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SECTION 1

TITLE AND PURPOSE

1.10 Title:
This Ordinance shall be known as the Zoning Ordinance of the City of Long Beach.

1.20 Purpose:
The purpose of this Ordinance is to promote public health, safety and general welfare, encourage the orderly growth, protect and enhance property values, minimize discordant, unsightly surroundings, avoid inappropriate design, provide for environmental, aesthetic, health, safety and general welfare objectives, while ensuring the comfort, prosperity, beauty and balance of the community as a whole, to promote and enhance construction and maintenance practices that will ensure visual quality throughout the City.

SECTION 2

DEFINITIONS
Any term not herein defined shall have its customary or commonly-accepted meaning.

2.1 Accessory means a use, a building or structure, or part of a building or other structure, which is subordinate to and the use of which is incidental to that of the main building, structure or use on the same lot, including a private garage. If an accessory building is attached to the main building by a common wall or roof, such accessory building shall be considered a part of the main building.

2.2 Accessory living quarters means living quarters added to a principal building or within an accessory building of an owner-occupied dwelling for the sole use of the family or of persons employed on the premises, or for the temporary use of guests of the occupants of the premises. Such quarters have no kitchen facilities and are not rented or otherwise used as a separate dwelling unit. The term "accessory living quarters" includes "guest house."

2.3 Advertising copy means any letters, figures, symbols, logos or trademarks which identify or promote the sign user or any product or service; or which provides information about the sign user, the building or the products or services available.

2.4 Alley means a public thoroughfare or way which affords only a secondary means of access to abutting property, and is not intended for general traffic circulation.

2.5 Amendment means a change in the wording, context or substance of this title, the adoption of a zoning map hereunder, or a change in the zone boundaries upon zoning maps adopted hereunder.

2.6 Antenna means all attachments to the mast (supporting structure), excluding any rotor, which support or are electrically or mechanically related to the elements which transmit or receive electromagnetic radiation.

2.7 Apartment means a room, or a suite of two or more rooms in a multiple dwelling or in any other building not a single-family dwelling or a two-family dwelling occupied or suitable for occupancy as a dwelling unit for one family.

2.8 Apartment house means a building or a portion of a building, designed for occupancy by three or more families living separately from each other and containing three or more dwelling units.

2.9 Apron means that portion of a driveway, whether paved or unpaved, that connects a garage or carport to a street or way.

2.10 Automobile, boat and trailer sales area means an open area, other than a street, used for the display, sale or rental of new or used automobiles, boats or trailers, and where no repair work is done except minor incidental repair of automobiles, boats or trailers to be displayed, sold, or rented on the premises.

2.11 Automobile wrecker means any person, corporation or enterprise engaged in automobile wrecking.

2.12 Automobile wrecking means any dismantling or wrecking of motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts.

2.13 Automobile wrecking yard means any premises devoted to automobile wrecking as the term is defined herein.

2.14 A-Weighted sound level (dBA) means the sound level in decibels as measured on a sound-level meter using the A-weighting network.

2.15 Awning means a structure made of cloth or other, similar material attached to, supported by and projecting from a building and providing protection of the weather elements. Also called a "canopy."

2.16 Bed and Breakfast Owner or manager living on the premises of a residence that contains a maximum of four itinerant rental units, and that provides a morning meal for guests only.

2.17 Block means all property abutting upon one side of a street between intersecting and intercepting streets, or between a street and railroad right-of-way, water way, terminus or dead-end street, or city boundary line. An intercepting street shall determine only the boundary of the block on the side of the street which it intercepts.

2.18 Building means any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind, but excluding all forms of vehicles even though immobilized.

2.19 Building height means the vertical distance from the average finished grade to the highest point of the coping of a flat roof, or to the height of the highest gable of a pitch or hip roof, or to the highest point on a false wall on a building with a false front.

2.20 Building, main. "Main Building" means the principal building or other structure on a lot or building site designed or used to accommodate the primary use to which the premises are devoted. Where a permissible use involves more than one building or structure designed or used for the primary purpose, as in the case of group houses, each such permissible or other structure on a lot or building site as defined by this title shall be construed as comprising a main building or structure.

2.21 Business or Commerce means the purchase, sale, offering for sale, or other transaction involving the handling or disposition of any article, service, substance or commodity for livelihood or profit; or the management or occupancy of the office buildings, offices, recreational or amusement enterprises; or the maintenance and use of buildings, offices, structures or premises by professions and trades or persons rendering services.

2.22 Carport means a roofed structure providing space for the parking of motor vehicles and enclosed on not more than three sides.

2.21 Category means a broad generic group of types of uses such as agriculture, residential, business, commercial, manufacturing and others, and which are further refined into classifications distinguished principally by the degree of intensity of use.

2.22 Child Day Care Facility means a building or structure in which an agency, person, or persons regularly provide care for a group of children for periods of less than 24 hours a day. Child day care facilities include family day care homes, out-of-home child mini-day care centers, and child day care centers regulated by the Washington State Department of Social and Health Services, as presently defined and hereafter amended (RCW 74.15, WAC 388-73-422).

2.23 Church means an establishment, the principal purpose of which is religious worship and for which the principal building or other structure contains the sanctuary or principal place of worship, and including accessory uses in the main building or in separate buildings or structures, including Sunday school rooms and religious education classrooms, assembly rooms, kitchen, library room or reading room, recreation hall, a one-family dwelling unit and residences on site for nuns and clergy, but excluding facilities for training of religious orders.

2.24 City Administrator means the City Administrator of the City of Long Beach, or his or her designee.

2.25 City Council means the elected legislative body of the City of Long Beach.

2.26 Classification means a refined identification of uses which, either individually or as to type, are identified as possessing similar characteristics or performance standards and are permitted as compatible uses in a zone. A classification as the term is employed in this title, includes provisions, conditions and requirements related to the permissible location of permitted uses.

2.27 Club means an association of persons for some common purpose, but not including groups organized primarily to render a service which is customarily carried on as a business.

2.28 Commission means city of Long Beach planning commission.

2.29 Comprehensive Plan means the comprehensive plan adopted by the City of Long Beach pursuant to the State of Washington Growth Management Act.

2.30 Conditional use means a use permitted in one or more classifications as defined by this title but which use because of characteristics peculiar to it, or because of size, technological processes or types of equipment, or because of the exact location with reference to surroundings, streets and existing improvements or demands upon public facilities, requires a special degree of control to make such uses consistent with and compatible to other existing or permissible uses in the same zone or zones, and to assure that such use shall not be inimical to the public interest.

2.31 Conditional use permit means the documented evidence of authority granted by the hearings examiner to locate a conditional use at a particular location.

2.32 Condominium or condominiums means a building, or group of buildings, in which dwellings, units, offices, or floor area is owned individually and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis. A condominium, whether permanent or itinerant, is a form of property ownership rather than a form of land use.

2.33 Condominium Hotel means a building constructed, maintained, and operated and managed as a hotel in which some or all of the rooms are available to transients for rent, and where the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

2.34 Conference Center means a facility with meeting rooms used for conferences and seminars, that may include accommodations for sleeping, food preparation and eating, recreation, entertainment, resource facilities, and meeting rooms. A fitness and health

center, retail stores, and services may be provided as accessory uses, for the primary use of conference center guests.

2.35 Conforming building means any building or structure that is built to the standards set forth in this ordinance.

2.36 Conforming use means an activity the nature and type of which is permitted in the zone in which the property on which it is established is located.

2.37 Court means any portion of the interior of a lot or building site which is fully or partially surrounded by buildings or other structures and which is not a required yard or open space.

2.38 Day Nursery means any type of group child day care program, including nurseries for children of working mothers, nursery schools for children under minimum age for education in public schools, privately conducted kindergartens when not a part of a public or parochial school, and programs covering after-school care for school children; provided any such "day nursery" is licensed by the state or county and conducted in accordance with state and local requirements.

2.39 Dump means an open area devoted to the disposal of refuse, including incineration, reduction, or dumping of ashes, garbage, combustible or noncombustible refuse, but not including transfer stations.

2.40 Dwelling means a building or a portion of a building designed exclusively for residential purposes, including one-family, two-family and multiple dwellings, but not including hotels or motel units having no kitchens. A dwelling may be site-built or factory-built.

2.41 Dwelling, types of

(1). "Group dwelling" means more than two separate buildings, each containing one or more dwelling units.

(2). "One-family dwelling" means a detached building designed exclusively for occupancy by one family and containing one housing unit.

(3). "Two-family dwelling or duplex" means a building designed exclusively for occupancy by two families living independently of each other, having a common wall, and containing two housing units.

(4). "Multi-family dwelling" means a building designed exclusively for occupancy by three or more families living independently of each other, and containing three or more housing units separated by common walls. A group home is not a multi-family dwelling.

2.42 Eating and Drinking Establishment means a retail establishment selling food and drink for consumption on the premises. An eating and drinking establishment may serve alcoholic beverages, and may provide live entertainment.

2.43 Educational institution means elementary, junior high, high schools, junior colleges, colleges or universities or other schools giving general academic instruction in the several branches of learning and study required by the education code of the state.

2.44 Elevation means (1) a vertical distance above or below a fixed reference level; OR (2) a fully dimensioned drawing of the front, rear, or side of a building showing features such as windows, doors, roofs, and relationship of grade to floor level.

