

ORDINANCE NO. 3262

AN ORDINANCE OF THE CITY OF LONGVIEW, WASHINGTON,
RELATING TO LAND USE AND ZONING, ADOPTING ZONING
RESTRICTIONS ON CULTIVATION, PROCESSING AND RETAIL SALE
OF MARIJUANA, ADOPTING NEW SECTIONS 19.25.025, 19.44.100
AND 19.58.110 AND AMENDING SECTION 19.44.020 AND 19.58.020

WHEREAS, on November 6, 2012, Washington voters approved Initiative 502 which decriminalized the use and possession of marijuana, with certain limits, for persons over 21 years of age; and

WHEREAS, RCW 69.51A.140 authorizes cities to adopt and enforce zoning requirements, business licensing requirements, health and safety requirements, and business taxes pertaining to the production, processing, or dispensing of marijuana or marijuana products within their jurisdiction; and

WHEREAS, certain portions of the Longview Zoning Code require amendment in order to address locational requirements for the cultivation, processing and retail sale of marijuana; and

WHEREAS, the City Council directed the Planning Commission to develop draft zoning code amendments for Council review that would address recreational marijuana land uses; and

WHEREAS, the SEPA Responsible Official issued a threshold decision for this draft ordinance on November 20, 2013, which was not appealed; and

WHEREAS, the City's Planning Commission held a workshop on the matter at their October 9 special meeting. At their November 6 regular meeting, the Planning Commission reviewed staff-developed initial draft zoning code amendments and scheduled a public hearing; and

WHEREAS, on December 4, 2013, the Planning Commission held a public hearing on the draft zoning ordinance; and

WHEREAS, the Planning Commission recommended approval of the draft zoning ordinance to the Council; and

WHEREAS, on January 9, 2014 , the Council considered the draft zoning ordinance during its regular meeting and decided to adopt the draft zoning ordinance; and

WHEREAS, the siting and location of marijuana uses is a significant public safety matter, which is exemplified by Initiative 502's requirement that the Liquor Control Board's rules must determine the maximum number of retail outlets that may be licensed in any specific county, and Initiative 502's requirement that one thousand foot buffers exist between licensed marijuana retailers and any school grounds, playground, recreation center or facility, child care center, public park, library, public transit center or any game arcade which is open to persons under aged twenty-one; and

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

Section 1. That a new Section 19.20.025 shall be added to the Longview Municipal Code, and is hereby to read as follows; provided manifest and numbering errors shall be corrected prior to publication:

19.20.025 Recreational marijuana prohibited.

No recreational marijuana producer, processor or retail outlet may locate within any residentially zoned district or within any residential unit in the City.

Section 2. That Section 19.44.020 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:

19.44.020 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	
Recreational marijuana retail outlets per Section 19.44.100		<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>
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	SPU ⁸					SPU
Emergency shelters for homeless persons and families	SPU ⁸				P	
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 3. That a new Section 19.44.100 shall be added to the Longview Municipal Code, and is hereby to read as follows; provided manifest and numbering errors shall be corrected prior to publication:

19.44.100 Recreation marijuana retail outlet.

The following standards apply to recreational marijuana retail outlets:

(1) All recreational marijuana retail outlets shall be licensed per Chapter 314-55 WAC.

(2) Prohibited areas. Recreational marijuana retail outlets shall not be allowed in the following areas:

(a) Within 250 feet of a residential district.

(b) Within a mobile home park, trailer park and/or RV park or within 250 feet of any mobile home park, trailer park and/or RV park.

(3) The distances specified in LMC Section 19.44.100(2) shall be measured as follows:

(a) For subsection (2) (a), the distance shall be measured as the shortest straight line distance from the nearest wall of the building housing the licensed premises to the residential zoning district boundary line.

(b)For subsection (2) (b), the distance shall be measured as the shortest straight line distance from the property line of the licensed premises to the property line of a use listed in subsection 2 (b).

(4) Consumption of marijuana, products containing marijuana or alcohol on the premises is prohibited, as are any other associated uses such as a smoking room, dance or performance space, private club, open –to-the-public nightclub, cabaret, tavern, or similar establishment.

Section 4. That Section 19.58.020 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:

19.58.020 Uses.

Table 19.58.020-1 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 zone.

Table 19.58.020-1. Permitted uses in industrial zones.			
Use			
	LI-A & B	HI	C/I
Light manufacturing and fabrication	P	P	P
Warehousing and storage including cold storage	P	P	P
Wholesale distribution	P	P	P
Wholesale trade of durable goods including but not limited to: motor vehicle parts and supplies; furniture and home furnishings; lumber and other construction materials; professional and commercial equipment and supplies; metal and mineral (except petroleum); electrical goods; hardware, and plumbing and heating equipment and supplies; machinery, equipment, and supplies	P	P	P
Wholesale trade of nondurable goods including but not limited to: druggists’ sundries; apparel, piece goods, and notions; groceries and related product; beer, wine, and distilled alcoholic beverages; paint, varnish, and supplies	P		P
Wholesale trade of paper and paper products	P	P	P
Product processing and packaging	P	P	P
Industrial and commercial machinery and equipment rental and	P		P

