

**PROPOSED MODIFICATIONS TO MUNICIPAL CODE TO ADD AND/OR
CORRECT REFERENCES TO LMC CHAPTER 16.75**

(Text that is underlined is proposed to be added. Text with a line through it is proposed to be deleted.)

Chapter 19.33 COUNTRY CLUB DISTRICT, C-D

19.33.010 Uses permitted.

In the country club district, C-D, no building 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) Private or public golf courses, tennis courts, swimming pools, ice skating rinks, or other indoor or outdoor recreational facilities;
- (2) The usual accessory uses commonly appurtenant to the above including restaurants, cocktail lounges, banquet facilities and dance floors when located in the principal building; and equipment facilities, sporting goods shops, practice ranges, lift facilities and protective screens;
- (3) Other uses similar to any of the above, as determined by the board of adjustment.
- (4) Wireless communication facilities as permitted in LMC Chapter 16.75.

Chapter 19.35 RIVERFRONT DISTRICT, RF-1

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;
- (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 LMC Chapter 16.75.

Chapter 19.39 CIVIC CENTER DISTRICT, C-C

19.39.010 Uses permitted.

- (1) In the civic center district, C-C, no building 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: hotels, motels, apartments, public libraries, and quasi-public buildings, city, county, state and federal office buildings, medical clinics, buildings for offices of professional and business use, radio and

television broadcasting studios, banks and financial institutions, and elderly/retirement housing facilities as defined by the Federal Fair Housing Act for congregate care and independent housing facilities.

(2) Any of the uses specified in subsection (1) of this section may be combined in a single structure; provided, however, hotels and motels may provide other related and integrated services by special permit under Chapter 19.12 LMC, if such services are normally and customarily available in such occupancies, but are not provided under the definition of hotel and motel as found in Chapter 19.09 LMC.

(3) ~~Telecommunications structures may be permitted by special property use permit in the manner provided by Chapter 19.12 LMC.~~ Wireless communication facilities as permitted in LMC Chapter 16.75.

(4) Deli, coffee bar and cafeteria services provided within the building primarily for occupants may be permitted by special property use in any office buildings greater than 10,000 square feet in size in the manner provided in Chapter 19.12 LMC.

Chapter 19.40 COUNTY EVENT CENTER DISTRICT, CEC

19.40.010 Uses permitted.

In the county event center district, CEC, no building or premises shall be used nor shall any building, structure or property be hereafter erected, altered or utilized except for one or more of the following uses:

(1) Cowlitz County Fair;

(2) Special event sales such as, but not limited to, merchandise fairs and warehouse sales, Rotary and other clubs and organization fundraiser sales; provided, each merchandiser or organization is limited to a total of 60 days in any calendar year;

(3) Special service events such as, but not limited to, veterinary clinics, building and other industry weekends and bicycle safety; provided, that each promoter and/or organization is limited to a total of 60 days in any calendar year;

(4) Farmers' markets, flea markets and auctions; provided, that each activity does not exceed three days per week;

(5) Concerts, dances, tournaments, athletic and recreation events, exhibitions, plays, theater, conventions and religious assemblies, motor sports weekend events limited to no more than six events per year;

(6) Community meetings, seminars, and banquets;

(7) 4-H, FFA, or similar organizational events, including, but not limited to, meetings, shows and training clinics. For educational purposes only, the activities of these organizations may include the year-round raising of poultry and/or rabbits. No roosters, peacocks or guinea fowl are allowed;

- (8) Rodeo events, animal shows and competitions, and horse racing;
- (9) Circus and carnival events;
- (10) Caretaker's residence per LMC 19.40.060;
- (11) Governmental service offices; provided said offices are an agency of county government;
- (12) For temporary relocation of persons and property in case of any emergency or disaster;
- (13) Public athletic and recreation facilities;
- (14) Horse boarding;
- (15) Storage of county-owned boats, trailers, materials or equipment; provided said storage is within the confines of a building or fenced security area;
- (16) Hotels, motels and recreational vehicle parks; and
- (17) Other uses similar to any of the uses listed in this section as determined by the appeal board of adjustment.
- (18) Wireless communication facilities as permitted in LMC Chapter 16.75.

Chapter 5.04 Business and Occupation Tax

5.04.100 Engaging in business.

“Engaging in business” means commencing, conducting or continuing in business and also the exercise of corporate or franchise powers as well as liquidating a business when the liquidators thereof hold themselves out to the public as conducting such business. The ownership, operation, maintenance or commercial use of an antenna by a ~~wireless communications service provider~~ wireless telecommunication carrier (as defined in LMC ~~16.75.020~~ 16.75.200) shall be deemed to be engaging in business.