2.45 Entirely enclosed building or structure means a building or structure so designed and constructed that all exterior walls of the building or structure shall be solid from the ground to the roof line and containing no openings except for windows and doors which are so designed that they may be closed.

2.46 Equipment, heavy duty means high-capacity mechanical devices for moving earth or other materials, mobile power units, including, but not limited to, carryalls, graders, loading and unloading devices, cranes, drag lines, trench diggers, tractors, augers, caterpillars, concrete mixers and conveyors, harvesters, combines or other major agricultural equipment and similar devices operated by mechanical power as distinguished from manpower.

2.47 Erected means the construction of any building or structure, or the structural alteration of a building or structure the result of which would be to change the exterior walls or roof or to increase the square foot floor area of the interior of the building or structure.

2.48 Facade means the entire building front or street wall face of a building extending from the grade of the building to the top of the parapet or eaves and the entire width of the building elevation or elevations.

2.49 False front means the vertical extension of the facade of a one-story building to give the appearance of a second story. A mansard roof is not a false front.

2.50 Family means an individual, or two or more persons related by blood or marriage, or a group of not more than five persons who are not related by blood or marriage, living together in a housing unit.

2.52 Fence means a masonry wall or a barrier composed of posts connected by boards, rails, panels, or wire for the purpose of enclosing space or separating parcels of land. The term "fence" does not include retaining walls.

2.53 Fenestration means windows or other openings on a building façade.

2.54 Final approval date means the date after which no appeal may be filed, or the date upon which all appeals have been adjudicated.

2.55 Floor area means a total floor area within the walls of all buildings on a lot or building site, except for the spaces therein devoted to vents, shafts and light courts and except for the area devoted exclusively to loading and unloading facilities and to parking of motor vehicles.

2.56 Frontage means the measurement of the length of the property line along a street.

2.57 Garage, private means an accessory building or an accessory portion of the main building, enclosed on not less than four sides and designed and intended to be used only for the shelter or storage of vehicles owned or operated only by the occupants of the main building or buildings.

2.58 Grade means the average of the finished ground level at the center of all exterior walls of a building. In case walls are parallel to and within five feet of a sidewalk, the sidewalk shall be considered the finished ground level.

2.59 Grade, artificial means a manmade grade created by means of earthen terraces, berms, fills or the like, specifically for the purpose of gaining a height advantage or disguising the true height of a structure. Artificial grade shall not be used to determine the permissible height of any building or structure.

2.60 Grade, average building footprint means the average elevation of the building footprint before clearing and grubbing for the building foundation.

2.61 Group Home means a non-profit or for profit home for the sheltered care of persons with special needs which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services, and transportation.

2.62 Home occupation means an occupation conducted in a portion of a dwelling that does not exceed twenty-five (25%) percent of the living area of the dwelling, provided that:

(1) No person other than members of the family residing on the premises shall be engaged in such occupation;

(2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants.

(3) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not

exceeding two square-feet in area, non-illuminated, and mounted flat against the wall of the principal building;

(4) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.

(5) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or cause fluctuations in line voltage off the premises.

(6) No retail sales shall be conducted on the premises, unless such sales are clearly incidental to the occupation (such as a hairdresser selling shampoo).

(7) For the purposes of this Ordinance, Vacation Rentals are not Home Occupations.

2.63 Hospital means an institution specializing in giving clinical, temporary and emergency services of a medical or surgical nature to human patients and licensed by state law to provide facilities and services in surgery, obstetrics and general medical practice, as distinguished from the treatment of mental and nervous disorders and alcoholics, but not excluding surgical and post-surgical treatment of metal cases.

2.64 Hotel means a facility offering transient lodging accommodations to the general public, and which may include additional facilities and services such as restaurants, meeting rooms, personal services, entertainment, and recreational facilities.

2.65 Housing Unit means a house (whether site-built or manufactured), an apartment, a mobile home, a group of rooms, or a single room, with cooking facilities, that is occupied as separate living quarters.

2.66 Impermeable means not permitting the passage of water.

2.67 Inspector includes any city employee working under the authority and direction of the city administrator.

2.68 Itinerant Lodging means a hotel, motel or other facility engaged in the sale, rental or provision of lodging facilities for periods of thirty days or less. All itinerant lodging is subject to the city's lodging tax.

2.69 Junk yard or salvage yard means any facility or area used for storing, selling, dismantling, shredding, compressing, or salvaging scrap, discarded material, or equipment.

2.70 Kennel means a place where four or more adult dogs or cats or any combination thereof are kept, whether by owners of the dogs and cats or by persons providing facilities and care, whether or not for compensation, but not including a small animal hospital or clinic. An adult dog or cat is one of either sex, altered or unaltered, that has reached the age of four months.

2.71 Living Area means the amount of square footage in a residence not including garage, deck, unfinished basement, unfinished attic, or porch surface area.

2.72 Loading space means an on-site space or berth on the same lot or site with the buildings or use served, such space to serve for the temporary parking of a vehicle while loading or unloading merchandise, materials or passengers.

2.73 Lot means a building site that is described by reference to a recorded plat, by metes and bounds, or by section, township and range which has direct legal access to a street or has access to a street over an easement approved by the county. That portion of a lot that is a part of any public or private way shall not be included in calculating the size of the lot.

2.74 Lot area and dimensions

(a) "Lot area" means the total horizontal area within the boundary lines of a lot; provided, that the area of a vehicular surface access easement or street, is not included within the area and is not used to compute lot area or available for the satisfaction of any required yard.

(b) "Lot depth" means the horizontal length of a straight line drawn from the midpoint of the lot front line and at right angles to such line to its intersection with a line parallel to the lot front line and passing through the midpoint of the lot rear line. In the case of a lot having a curved front line, the lot front line, for purposes of this section shall be deemed to be a line tangent to the curve and parallel to a straight line connecting the points of intersection of the lot side lines of the lot with the lot front line.

(c) "Lot width" means the horizontal distance between the lot side lines measured at right angles to the line comprising the depth of the lot at a point midway between the lot front line and the lot rear line.

2.75 Lot Coverage means that net portion of the lot that is covered by impermeable surfaces, including driveways.

2.76 Lot lines

(a) "Lot front line" means, in the case of an interior lot, a line separating the lot from the street; in the case of a corner lot and reverse corner lot, the lot front line shall be the line separating the narrowest street frontage of the lot from the street. In case of corner lots or reverse corner lots having equal street frontages, that property line the prolongation of which creates the front property line for the greatest number of interior lots in the same block shall be considered as the lot front line of such corner or reverse corner lot.

(b) "Lot rear line" means a lot line which is opposite and more distant from the lot front line. For the purpose of establishing the lot rear line of a triangular or trapezoidal lot, or of a lot the rear line of which is formed by two or more lines, the following shall apply:

(1) For a triangular or irregular shaped lot, a line ten feet in length within the lot and farthest removed from the lot front line and at right angles to the line comprising the depth of such lot shall be used as the lot rear line;

(2) In the case of a trapezoidal lot the rear line of which is not parallel to the lot front line, the lot rear line shall be deemed to be a line at right angles to the line comprising the depth of such lot and drawn through a point bisecting the recorded lot rear line;

(3) In the case of a pentagonal lot the rear boundary of which includes an angle formed by two lines, the angles shall be employed for determining the lot rear line in the same manner as prescribed for a triangular lot.

(4) In no case shall the application of the above be interpreted as permitted a main building to locate closer than five feet to any property line.

(c) "Lot side line" means any lot boundary line not a lot front line or a lot rear line.

2.77 Mansard roof means a sloped roof or roof like facade architecturally able to be treated as a building wall.

2.78 Manufactured Home means a structure intended for residential habitation that is manufactured in one area, then transported to another area for occupation, and that is consistent with the requirements of RCW35A.63.145(2).

2.79 Marquee means a permanent structure attached to, supported by and projecting from a building and providing protection from the weather elements, but does not include freestanding permanent roof like structures providing protection from the elements, such as a service station gas pump island.

2.80 Medical-dental building or buildings means a building or group of buildings designed for the use of, and occupied and used by, physicians and dentists and others engaged professionally in such healing arts for humans as are recognized by the laws of the state, including medical clinics; and including the installation and use of therapeutic equipment, X-ray equipment or laboratories, chemical, bio-chemical, and biological laboratories used as direct accessories to the medical-dental profession; dental laboratories including facilities for the making of dentures on prescription; pharmacies limited to the retail dispensing of pharmaceutical and sick room supplies (but not room or orthopedic equipment or furniture) provided there shall be no exterior display windows or signs pertaining to such accessory uses other than a directory sign.

2.81 Mixed use means the use of a building, group of buildings, or parcel of land with a variety of complementary and integrated uses such as (but not limited to) residential, office, retail, public, open space, and recreation.

2.82 Mobile Home means a factory-built dwelling built prior to June 15, 1976 to standards other than the code set forth by the United States Department of Housing and Urban Development (HUD).

2.83 Modular Home means a dwelling constructed in a factory in accordance with the Uniform Building Code and bearing the appropriate sign indicating such compliance.

2.84 Motel means a group of attached or detached buildings containing individual itinerant sleeping units where a majority of such units open individually and directly to the outside, and where a garage is attached to or a parking space is conveniently located to each unit, all for the temporary use by automobile tourists or transients; the term shall include tourist courts, motor courts, automobile courts, automobile camps and motor lodges.

2.85 Motor vehicle repair operation means a business involving the repair, overhaul, and/or reconditioning of motor vehicles.