Table 19.58.020-1. Permitted uses in industrial zones.			
Use			
	LI-A & B	HI	C/I
leasing			
Industrial and commercial machinery and equipment repair and maintenance	P	P	P
Industrial and commercial support services	P		P
Construction and contracting operations	P	P	P
Parcel delivery services	P	P	P
Feed and seed stores	P		P
Building material wholesale and retail sales, including incidental sales of white goods	P	P	P
Research, development, testing services, and technology centers	P	P	P
Veterinary offices and clinics requiring outside animal runs and dog kennels/boarding	P		P
Offices and institutions serving industrial workers	P		P
Energy production		P	
Manufacturing and fabrication with significant operations in an unenclosed area	SPU	P	
Corporate office headquarters	P	SPU	P
Offices, operation and/or maintenance facilities for utility providers	P	P	P
Marine/port industrial related activities including but not limited to: cargo handling of vehicles, forest products, steel and other bulk, non-bulk commodities; grain terminals; vehicle processing and storage; truck, marine and air freight terminals and dispatch centers		P	
Railroad yards		P	
Railroad service	P	P	
Caretaker dwelling	SPU		SPU
Day care centers	SPU	SPU	P
Vocational schools	P	SPU	P
Parks and public playgrounds, including public facilities for athletic events	P		P
Athletic, health and racket clubs 10,000 square feet of gross floor	P		P

Table 19.58.020-1. Permitted uses in industrial zones.			
Use			
	LI-A & B	HI	C/I
area or greater			
Religious and secular assembly uses			SPU
Public utility structures	P	P	P
Recreational vehicle park			SPU
Manufactured home sales	P		P
Mini-storage and RV storage	P		P
Heavy equipment and truck sales, service, and repair	P	P	P
Motor vehicle dealers, new and used, including auto, motorcycle, truck trailer, boat, recreational vehicles and equipment			P
Vehicle towing and storage services	P		P
Motor vehicle rental, repair or service including auto, motorcycle, truck trailer, boat, recreational vehicles and equipment including charging stations for electricity-powered vehicles	P		P
Service stations for vehicle fleets including retail cardlock facilities	P		P
Mortuaries			P
Office equipment and home appliance sales, rental, service, and repair			P
Printing, publishing and lithographic shops	P		P
Duplicating, addressing, blueprinting, photocopying, mailing, and stenographic services			P
Services to buildings (including dwellings), cleaning and exterminating	P		P
Incidental retail sales of durable products fabricated on-site	P	P	P
Convenience store, restaurant, branch banks (drive-up and drive-through service is allowed)			P
Large scale commercial development per LMC 19.58.090			P
Legally existing commercial and industrial uses and structures	P	P	P
<u>Outdoor</u> agriculture activities		P	
<u>Indoor</u> crop production (e.g. hydroponics business, plant nursery)	<u>P</u>	<u>P</u>	<u>P</u>

Table 19.58.020-1. Permitted uses in industrial zones.			
Use			
	LI-A & B	HI	C/I
<u>Recreational marijuana retail outlets per Section 19.58.110</u>			<u>P</u>
<u>Recreational Marijuana producers and processors per Section 19.58.110</u>	<u>P</u>	<u>P</u>	<u>P</u>
Adult entertainment establishments	P – See note 1	P – See note 1	P – See note 1
Wireless facilities ²	See note 2	See note 2	See note 2
Vehicle wrecking yards licensed per Chapter 46.80 RCW and junkyards ³	SPU in LI-A	P	
Brewery/winery	P	P	
Microbrewery/winery	P		P
Brewpub only in conjunction with a full-serve sit-down restaurant			P
Indoor shooting range subject to LMC 19.58.110	P	P	P

Notes:

1. Adult entertainment establishments are only permitted if they meet the criteria and standards contained within Chapter 19.70 LMC.

2. Please see Chapter 16.75 LMC, for wireless communication locations, standards and requirements.

3. Vehicle wrecking yards and junkyards must meet the criteria and standards given in LMC 19.58.100.

Section 5. That a new Section 19.58.110 shall be added to the Longview Municipal Code, and is hereby to read as follows; provided manifest and numbering errors shall be corrected prior to publication:

19.58.110 Recreational marijuana producers and processors.

The following standards apply to recreational marijuana producers and/or processors and retail outlets:

- (1) All recreational marijuana producers and/or processors and retail outlets shall be licensed per Chapter 314-55 WAC.
- (2) Prohibited areas. Recreational marijuana producers and/or processors and retail outlets shall not be allowed in the following areas:
 - (a) Within 250 feet of a residential district.
 - (b) Within a mobile home park, trailer park and/or RV park or within 250 feet of any mobile home park, trailer park and/or RV park.
- (3) The distances specified in LMC Section 19.58.110(2) shall be measured as follows:
 - (a) For subsection (2) (a), the distance shall be measured as the shortest straight line distance from the nearest wall of the building housing the licensed premises to the residential zoning district boundary line.
 - (b) For subsection (2) (b), the distance shall be measured as the shortest straight line distance from the property line of the licensed premises to the property line of a use listed in subsection 2 (b).
- (4) The production and/or processing of marijuana shall take place indoors.
- (5) Consumption of marijuana, products containing marijuana or alcohol on the premises is prohibited, as are any other associated uses to marijuana retail sales such as a smoking room, dance or performance space, private club, open –to-the-public nightclub, cabaret, tavern, or similar establishment.

Section 6. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 7. Effective Date. 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 of Longview, Washington this 27 day of Feb., 2014.


MAYOR

ATTEST:

Aun C Davis

City Clerk.

APPROVED AS TO FORM:

Office of the City Attorney

James J. Amara
City Attorney

PUBLISHED: March 5, 2014

EFFECTIVE DATE: April 4, 2014