5.04.470 Public utilities.

(1) Upon every person engaging within this city in any one or more of the businesses hereinafter mentioned, as to such person the license fee shall be a tax equal to the gross operating revenue of the business multiplied by the rate set out after the business as follows:

(a) The business of selling or furnishing water for hire, seven percent;

(b) The business of selling or furnishing or distributing electrical energy within the city, exclusive of the revenue derived from the sale of electrical energy for the purpose of resale, six and five-tenths percent; provided, however, to encourage the location of new manufacturing industries within the city and the expansion of existing manufacturing industries therein, thereby increasing the ultimate revenue to the city, the tax shall not apply to that portion of any monthly billing in excess of \$1,000 charged to any person or company using electrical energy primarily for manufacturing purposes;

(c) Upon any telephone business there shall be levied a tax equal to seven and four-tenths percent of the total gross operating revenue derived from the operation of such businesses within the city;

(d) The business of selling or furnishing sanitary sewer service, seven percent;

(e) The business of selling or furnishing a garbage or refuse collection service, seven percent;

(f) The business of selling or furnishing or distributing natural gas, six and five-tenths percent; provided, however, to encourage the location of new manufacturing industries within the city and the expansion of existing manufacturing industries therein, thereby increasing the ultimate revenue to the city, the tax shall not apply to that portion of any monthly billing in excess of \$1,000 charged to any person or company using natural gas primarily for manufacturing purposes;

(g) The business of selling or furnishing or distributing television by way of coaxial cable within the city, six percent;

(h) The business of conducting wireless telecommunications carrier services, as defined in Chapter 16.75 LMC, by wireless telecommunications carrier service providers that are regulated by Chapter 80.36 RCW, six percent;

(i) The business of selling or furnishing storm water utility services, seven percent.

(2) Public Utilities Reduction.

(a) The tax herein provided under subsections (1)(b) and (1)(f) shall be reduced, however, annually by one-tenth of one percent until the rate reaches six percent, as required by law.

(b) The tax herein provided under subsection (1)(c) shall be reduced, however, annually by four-tenths of one percent until the rate reaches six percent, as required by law.

(3) "Telephone business" means the business of providing access to local telephone network, local telephone network switching service, toll service, or client telephone services, or providing telephonic, video, data, or similar communication or transmission for hire, via a local telephone network, toll line or a channel, or similar communication or transmission system. It includes cooperative or farmer line telephone companies or associations operating an exchange. Telephone business does not include the providing of competitive telephone service, nor the providing of cable television service.

(4) "Gross operating revenue" means the value proceeding or accruing from the performance of the particular system or transportation business involved, including operations incidental thereto, but without any deduction or account of the cost of the commodity furnished or sold, the cost of material used, labor costs, interest, discount, delivery cost, taxes or any other expense whatsoever, paid or accrued and without any deduction on account of losses.

Chapter 5.06 Utility Tax

5.06.120 Imposition of the tax – Tax or fee levied.

(1) Upon every person engaging within this city in any one or more of the businesses hereinafter mentioned, as to such person the license fee shall be a tax equal to the gross operating revenue of the business multiplied by the rate set out after the business as follows:

- (a) The business of selling or furnishing water for hire, nine and one-half percent;
- (b) The business of selling or furnishing or distributing electrical energy within the city, exclusive of the revenue derived from the sale of electrical energy for the purpose of resale, six percent; provided, however, to encourage the location of new manufacturing industries within the city and the expansion of existing manufacturing industries therein, thereby increasing the ultimate revenue to the city, the tax shall not apply to that portion of any monthly billing in excess of \$1,000 charged to any person or company using electrical energy primarily for manufacturing purposes;
- (c) Upon any telephone business there shall be levied a tax equal to six percent of the total gross operating revenue derived from the operation of such businesses within the city;
- (d) The business of selling or furnishing sanitary sewer service, nine and one-half percent;
- (e) The business of selling or furnishing a garbage or refuse collection service, nine and one-half percent;
- (f) The business of selling or furnishing or distributing natural gas, six percent; provided, however, to encourage the location of new manufacturing industries within the city and the expansion of existing manufacturing industries therein, thereby increasing the ultimate revenue to the city, the tax shall not apply to that portion of any monthly billing in excess of \$1,000 charged to any person or company using natural gas primarily for manufacturing purposes;
- (g) The business of selling or furnishing or distributing television by way of coaxial cable within the city, six percent;
- (h) The business of conducting wireless telecommunications carrier services, as defined in Chapter 16.75 LMC, by wireless telecommunications carrier service providers that are regulated by Chapter 80.36 RCW, six percent;
- (i) The business of selling or furnishing stormwater services, nine and one-half percent.