2.86 Multiple-building complex means a group of structures housing at least one retail business, office, commercial venture or independent or separate part of a business or a single structure containing more than one business with separating walls and at least one outside access for each business which shares a common lot, access and/or parking facility.

2.87 Multi-family means a building structure with three or more housing units.

2.88 Multiple-tenant complex means a single facility housing more than one retail business, office or commercial venture, which does not incorporate a separate outside access for each enterprise; but not including residential apartment buildings.

2.89 Noise disturbance means any noise exceeding 55dBA during daylight hours, and 45 dBA at any other time, as measured at the property line.

2.90 Nonconforming use means a use which was lawfully established and maintained but which, because of the application of this title, no longer conforms to the use regulations of the zone in which it is located as defined by this title.

2.91 Nonconforming structure means a structure that was lawful at the time it was constructed, but no longer conforms to the use regulations of the zone in which it is located as defined by this title.

2.92 Open space, required means a portion of the area of a lot or building site, other than required yards, which area is required by this title, as set forth in the different

classifications contained herein, to be maintained between buildings, between wings of a building, and between buildings and any portion of a property boundary line not contiguous to a required front or side yard. Open spaces, as in the case of required yards, are required to be free and clear of buildings and structures and to remain open and unobstructed from the ground to the sky.

2.93 Outdoor advertising display means any card, paper, cloth, metal, glass, wooden or other display or device of any kind or character whatsoever placed or painted for outdoor advertising purposes on the ground or on any tree, wall, fence, rock, structure or thing whatsoever.

2.94 Parking area, private means an open area other than a street, alley or other public property, limited to the parking of automobiles of occupants or employees of a dwelling, hotel, motel, apartment hotel, apartment house, boarding house or lodging house to which these facilities are appurtenant.

2.95 Parking area, public means an open area other than a street, alley or private parking area as defined herein, whether privately or publicly owned, which area is used for the parking of more than four automobiles.

2.96 Parking space means an area accessible to vehicles, which area is provided, improved, maintained and used for the sole purpose of accommodating a motor vehicle.

2.97 Perimeter means the boundary lines used to define the extent of an area.

2.98 Person means and includes an individual, firm, co-partnership, association or corporation, governmental agency or political subdivision.

2.99 Pet shop means an establishment dealing in buying and selling small animals and birds such as are customarily or occasionally harbored in domestic establishments as pets, such as fish, dogs, cats, parrots, canaries and other song and decorative birds, monkeys, hamsters and similar animals, but specifically excluding dangerous animals or dangerous or poisonous or constricting reptiles, provided no boarding or veterinarian services are rendered excepting bathing and clipping of dogs and cats.

2.100 Premises means the real estate (as a unit) which is involved by the sign or signs mentioned in this chapter.

2.101 Principal use means the primary or predominant use to which the property is or may be devoted, and to which all other uses on the premises are accessory.

2.102 Professional offices means offices maintained and used as a place of business conducted by persons engaged in the healing arts for human beings, such as doctors and dentists (but wherein no overnight care for patients is given), and by engineers, attorneys, realtors, architects, accountants, and other persons providing services utilizing training in

and knowledge of the mental discipline as distinguished from training in the occupations requiring mere skill or manual dexterity or the handling of commodities.

2.103 Public utility means a private business organization such as a public service corporation performing some public service and subject to special governmental regulations, or a governmental agency performing similar public services, the services by either of which are paid for directly by the recipients thereof. Such services shall include, but are not limited to, water supply, electric power, gas and transportation.

2.104 Reclassification of property means a change in zone boundaries upon the zoning map, which map is part of this title when adopted in the manner prescribed by law.

2.105 Reclassification of use means the assignment, by amendment of this title, of a particular use to a different use classification than that in which the use was originally permitted.

2.106 Recorded means, unless otherwise stated, filed of record with the auditor of Pacific County.

2.107 Recreational Vehicle means any vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven, and is primarily designed as a temporary living accommodation for recreational and camping purposes. Recreational vehicles include, but are not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

2.108 Remodeling means any structural or exterior changes to a building.

2.109 Residence means a building or structure, or portion thereof, which is designed for and used to provide a place of abode for human beings, but not including hotels or motel units having no kitchens. The term "residence" includes the term "residential" as referring to the type of or intended use of a building or structure. SEE "Dwelling."

2.110 Residential Occupancy means occupancy or use of a residence of a period of time exceeding 30 days in length.

2.111 Restaurant means an establishment where food and drink are prepared, served, and consumed, mostly on the premises. A restaurant does not provide live entertainment, and does not serve alcoholic beverages.

2.112 Rest home, convalescent home, guest home, home for the aged means a home operated similarly to a boarding house but not restricted to any number of guests or guest rooms, and the operator of which is licensed by the state or county to give special care and supervision to his or her charges. Such facility shall not include a group home, "half-way house" or any residence intended for use by persons with special needs.

2.113 Retaining wall means any wall used to resist the lateral displacement of any material.

2.114 Roof means a structural covering over any portion of a building or structure, including the projections beyond the walls or supports of the building or structure. An open work covering shall not be considered a roof if the upper horizontal surface area of the component solid portions thereof measured on the horizontal plane do not exceed twenty percent of the area of the covering.

2.115 Roof Line means the top edge of a roof or parapet; the top line of a building silhouette.

2.116 Schools, elementary, middle, junior high and high mean institutions of learning offering instruction in the several areas of learning and study required by the education code of the state to be taught in the public and private schools, but does not include any residence used for home-schooling.

2.117 Service station, automobile means any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels, the servicing and repair of automobiles, and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories.

2.118 Setback means the minimum or maximum distance required between a structure and a lot line.

2.119 Sign means any visual communication device, structure or fixture which is visible from off-premises and which directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization, business or building. Painted wall designs or patterns which do not represent a product, service or trademark or which do not identify the user are not considered signs.

2.120 Sign area means the entire area within a circle or polygon enclosing the extreme limits of the advertising message together with any frame or decoration forming an integral part of the display or used to differentiate the sign from the background against which it is placed. If the sign is composed of more than two sign cabinets or modules, the area enclosing the entire perimeter of all cabinets and/or modules within a single square or rectangular figure is the area of the sign. Multi-sided signs, signs composed of two or more sides of equal area attached to each other but occupying different planes, shall have their areas computed by excluding the area of one side from the sum of the areas of all other sides. The total surface area of spherical or cylindrical signs is the sign area.

2.121 Sign height means the vertical distance from grade to the highest point of a sign or any vertical projection thereof, including its supporting columns.

2.122 Sign structure means any structure which supports or is designed to support any sign as defined in this chapter. A sign structure may be a single pose and may or may not be an integral part of the building.

2.123 Sign types

(1) "Abandoned sign" means a sign that no longer correctly identifies, exhorts or advertises any person, business, lessor, owner, product or activity conducted or available on the premises where the sign is located.

(2) "Attached letter sign" means a sign that is composed of individual letters fixed to the exterior of a building, another sign or sign structure.

(3) "Changing message center sign" means an electronically controlled public service time and temperature sign message center where different copy changes of a public service nature are shown on the same lamp bank.

(4) "Double faced sign" means a sign that has a sign on opposite sides of a single display surface or sign structure.

(5) "Electrical sign" means a sign or sign structure in which electrical wiring, connections and/or fixtures are used as part of the sign proper.

(6) "Externally lighted sign" means any sign with an illumination source outside of the sign face or frame and pointing back to the sign.

(7) "Flashing sign" means a sign with any portion of it which changes light intensity or switches on and off in a constant pattern or contains moving parts or the optical illusion of motion caused by use of electrical energy or illumination.

(8) "Freestanding sign" means a sign attached to the ground and supported by uprights placed on or in the ground.

(9) "Ground sign" means a freestanding sign that is less than five feet in height.

(10) "Incidental sign" means a small non-electric information sign two square feet or less in area which pertains to goods, products, services, or facilities which are available on the premises where the sign occurs and is intended primarily for the convenience of the public while on those premises.

(11) " Information sign" means a sign which gives directional information or identifies specific use areas and which is necessary to maintain the orderly internal use of the premises, such as those signs which identify employee parking, shipping, clearance or which restrict ingress and egress. Excluded from this definition are signs which are not directly related to an identified need for orderly internal use of the property and off-premises or portable signs.

(12) “Interior Lit sign” means any sign with illumination inside the sign including neon signs. Traffic control devices are not considered interior lit signs.

(13) “Marquee sign” means any sign which forms part of or is integrated into a marquee and which does not extend beyond the limits of the marquee.

(14) “Monument sign” means a sign above grade which is mounted or attached to a wide base or grade. These signs are composed of a sign face and a sign base. The base and architectural detail must be consistent with the character of the primary structure.

(15) “Off-premises directional sign” means a sign erected for the purpose of directing pedestrian or vehicular traffic to a facility, service or business located on other premises.

(16) “On-premises sign” means a sign which carries only advertisements strictly applicable to a lawful use of the premises on which it is located, including signs or sign devices indicating the business transacted, principal services rendered and goods sold or produced on the premises, name of the business, name of the person, firm or corporation occupying the premises.

(17) “Pole sign” means any freestanding sign more than five feet in height that does not meet the definition of monument sign. These signs are composed of the sign cabinet or base and the sign pole or pylon by which it connects to the ground.

(18) “Portable sign” means any sign that is unattached to the exterior of a building or unattached to property and that can be physically picked up and moved. These signs include reader board signs, sandwich board signs.

