Title by reason of restrictions on lot area, lot coverage, height, yard, equipment, access, parking, landscaping, its location on the lot or other requirements concerning the development; and the development was lawful when constructed, the development may remain on the site so long as it remains otherwise lawful, subject to the following provisions:

(1) Alterations. No such nonconforming development may be enlarged or altered in a way that increases its nonconformity, but any development or portion thereof may be enlarged or altered in a way that satisfies the current requirements of this Title or will decrease its nonconformity;

(2) Destruction. Should such nonconforming development or nonconforming portion of development be destroyed by any means to an extent more than 50 percent of its current value as

assessed by the Cowlitz County Assessor, it shall be reconstructed only in conformity with this Title;

(3) Roadway Access. The owner of a nonconforming access connection (i.e., street or highway access) may be required to bring the nonconforming access into conformance with this Title and Title 12 and other applicable standards as a condition of the City or other roadway authority approving a new access connection permit, or a change in land use.

(4) Relocation or Removal. Should such development be moved for any reason and by any distance, it shall thereafter conform to the regulations of this Title.

(5) Reduction of Lot Size by Governmental Action. Where the owner of a legally platted lot or successor in title has a lot reduced in size as a result of governmental action, and does not own sufficient land to enable the lot to conform to the dimensional requirements of the zoning code, such lot may be used as a building site for a single-family residence or other nonresidential use permitted in the district in which the lot is located, provided that:

(a) Where the lot area or mean lot width is reduced by governmental action by less than 20 percent of the minimum specified in the zoning code, the Director shall issue a development approval or certificate of occupancy; and

(b) In those cases where the lot area or mean lot width is reduced by governmental action by more than 20 percent, the Director may approve as a building site a dimension that conforms as closely as possible to the required dimensions of the zoning code, provided that the combined area of the principal building and accessory building shall not cover more than 40 percent of the lot area remaining after governmental action.

SECTION 10. A new Section of Title 19, Chapter 78 of the Longview Municipal Code is hereby added to read as follows; provided manifest and numbering errors shall be corrected prior to publication:

19.78.65 Change of use and/or occupancy.

A change of use and/or occupancy of any existing structures or buildings does not require additional parking or loading spaces, so long as no existing structure or building is to be enlarged or extended in ground floor area.

SECTION 11. A new Section of Title 19, Chapter 81 of the Longview Municipal Code is hereby added to read as follows; provided manifest and numbering errors shall be corrected prior to publication:

19.81.090 Approval criteria for site specific rezones.

In its review of an application for rezoning, the City shall consider criteria 1 thru 5 as provided in this section. No single factor is controlling; instead, each must be weighed in relation to the other standards. The City shall not consider any representations made by the petitioner that if the change is granted the rezoned property will be used for only one of the possible range of uses permitted in the requested zoning designation. Rather, the City shall consider whether the entire range of permitted uses in the requested designation is more appropriate than the range of uses in the existing designation.

1. The proposal is in accordance with the adopted City of Longview Comprehensive Plan, any relevant sub-area plans, and the purpose section of the proposed zoning district.
2. The proposal must bear a substantial relationship to the public health, safety, morals, or general welfare, or protect and preserve historical and cultural places and areas. The rezone may be justified, however, if a substantial public need or purpose exists, and this is so even if the private owner(s) of the land will also benefit.
3. The property and affected area is presently provided with adequate public facilities, services, and transportation networks to support the zoning designation, or such facilities, services and transportation networks can be adequately provided in an efficient and timely manner (or are planned to be provided within six years).
4. The proposal shall not have a substantial adverse impact upon neighboring lands. Lots shall not be rezoned in a way that is substantially inconsistent with the uses of the surrounding area, whether more or less restrictive.
5. Whether conditions in the area for which comprehensive plan change/zoning amendment is requested have changed or are changing to such a degree that it is in the public interest to encourage a change in land use for the area.

SECTION 12. The following chapter shall be and is hereby repealed in its entirety:

Chapter 19.84 Enforcement by Building Inspector

SECTION 19. Longview Municipal Code chapters 19.06, 19.15, 19.69, 19.75, and 19.84 which are repealed by this ordinance shall remain in force and effect until the effective date of this ordinance.

SECTION 20. 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 21. That nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 22 . That the City of Longview City Clerk is hereby ordered and directed to cause this Ordinance to be published.

SECTION 23. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

SECTION 24 . 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 _____, 2015.

Approved by the Mayor this ____ day of _____, 2015.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Published: _____