(19) “Reader Board sign” means a sign face designed with readily changeable letters allowing frequent changes of copy.

(20) “Real estate sign” means a portable or freestanding sign erected by the owner or his agent advertising the real estate upon which the sign is located for rent, lease or sale or directing to the property.

(21) “Revolving sign” means a sign which rotates or turns in motion in a circular pattern.

(22) “Roof sign” means a sign supported by and erected on or above the roof line of a building or structure.

(23) “Temporary construction sign” means a sign jointly erected and maintained on premises undergoing construction, by an architect, contractor, subcontractor and/or materialman, upon which property the individual is furnishing labor or material.

(24) “Temporary sign” means any sign or advertising display constructed of cloth, canvas, light fabric, paper, cardboard or other light materials, with or without frames,

intended to be displayed for a limited time only. Signs painted upon window surfaces which are readily removed by washing shall be considered temporary signs.

(25) "Under marquee sign" means a sign attached to and suspended from the underside of a marquee or canopy.

(26) "Wall sign" means a sign attached or erected parallel to and extending not more than one foot from the facade or face of any building to which it is attached and supported throughout its entire length, with the exposed face of the sign parallel to the plane of the wall of facade. Signs incorporated into mansard roofs, marquees or canopies shall be treated as a wall sign.

(27) "Window sign" means a sign placed in or on a window or window frame.

2.124 Story means that portion of a building included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between the floor and the ceiling next above it shall be considered a story. If the finished floor level directly above the basement or cellar is more than six feet above grade, such basement or cellar shall be considered a story.

2.125 Street means a public or private thoroughfare which affords primary means of access to abutting property. For the purposes of this ordinance, an alley is not a street.

2.126 Street frontage means the linear frontage of a single parcel of property abutting a street.

2.127 Street line means the boundary line between a street and the abutting property.

2.128 Street, side means a street which is adjacent to a corner lot or reverse corner lot and which extends in the general direction of the line determining the depth of the corner or reverse corner lot.

2.129 Structure means anything constructed in the ground, or anything erected which requires location on the ground or water, or is attached to something having location on or in the ground, but not including fences less than six feet in height, paths, trails or paved areas.

2.130 Structural alterations means any change in the supporting members of a building or structure, such as foundations, bearing walls, columns, beams, floor or roof joists, girders or rafters, or changes in the interior dimensions of the building or structure, or increase in floor space.

2.131 Theater, drive-in means an establishment to provide entertainment through projection of motion pictures on an outdoor screen for audiences whose seating accommodations are provided by their own motor vehicles parked in car spaces provided on the same site with the outdoor screen.

2.132 To place. The verb "to place" and any of its variants as applied to advertising displays and outdoor advertising structures, includes maintaining, erecting, constructing, posting, painting, printing, nailing, gluing or otherwise fastening, affixing or making visible in any manner whatsoever.

2.133 Trailer park, trailer court, mobile home park or public trailer camp mean any area or tract of land designed and used to accommodate two or more mobile homes or recreational vehicles.

2.134 Transient accommodations means accommodations designed or used for occupancy of less than 30 days.

2.135 Trash containers means any garbage can, dumpster or other receptacle used for disposal and/or storage of trash, rubbish, garbage, junk, scrap, debris, refuse and other discarded materials.

2.136 Unlisted uses means uses which are not specifically named as permitted in any use classification contained within this title.

2.137 Use means the nature of the occupancy, the type of activity, or the character and form of improvements to which land is devoted or may be devoted.

2.138 Vacation Rental means the use of a housing unit as itinerant lodging.

2.139 Variance means an adjustment in the application of the specific regulations of this title to a particular piece of property which, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity and zone and which adjustment remedies disparity in privileges.

2.140 Vehicle as used in this title, means all instrumentality's capable of movement by means of circular wheels, skids or runners of any kind, along roadways or paths or other ways of any kind, specifically including, but not limited to, all forms of automotive vehicles, buses, trucks, cars and vans, all forms of trailers or mobile homes of any size whether capable of supplying their own motive power or not, without regard to whether the primary purpose of which instrumentality is or is not the conveyance of persons or objects, and specifically including all such automobiles, buses, trucks, cars, vans, trailers, and mobile homes even though they may be at any time immobilized in any way and for any period of time of whatever duration.

2.141 Yard means an open space other than a court on a lot, unoccupied and unobstructed from the ground upward unless specifically otherwise permitted in this title.

2.142 Yards, types and measurements
(1) "Front yard" means an area extending across the full width of the lot and lying between the lot front line and a line drawn parallel thereto, and at a distance there from

equal to the required front yard depth as prescribed in each classification. "Front yards" shall be measured by a line at right angles to the lot front line, or by the radial line or radial line extended in the case of a curved lot front line.

(2) "Side yard" means an open area measured from the lot side line toward the center of the lot and extending from the rear line of the required front yard, or for the lot front line if there is no required front yard, toward the lot rear line to a point measuring two-thirds of the depth of the lot, except that on the side street side of corner lots and reverse corner lots the required side yard shall extend to he rear line of the lot. The width of the side yard shall be measured horizontally from, and be parallel to the lot side line from which it is measured.

(3) “Rear yard” means an area extending across the full width of the lot and lying between the lot rear line and a line drawn parallel thereto, and at a distance there from equal to the required rear yard depth as prescribed in each zoning district. "Rear yards" shall be measured by a line at right angles to the lot rear line, or by the radial line or radial line extended in the case of a curved lot rear line.

2.143 Yard, rear line of required front means a line parallel to the lot front line and at a distance there from equal to the depth of the required front yard, and extending across the full width of the lot.

2.144 Zone means an area accurately defined as to the boundaries and location on an official map and within which area only certain types of land uses are permitted, and within which other types of land uses are excluded, as set forth in this title.

SECTION 3

BASIC PROVISIONS

3.10 Compliance with Ordinance Provisions.

No building or structure shall be erected and no existing building or structure shall be moved, altered, added to or enlarged, nor shall any land, building, structure or premises be used or altered, for any purpose or in any manner other than the use listed in this Ordinance as permitted in the use zone in which such land, building, structure or premises is located. All land-uses and structures not specifically mentioned as a permitted use or structure, accessory use or structure, or conditional use or structure; shall be prohibited.

The permitted uses of land or building are only those specifically provided for in the sections describing each use zone and under the conditions provided for, except for:

1. Uses lawfully established prior to the effective date of this ordinance and within the limitations of Section 11, Nonconforming Uses; and

2. Transitional and conditional uses permitted under sections and of this Ordinance.

No building or lot or tract of land shall be devoted to any use other than a use permitted hereinafter in the use zones in which such building, lot, or tract of land (or portion thereof) shall be located.

Not more than one single-family dwelling shall be placed upon any lot where such use is permitted, except as permitted in mobile home parks.

3.20 Classification of Zones

For the purpose of this Ordinance, the following zones are hereby established in the City:

R1	Single Family Residential District
R1R	Restricted Single Family Residential District
R1MH	Single Family Modular District
R2	Multi-Family Residential District
OT	Old Town District
OTW	Old Town West District
C1	Commercial District
C2	Commercial Retail Warehouse District
L1	Light Industrial District
S1	Shoreline Single-Family Residential District
S2	Shoreline Multi-Family Residential District
S3	Shoreline Resort District
S3R	Shoreline Resort Restricted
S4	Shoreline Conservancy District

3.30 Location of Zones

The boundaries for zones listed in this Ordinance are indicated on a map entitled "Zoning Map of the City of Long Beach, Washington", which is hereby adopted by reference. The boundaries shall be modified in accordance with zoning map amendments which shall be adopted by reference. Where any conflict may exist between the zoning map and the comprehensive plan, the comprehensive plan shall control.

3.30.01 Where a lot is divided by a zoning boundary, the requirements of the less restrictive zone shall govern, provided that access to the property is provided exclusively through the less restrictive zone.

3.40 Zoning of Annexed Areas

Zoning regulations applicable to an area shall continue to be applied until a zone change has been adopted by the City Council. It is the intent of the city to adopt zoning in annexed areas, consistent with the comprehensive plan, concurrently with annexation whenever possible. The city council shall have the right to declare a moratorium on construction or development in annexed areas until zoning is adopted.

SECTION 4

USE ZONES

4.00 Single Family Residential (R1)

4.01 Intent
The intent of the this district is to provide for a low-density, single family residential neighborhood and to provide for such community services and facilities as will serve the area's population while subject to restrictions to protect the single family residential character.

4.02 Permitted Uses
(1). Single family dwellings.
(2). Schools (public or private).
(3). Government structures or use of land, such as a park, playground, fire station or library, whose location in a residential zone is necessary to its function.
(4) Home occupations

4.03 Permitted accessory uses and structures:
(1). Private garages and private recreational equipment storage buildings;
(2). Private (noncommercial) greenhouses, woodsheds and tool sheds;
(3). Private attached accessory living quarters for sole use of occupant or temporary guests;
(4). Private swimming pools, hot tubs, saunas and tennis courts;
(5). The total square footage of all accessory buildings shall not exceed 800 square feet or ten (10%) percent of the total lot area, whichever is greater.
(6) Public utility structures or use of land, such as telephone exchanges, utility stations, pumping stations, whose location in a residential zone is necessary to its function; subject to review and approval by the City Council.

4.04 Conditional Uses:
(1). Church;
(2). Child Day Care Facility;

4.05 Standards
(1). Lot Size: Lot area shall be at least 6,000 square feet. Construction on lots platted prior to the passage of this Ordinance, with less than 6,000 square feet, will be permitted where total lot coverage does not exceed 60 percent and where all setback requirements can be met.
(2). Lot Coverage: No more than 60% of any lot shall be covered by structures.
(3). Set Back Requirements:

1. Front yard - 10 feet minimum.
2. Side yard - 5 feet minimum.
3. Rear yard - 10 feet minimum.

4. Corner Lots - shall have a 10' setback on each street side, and a 5' setback on all other sides.

(4). Building Height: The maximum height of a building shall 35' measured as the vertical distance from the average building footprint grade to the highest point of roof.
(5). Signs: As provided for in Section 9.
(6). Parking: As provided for in Section 7.
(7). Design Review: All uses except single family dwellings and their accessory structures are subject to the provisions of Section 5

4.10 Single Family Modular Residential (R1MH)

4.11 Intent

The intent of this district is to provide for the placement of new single family residential modular housing units within certain areas of the R1 Zone. This district is to provide for a low-density, single family residential neighborhood and to provide for such community services and facilities as will serve the areas population while subject to restrictions to protect the single family residential character.

4.12 Permitted Uses

(1). Single family dwellings, modular homes.
(2). Schools (public or private), public libraries.
(3). Public buildings and facilities when their location in a residential zone is necessary to their function
(4) Home occupations

4.13 Permitted accessory uses and structures:

(1). Private garages and private recreational equipment storage buildings;
(2). Private (noncommercial) greenhouses, woodsheds and tool sheds;
(3). Private attached accessory living quarters for sole use of occupant or temporary guests;
(4). Private swimming pools, hot tubs, saunas and tennis courts;
(5). The total square footage of all accessory buildings shall not exceed 800 square feet or ten (10%) percent of the total lot area, whichever is greater.
(6). Public utility structures or use of land, such as telephone exchanges, utility stations, pumping stations, whose location in a residential zone is necessary to its function; subject to review and approval by the City Council.

4.14 Conditional Uses:

(1). Church;
(2). Child Day Care Facility;

4.15 Standards

(1). No modular home shall be older than three years old at the time of placement.
(2). Modular homes shall conform to the standards set forth in RCW 35A.63.145.
(3). Modular homes shall be skirted with a concrete block foundation or a concrete stem wall.

(4). Lot Size: Lot area shall be at least 6,000 square feet. Construction on lots platted prior to the passage of this Ordinance, with less than 6,000 square feet, will be permitted where total lot coverage does not exceed 60 percent.

I. Lot Coverage: No more than 60% of any lot shall be covered by structures.

II. Set Back Requirements:

a. Front yard - 10 feet minimum.

b. Side yard - 5 feet minimum.

c. Rear yard - 10 feet minimum.

d. Corner Lots - shall have a 10' setback on each street side and a 5' setback on all other sides.

(5). Building Height: The maximum height of a building shall 35'.
(6). Signs: As provided for in Section 9.
(7). Parking: As provided for in Section 7.
(8). Design Review: Not required.

4.20 SINGLE FAMILY RESIDENTIAL RESTRICTED (R1R)

4.21 INTENT The intent of this zone is to enhance and contribute to an atmosphere of early twentieth-century beach architectural design.

4.22 PERMITTED USES
(1). Single family dwellings.
(2). Public parks or publicly owned recreation areas.
(3). Home occupations.

4.23 Permitted accessory uses and structures:
(1). Private garages and private recreational equipment storage buildings;
(2). Private (noncommercial) greenhouses, woodsheds and tool sheds;
(3). Private attached accessory living quarters for sole use of occupant or temporary guests;
(4). Private swimming pools, hot tubs, saunas and tennis courts;
(5). Public utility structures or use of land, such as telephone exchanges, utility stations, pumping stations, whose location in a residential zone is necessary to its function; subject to review and approval by the City Council.
(6). The total square footage of all accessory buildings shall not exceed 800 square feet or ten (10%) percent of the total lot area, whichever is greater.

4.24 CONDITIONAL USES
(1). Churches or municipal buildings.
(2). Child Day Care Facility.
(3). Public buildings and facilities when their location in a residential zone is necessary to their function;

4.25 STANDARDS

(1). Lot size: Lot area shall be at least 6,000 square feet. Construction on lots platted prior to the passage of this ordinance, with less than 6,000 square feet, will be permitted where total lot coverage does not exceed 60 percent.

I. Lot Coverage: No more than 60% of any lot shall be covered by structures

II. Set back Requirements:

a. Front Yard - 10 feet minimum.

b. Side Yard - 5 feet minimum.

c. Rear Yard - 10 feet minimum.

d. Corner Lots - shall have a 10' setback on each street side, and a 5' setback on all other sides.

(2). Building Height: The maximum height of a building shall be 35'.
(3). Signs: As provided for in section 9.
(4). Parking: As provided in section 7.
(5). Design Review: All uses and all construction shall be subject to design review, as provided in Section 5.

4.30 MULTI-FAMILY RESIDENTIAL DISTRICT (R-2)

4.31 Intent

The intent of this district is to allow for two, or more, family dwellings in addition to single family dwellings; in areas suitable for such higher densities, where appropriate sewerage facilities which meet health requirements can be provided; and to provide for community services and facilities to serve this kind of development without adverse effects.

4.32 Permitted Uses

(1). Single family dwellings
(2). Two family dwellings.
(3). Multi-family dwellings, with not more than four dwellings per building.
(4). Public parks or recreation areas.
(5). Rest homes or nursing homes.
(6). Home occupations.

4.33 Accessory uses and structures:

(1). Private garages and private recreational equipment storage buildings;
(2). Private (noncommercial) greenhouses, woodsheds and tool sheds;
(3). Private attached accessory living quarters for sole use of occupant or temporary guests;
(4). Private swimming pools, hot tubs, saunas and tennis courts;
(5). All accessory uses and structures shall have a principal permitted use established on the property;
(6). Total Square footage of all accessory buildings shall not exceed 800 Square foot or ten (10%) percent of the total lot size, whichever is greater.
(7). Public utility structures or use of land, such as telephone exchanges, utility stations, pumping stations, whose location in a residential zone is necessary to its function; subject to review and approval by the City Council.

4.34 Conditional Uses
(1). Public buildings and facilities when their location in a residential zone is necessary to their function
(2). Child Day Care Facility.
(3). Bed and Breakfast

4.35 Standards

(1). The minimum lot size for a single family dwelling shall be 6,000 square feet. Multifamily lot size shall be 6,000 square feet for the first housing unit plus 2,000 square feet for each additional attached housing unit. Construction on lots platted prior to the passage of this Ordinance with less than 6,000 square feet will be permitted for one single-family home, where total lot coverage does not exceed 60 percent. Not more than one single-family dwelling shall be placed on any lot.

a. The lot coverage for multi-family dwellings shall be 50 percent maximum.
b. Set Back Requirements
i. Front yard - 10 feet minimum
ii. Side yard - 5 feet minimum
iii. Rear yard - 10 feet minimum
iv. Corner lots - shall have a 10' setback on each street side.

(2). Building Height: The maximum height of a building shall be 35 feet, measured as the vertical distance from the average building footprint grade to the highest point of the roof.
(3). Signs: As provided for in section 9.
(4). Parking: As provided for in section 7.
(5). Design Review is required per Section 5.
(6). Not more than four housing units shall be constructed in any building.

4.40 Old Town District (OT)

4.41 Intent
The intent of the Old Town District is to create an early twentieth-century seashore atmosphere, provide a compact retail core to stimulate foot traffic, and to promote tourism.

4.42 Permitted Uses
(1). Retail trade establishments such as food stores, drug stores, gift shops, garden stores, variety stores, and appliance stores.
(2). Arts and crafts galleries
(3). Business, professional offices or financial institutions
(4). Eating and/or drinking establishments, excluding drive-through facilities.
(5). Personal service, including but not limited to barber shops, tailoring, laundry and dry cleaning, or other service establishments.
(6). Theater, but not including drive-ins
(7). Amusements

(8). Hotels
(9). Public parks and recreation areas
(10). Residences shall be allowed on upper floors when parking is provided.
(11). Restaurants, excluding drive-through facilities
(12). Public parking lots
(13). Any combination of the uses listed above

4.43 Conditional Uses
(1). Governmental or municipal structures, uses, or facilities
(2). Community centers
(3). Custom manufacturing of goods for retail sale on premise, or cottage industries.
(4). Mixed use.
(5). Outdoor merchandising vending, and dining. - Outdoor merchandising, vending and dining may be allowed if such merchandising is associated with a business operating out of an adjacent building. No businesses shall operate solely in an open air environment. Special occasions and festivals may be allowed upon approval by the City Council.
(6). Other uses may be permitted if the hearings examiner determines that such use is similar in intent and impact to a permitted use.

4.44 Standards
(1). Lot size - 2,500 square feet minimum. Construction on lots platted prior to the passage of this Ordinance, with less than 2,500 square feet, will be permitted where approved by the City Council, upon the recommendation of the Planning Commission.
(2). Setback requirements – 5' maximum setback; except that a setback of up to 20' may be permitted by the Planning Commission during Design Review provided that none of the setback area is used for parking.
(3). Building height - The maximum height of a building shall be 35 feet. The minimum building height shall be 25', except that a lower building height may be permitted by the Planning Commission during Design Review upon an affirmative finding that the lower building height results in a building of similar proportions to abutting buildings. The height of a false front shall be included in the calculation of building height.
(4). Signs: As provided for in Section 9.
(5). Parking: As provided for in section 7.
(6). Design Review: All development including remodels and new shall be subject to design review as prescribed in Section 5.
(7). Landscaping: As provided for in Section 8.
(8). Maximum Building Size: 10,000 square feet per floor.

4.50 Old Town District West (OTW)

4.51 Intent
The intent of the Old Town West District is to create an early twentieth-century seashore atmosphere, provide a compact retail core to stimulate foot traffic, and to promote tourism.

4.52 Permitted Uses

(1). Itinerant Lodging
(2). Motels
(3). Resort/conference complexes
(4). Public parks or public owned recreation areas.
(5). All uses allowed in the Old Town District, except for amusements.

4.53 Conditional Uses
(1). Governmental or municipal structures, uses, or facilities.
(2). Community centers.
(3). Custom manufacturing of goods for retail sale on premise, or cottage industries.
(4). Outdoor merchandising, vending, and dining - Outdoor merchandising, vending, and dining may be allowed if such merchandising is associated with a business operating out of an adjacent building. No businesses shall operate solely in an open air environment. Special occasions and festivals may be allowed upon approval by the City Council.

4.54 Standards
(1). Lot size - 2,500 square feet minimum. Construction on lots platted prior to the passage of this Ordinance, with less than 2,500 square feet, will be permitted as approved by the City Council upon the recommendation of the Planning Commission.
(2). Setback requirements – Maximum of 3 feet from Ocean Boulevard. Minimum setback of 75 feet from Ocean Boulevard if building height is over 45 feet.
(3). Building height - The maximum height of a building shall be 55 feet, measured as the vertical distance from the average building footprint to the highest point of the roof. The minimum building height shall be 25', except that a lower building height may be permitted by the Planning Commission during Design Review upon an affirmative finding that the lower building height results in a building of similar proportions to abutting buildings. The height of a false front shall be included in the calculation of building height.
(4). Signs: As provided for in Section 9.
(5). Parking: All parking west of buildings except for lodging parking allowed abutting street. otherwise as provided for in section 7.
(6). Design Review: All development including remodels and new shall be subject to design review as prescribed in Section 5.
(7). Landscaping: As provided for in Section 8.
(8). Maximum Building Size: 10,000 per floor.

4.60 Commercial District (C1)

4.61 Intent
The intent of this district is to provide for more intensive types of commercial uses which are not compatible in the Old Town District. It is specifically intended that no activities that emit annoying levels of noise, smoke, and/or vibration be permitted.

4.62 Permitted Uses

(1). All uses permitted in the Old Town District, except eating and drinking establishments
(2). Medical and veterinary clinics or hospitals
(3). Sale of vehicles, boats, travel trailers, mobile homes and their accessory equipment
(4). Building supply sales, contractor offices and shops
(5). Fishing Equipment, supplies and repairs
(6). Gasoline stations and repair shops
(7). Frozen food lockers
(8). Commercial greenhouses
(9). Laundering facilities, including sales of linen, towels, and related items
(10). Storage, warehouse, and wholesale establishments
(11). RV parks and mobile home parks limited to the east side of SR 103
(12). Vacation rentals
(13). Drive thru establishments
(14) Funeral Homes and Mortuaries with or without crematory.

4.63 Conditional Uses
(1). Any business related activity conducted out-of-doors, except for parking or loading,.
(2). Light Manufacturing including processing, cleaning, servicing, and/or repair of goods and equipment.
(3). Residential also subject to Design Review.
(4). Eating and drinking establishments.

4.64 Standards
(1). Lot size - Lot area shall be a minimum of 5,000 square feet. Construction on lots platted prior to the passage of this Ordinance, with less than 5,000 square feet, will be permitted as approved by the City Council upon the recommendation of the Planning Commission.
(2). Setback Requirements - None
(3). Building Height - The maximum height of a structure shall be 35 feet, measured as the vertical distance from the average building footprint grade to the highest point of the roof.
(4). Signs: As provided for in section 9.
(5). Parking: As provided for in section 7.
(6). Design Review is required: All development including remodels and new construction in this district shall be subject to the Design Review Procedures and Criteria prescribed in Section 5.
(7). Landscaping: As provided for in Section 8.
(8). Residential Densities: Standards for residential densities are the same as the R2 zoning district, and are found in Section 4.35.

4.65 Commercial Retail Warehouse District (C2)

4.66 Intent
The intent of this district is to provide for commercial uses that require large warehouse facilities and which are not compatible in the Old Town District. It is specifically

intended that no activities that create noise disturbance or emit annoying levels of smoke, or vibration be permitted.

4.67 Permitted Uses

(1). All uses permitted in the Old Town District, except eating and drinking establishments
(2). Medical and veterinary clinics or hospitals.
(3). Sale of vehicles, boats, travel trailers, mobile homes and their accessory equipment.
(4). Building supply sales, contractor offices and shops
(5). Fishing Equipment, supplies and repairs
(6). Gasoline stations and repair shops
(7). Frozen food lockers
(8). Commercial greenhouses
(9). Laundering facilities, including sales of linen, towels, and related items.
(10). Large storage facilities, warehouse, and wholesale establishments.
(11). RV parks and mobile home parks limited to the east side of SR 103.
(12). Vacation rentals.

4.68 Conditional Uses

(1). Any business related activity conducted out-of-doors, except for parking, loading, drive-in establishments serving customers while parked in their cars, or junk yards.
(2). Light Manufacturing including processing, cleaning, servicing, and/or repair of goods and equipment.
(3). Residential - subject to Design Review.
(4). Eating and drinking establishments.

4.69 Standards

(1). Lot size - lot area shall be a minimum of 5,000 square feet. Construction on lots platted prior to the passage of this Ordinance, with less than 5,000 square feet, will be permitted as approved by the City Council upon the recommendation of the Planning Commission.
(2). Setback Requirements - None
(3). Building Height - The maximum height of a structure shall be 35 feet, measured as the vertical distance from the average building footprint grade to the highest point of the roof.
(4). Signs: As provided for in section 9.
(5). Parking: As provided for in section 7.
(6). Design Review is required: All development including remodels and new construction in this district shall be subject to Design Review Criteria prescribed in Section 5.
(7). Landscaping: As provided for in Section 8.
(8). Residential Densities: Standards for residential densities are the same as the R2 zoning district, and are found in Section 4.35.

4.70 Light Industrial District (L1)

4.71 Intent
The intent of this district is to provide for light industrial type of uses.

4.72 Permitted Uses

(1). Light Manufacturing including processing, cleaning, servicing, and/or repair of goods and equipment.
(2) Building supply sales, contractor offices and shops
(3). Storage, warehouse, and wholesale establishments.

4.73 Conditional Uses

(1) Outdoor storage of materials, subject to screening requirements.

4.74 Standards
(1). Lot size – minimum lot area shall be 5,000 square feet. Construction on lots platted prior to the passage of this Ordinance, with less than 5,000 square feet, will be permitted as approved by the City Council upon the recommendation of the Planning Commission.
(2). Setback Requirements - None
(3). Building Height - The maximum height of a structure shall be 35 feet, measured as the vertical distance from the average building footprint grade to the highest point of the roof.
(4). Signs: As provided for in section 9.
(5). Parking: As provided for in section 7.

4.80 Shoreline Single-Family Residential District (S1)

4.81 Intent
The intent of this district is to provide for a low-density, residential neighborhood in keeping with the historical beach village character and to provide for such community services and facilities to serve the areas population while subject to restrictions to protect, preserve and enhance the values of shoreline property.

4.82 Permitted Uses
(1). Single family dwellings, including new manufactured homes.
(2). Public parks or publicly owned recreation areas.
(3). Home occupations.

4.825 Permitted accessory uses and structures
(1). Private garages and private recreational vehicle storage buildings.
(2). Private (noncommercial) greenhouses, woodsheds, and tool sheds.
(3). Private attached accessory living quarters for the sole use of the occupant or temporary guests; not to be rented.
(4). Private swimming pools, hot tubs, saunas, and tennis courts.

(5). The total square footage of all accessory buildings and structures shall not exceed 800 square feet or ten (10%) percent of the total lot area, whichever is greater.

4.83 Conditional Uses

(1). Government or municipal buildings.
(2). Child Day Care Facility.
(3). Churches or community halls.
(4). Schools (public or private), public libraries.

4.84 Standards
(1). Lot size - The minimum lot size is 10,000 square feet. Construction on previously platted lots is allowed but lot coverage shall be limited to 60% of the lot.
(2). Setback Requirements:

a. Front Yard - 10 feet minimum.
b. Side Yard - 5 feet minimum.
c. Rear Yard - 10 feet minimum.
d. Corner Lots - shall have a 10' setback on each street side and a 5' setback at other property lines.

(3). Building height: The maximum height of a structure shall be 35 feet,.
(4). Signs: As provided for in section 9.
(5). Parking: As provided for in section 7.
(6). Design Review: All new construction and uses in this district are subject to design review criteria and procedures..
(7). Lot coverage: The maximum lot coverage shall be 60% of the lot.

4.90 Shoreline Multi-Family Residential District (S2)

4.91 Intent
The intent of this district is to provide for a medium-density, residential neighborhood character and to provide for such community services and facilities as will serve the areas population while subject to restrictions to protect, preserve, enhance, and contribute to both the values of significant environmental features and the desirable architectural theme.

4.92 Permitted Uses
(1). Single family dwellings, including new manufactured homes.
(2). Multi-family dwellings with a maximum of 4 units per building.
(3). Public parks or publicly owned recreation areas.
(4). Home occupations.

4.925 Permitted accessory uses and structures
(1). Private garages and private recreational vehicle storage buildings.
(2). Private (noncommercial) greenhouses, woodsheds, and tool sheds.

(3). Private attached accessory living quarters for the sole use of the occupant or temporary guests; not to be rented.
(4). Private swimming pools, hot tubs, saunas, and tennis courts.
(5). The total square footage of all accessory buildings and structures shall not exceed 800 square feet or ten (10%) percent of the total lot area, whichever is greater.

4.93 Conditional Uses
(1). Government or municipal buildings, uses, or facilities.
(2). Child Day Care Facility.
(3). Churches or community halls.
(4). Bed and Breakfast establishments, resident owner/manager operated, to a maximum of 4 rental rooms.
(5). Vacation rentals.
(6). Schools (public or private), public libraries.
(7). Nursing Homes and Convalescent Centers.

4.94 Standards
(1). The minimum lot size for a single family housing unit shall be 10,000 square feet. The minimum lot size for multi-family housing units shall be 10,000 square feet for the first housing unit in a building plus 2,000 square feet for each additional housing unit per building. Construction of detached, single-family homes on lots platted prior to the passage of this Ordinance with less than 10,000 square feet will be permitted where total lot coverage does not exceed 60 percent.
(2). Setback Requirements:
a. Front Yard - 10 feet minimum.
b. Side Yard - 5 feet minimum.
c. Rear Yard - 10 feet minimum.
d. Corner Lots - shall have a 10' setback on each street side, and a 5' setback at other property lines.
(3). Building height: The maximum height of a structure shall be 35 feet.
(4). Signs: As provided for in section 9.
(5). Parking: As provided for in section 7.
(6). Design Review is required.: All new construction and uses in this district are subject to design review criteria and procedures.
(7). The minimum living space per multi-family residence is 720 square feet.
(8). Density: The maximum number of housing units allowed per building structure is four.
(9). Lot coverage: The maximum lot coverage shall be 75% of the lot.

4.95 Shoreline Resort District (S3):

4.95.01 Intent
The intent of this district is to provide for tourist oriented commercial development.

4.95.02 Permitted Uses
Itinerant lodging, up to 25 lodging units.

(1). Restaurants, excluding drive-through facilities.
(2). Public parks or public owned recreation areas.
(3). All uses allowed in the Old Town District, except for amusements.
(4). Vacation Rentals.

4.95.03 Conditional Uses
(1). Government or municipal buildings, uses, or facilities.
(2). Amusements.
(3). Resort/conference complexes**.**
(4). Itinerant lodging, more than 25 lodging units.
(5). Museums.

4.95.04 Standards
(1). Lot size - 10,000 square feet minimum.
(2). Lot coverage - 75 percent maximum.
(3). Setbacks:
(a) commercial – Subject to Design Review. none
(b) commercial/residential abutting -
i. Front Yard - 10 feet minimum.
ii. Side Yard - 5 feet minimum.
iii. Rear Yard - 10 feet minimum.
iv. Corner Lots - shall have a 10' setback on each street side and a 5' setback at other property lines.
(4). Building Height: The maximum height of a building shall be 60 feet.
(5). Signs: As provided for in section 9.
(6). Parking: As provided for in section 7.
(7). Design Review is required: All remodels, new construction and uses in this zone are subject to design review.

4.96.01 Shoreline Resort Restricted District (S3R):

4.96.02 Intent
The intent of this district is to provide for tourist lodging oriented commercial development.

4.96.03 Permitted Uses
(1). Itinerant lodging, up to 25 lodging units
(2). Public parks or public owned recreation areas
(3). Vacation Rentals

4.96.04 Accessory Uses
(1). Restaurants, cafes, dining establishments, except drive-through facilities.
(2). Cocktail lounges, taverns, coffee shops, brew pubs.
(3). Small retail shops complimentary with the principal use.

4.96.05 Conditional Uses

(1). Resort/conference complexes
(2). Itinerant lodging, more than 25 lodging units.
(3). Government or municipal buildings.
(4). Museums.

4.96.06 Standards
(1). Lot size - 10,000 square feet minimum.
(2). Lot coverage - 75 percent maximum.
(3). Setbacks: None, except as may be required through Design Review.
(4). Building Height: The maximum height of a building shall be 55 feet,.
(5). Signs: As provided for in section 9.
(6). Parking: As provided for in section 7.
(7). Design Review is required: All remodels, new construction and uses in this zone are subject to design review.

4.97 Shoreline Conservancy District (S4):

4.97.01 Intent
The shorelines area within the City contains numerous parcels of property owned by the State of Washington. Some of these parcels are adjacent to commercial developments while others are located in residential areas. These parcels are an asset to the City's environment for the open space, public access, and view corridors that they provide. View corridors shall be designated in those areas where the City desires to maintain open space and ocean beach views.

4.97.02 View Corridors.
Bolstad Avenue. Within the S4 zone, a building setback of 200 feet north and 200 feet south from the Bolstad Avenue right-of-way shall be established to maintain the ocean beach view and open space.

4.97.03 Permitted Uses
(1). Day Use Parks.
(2). Public Restrooms.
(3). Public Parking.
(4). Trails.
(5). Interpretive facilities and museums.
(6). Temporary, mobile open-air food or retail establishments operating as supplements to existing businesses in the OT, OTW, C1, or C2 zones, subject to special approval by the City Council.

4.97.04 Standards
(1). Building Height: The maximum height of a building shall be 35 feet.
(2). Setbacks: None, except as may be required through Design Review.
(3). Signs: As provided for in section 9.
(4). Parking: As provided for in section 7.

(5). Design Review: All buildings, structures, and uses in this zone are subject to design review.

SECTION 5

DESIGN REVIEW PROCEDURES AND CRITERIA

5.01 Design Review Concept:
Pursuant to the goals set forth in the Comprehensive Plan, a system of design review shall be established and implemented in accordance with the Design Review guidelines hereafter set forth. The following quotation from Justice Douglas in rendering the opinion of the court concerning the case of Berman v. Parker, 348.U.S. 26 (1954) captures the spirit and intent of this section.

"The concept of the public welfare is broad and inclusive. The value it represents is spiritual as well as physical, aesthetic as well as monetary. It is well within the power of the legislature to determine that a community should be beautiful as well as healthy, spacious as well as clean, well balanced as well as carefully controlled."

5.02 Scope:
The City shall review and approve all development subject to design review. Development means any improvement to real property open to exterior view, including but not limited to buildings, structures, fixtures, landscaping, site screening, fencing, murals, signs, parking lots, lighting, pedestrian facilities, street furniture, use of open areas (including parks and recreational facilities), mobile home and recreational vehicle parks, whether all or any are publicly or privately sponsored. Development also includes any or all exterior remodeling to existing structures. Development does not include underground utilities. Where any conflict may exist between this ordinance and the design review guidebook, this ordinance shall control.

5.03 Design Approval Required:
(1). Design Review is required for all development in the R1R, OT, OTW, C1, C2, S1, S2, S3, S3R, AND S4 zones. Design Review is also required for all development other than single-family dwellings in the R1 and R2 zones. No building permit shall be issued for any development, redevelopment or construction requiring design review until design approval has been granted.
(2). Development shall be completed in exact accordance with the design approved by the City. If, after such approval, a developer wishes to make any exterior design or landscaping alterations, those amendments shall be brought before the reviewing authority for approval.
(3). No business license or certificate of occupancy shall be issued until construction is complete and in conformance with the design approved by the city. Where occupancy is desired before the completion of all required improvements, the City Administrator may allow a temporary certificate of occupancy upon an affirmative finding of ALL of the following:

a) Temporary occupancy will not compromise public safety;
b) The reason for the delay in completion is beyond the control of the applicant; and
c) The applicant posts a bond or other surety in an amount not less than 150% of the value of the work to be completed.

(4). The City of Long Beach Design Review Guidebook provides greater detail for design review applicants, and is incorporated herein by reference.

5.04 Permit Application Procedure:

(1). Application for Design Review shall be made on forms provided by the city. The city shall also furnish applicants with guidelines to assist in design. All applications shall be submitted to the City Administrator, who shall conduct an initial assessment for completeness and code compliance before routing the application to the appropriate reviewing authority.

(2). Optional pre-application. The applicant is encouraged to submit plans in a preliminary draft or sketch form for staff review prior to final review. The project can then be discussed with the developer and/or architect before irrevocable decisions have been made and before expensive drawings have been prepared. The pre-application review does not bind the city in any way, but rather is offered as a convenience to the applicant. No fee shall be assessed for any requested pre-application review.

(3). Submittal requirements:

a) All plans submitted shall be drawn to scale, on sheets not larger than 11" x 17". If an applicant desires to submit plans larger than the permitted size, then eight copies shall be provided with the application.
b) If other than natural wood color is to be used, color samples shall be provided.
c) Submitted plans shall include site plans and landscaping plans and shall show, in a general manner, the locations of buildings, landscaping, and site features of abutting properties.
d) Applications for Design Review shall be accompanied by a fee as established by resolution of the City Council.

e) All plans submitted for review on construction or alteration of a building over 6000 square feet shall be prepared and stamped by an architect licensed in the State of Washington.

(4). If any Shoreline Substantial Development (SSD) permits or State Environmental Policy Act (SEPA) environmental review is required for the proposed development, city officials should caution the developer to secure these approvals prior to submitting a Design Review application, to ensure that the project will be allowed as designed.

5.05 Review Procedure:

5.05.01 Administrative Review

Applications for signs or additions including decks, fences, and accessory structures, shall be reviewed and acted upon by the City Administrator.

5.05.02 Planning Commission Review

The Planning Commission shall review and act upon the following applications, following receipt of a recommendation from the City Administrator:

(1) Single-family dwellings.
(2) Multi-family developments containing up to four dwelling units.
(3) Additions of up to 6,000 square feet of floor area.

5.05.03 City Council Review
The City Council shall review and act upon any Design Review application not included in sections 5.01.01 and 5.01.02. Prior to its review, the City Council shall receive a recommendation from the City Administrator and the Planning Commission.

5.05.04 Action
Action on any Design Review application may include approval, approval with modifications, or denial, and shall be made in writing to the applicant. The reviewing authority may require additional information or material from the applicant before taking final action.

5.05.05 Professional Assistance
The approving authority may, at its sole discretion, determine that the nature of the proposed development requires outside review by a design professional. The approving authority may retain the services of a design professional if it determines that such assistance is necessary to evaluate a Design Review application. The cost of such assistance shall be borne by the applicant. No building permit shall be issued for any development subject to Design Review until the city has been reimbursed for any costs associated with outside review.

5.05.06 Reporting Requirements
The City Administrator shall, on a monthly basis, report to the Planning Commission on all designs approved under Section 5.05.01, and to the City Council on all designs approved under Sections 5.01.01 and 5.01.02.

5.06 Design Review Approval- Expiration: Approval for Design Review is valid for one year from date of final approval.. The approving authority may grant one extension of time not to exceed one year, upon the filing of a timely request for extension by the applicant. No extension shall be granted if any local zoning or design review regulations have been amended in a manner that would have an impact upon the proposed development. A request for extension shall be deemed to be timely filed if it is received by the City before the expiration date of the final approval.

5.07 Criteria for Approval; Required Findings:

5.07.01 Minimum Criteria.
City Administrator shall review the design for compliance with respect to lot coverage, setbacks, height, and permitted use. These are minimum requirements that shall be met before any further review takes place.

5.07.02 General Review Criteria

a) This approving authority shall review the detailed architectural design with respect to materials and surface textures, colors, fenestration pattern, roof form and pitch, and expression of detailing.

b) The reviewing authority shall also review the site design to determine how the proposed development fits into the existing environment, judging applications with respect to scale and proportion, orientation of buildings and other site features to streets and surrounding properties, and the placement and types of landscaping.

5.07.03 Specific Review Criteria

a) Siding - Natural wood siding such as boards and batten, clapboard, shiplap, wood shingle exterior is encouraged. Metal, stone, and brick siding may be allowed as accent materials in zones where it is not prohibited. However, it is the intent of this ordinance to use brick and stone siding in combination with other siding materials and not to use either as the exclusive siding material, as structures constructed exclusively with brick or stone do not meet the intent of the early seashore or contemporary seashore architectural theme required in certain zones.

b) Roofing Materials - composite roofing is permitted and encouraged. Also permitted in some zones are wood and tile roofs.

c) Windows - Wood sash windows are preferred. Vinyl sash windows are acceptable with an exterior wooden border. Operable wooden storm shutters are also acceptable.

d) Doors - wood or simulated wood doors are preferred.

e) Fences - Decorative wooden fences are preferred. Chain link and split rail wood fences are not permitted in the R1R, S1, S2, or S3 zones.

f) Colors – Colors shall conform to the architectural style and intended use of the building. Bright, gaudy colors are discouraged.

g) Fenestration Pattern - The arrangement of windows on a building façade should be used to avoid the creation of large, blank wall spaces.

h) Roof Form & Pitch - This criteria involves the shape, form and pitch of the roof, and the placement of dormers, eaves, and gables. A variety of form, within the prescribed limitations of roof pitch, is encouraged.

i) Expression of Detailing - The use of architectural detailing such as gingerbread, trim work and ornate fixtures is encouraged when incorporated with appropriate architectural styles.

j) Scale and Proportion - The size and shape of a structure or group of structures should be consistent with the scale of surrounding properties.

k) Orientation - Residential buildings shall be oriented toward the street. Non-residential buildings shall be oriented toward the street, unless an arcade or courtyard is used to present variety in architectural styling.

l) Landscaping –The type, placement, and arrangement of landscape and landscape features is an essential element in the integration of a project with its surrounding area. Landscaping is required where indicated, and encouraged in all projects.

m) Site Design – The integration of the proposed development with abutting properties will be considered. The extent to which the massing of structures is mitigated by landscaping or other techniques will also be considered. Site designs that create vehicular turning movement conflicts are prohibited. Site designs for non-residential projects that share parking or other amenities with neighboring properties are strongly encouraged.

5.07.04 Required Findings.

The approving authority shall make the following findings before approval of any proposed development.

a) Comprehensive Plan Compliance: That the proposal complies with the Comprehensive Plan and other adopted city policies.

b) Zoning Ordinance Compliance: That the proposal meets the requirements of the Zoning Ordinance.

c) Design Review Compliance. That the proposal as approved or conditionally approved satisfies the criteria and purposes of this chapter.

d) Design Review Guidebook Consistency. That the proposal is consistent with the City of Long Beach Design Review Guidebook.

5.08 Appeal

The decision of the approving authority shall be final unless within ten (10) days from the rendering of the decision the applicant or any other party with standing files an appeal. Appeals of any administrative or Planning Commission decision shall be made to the City Council. Appeals of any City Council decision shall be made to Pacific County Superior Court. The filing of such an appeal within said time limit shall stay the decision of the City until such time as the appeal has been adjudicated or withdrawn. When any appeal of an administrative decision is made, the City Council shall request a recommendation from the Planning Commission before taking action.

5.09 Exemptions. The City Council may, at its sole discretion, grant an exemption to the city's design requirements for additions or modifications to existing non-residential buildings that do not conform to the design requirements. Such an exemption will be approved upon an affirmative finding that a strict enforcement of said requirements would result in a building appearance or site condition substantially incompatible with the existing building. In considering any request for exemption, the City Council shall apply the following standards:

(1). No exemption shall be granted to any non-conforming use.
(2). No exemption shall be granted to any structure that is in violation of any bulk, density, or setback standard.
(3). No exemption shall be granted if the proposed addition equals fifty (50%) percent or more of the floor area of the existing building.
(4). No property shall receive more than one exemption.
(5). No exemption shall be granted for accessory structures on a single property.
(6). The addition shall contain at least one common wall to the existing structure.

5.10 Specific Design Criteria by Zone:

5.10.01 Old Town (OT),Old Town West (OTW), Shoreline Resort (S3), Shoreline Resort Restricted (S3R), and Commercial (C1 & C2) Zones:

5.10.01.01 Intent

These zones have a mandatory architectural style that is referred to as the "Early Seashore Theme." The intent of these zones is to create an early twentieth-century seashore atmosphere, provide an attractive compact retail core to stimulate foot traffic, and to promote tourism." Common architectural details include false fronts, marquees, cedar shingles and ornate, seashore detailing. A diversity of building fronts is to be encouraged, and simple replication is to be discouraged.

Marquees or canopies. The intent of this design option is to encourage some protection from the elements, which will assist in promoting off-season foot traffic in the core area.

5.10.01.02 Design requirements:

The following design features are required:

(1) Roofs: A roof pitch of 5:12 or greater is required. The approving authority may allow a more shallow pitch or a flat roof on commercial or mixed-use buildings where the pitch of the roof is concealed by a false front.
(2) Wood cedar shingle siding: A minimum of 80% of the exterior siding exposure shall be cedar shingle siding with an exposure not to exceed 6". The use of glass for window displays is encouraged, and shall be counted toward the wood cedar shingle siding requirement.
(3) Wood siding: If used, not more than 20% of the exterior siding exposure may be wood siding. Natural or stained treatment in natural or neutral colors is required. Lap, clapboard, tongue and groove, board and batten construction is permitted.
(4) Masonry: If used, not more than 20% of the exterior siding exposure may be of stone, brick, or split-faced block.

(5) Trim: A natural trim treatment is preferred, but not required.

(6) Roof Ridge: One vertical change in elevation of a minimum of 3 feet shall occur in every 50 foot run of roof. As an alternative, the following may be applied:

(a) The use of dormers may be proposed as an alternative to a 3' change in elevation. If dormers are used, there shall be not less than two dormers per 50' of roof run on the front of the building, and each dormer must span at least 80% of the roof face from ridge to eave. If the building has two fronts, then dormers shall be placed on the roof on each front.

(b) The use of cupolas may be proposed as an alternative to a 3' change in elevation. If cupolas are used, there must be at least one cupola per 50 foot of roof run or fraction in excess of 50'. Cupolas shall be sized proportional to the building by being not less than one foot and not more than 2.5 feet in height per ten feet of roof run.False fronts: False fronts are permitted on buildings fronting SR 103 [Pacific Avenue] and Ocean Beach Boulevard.

(7) Facades: For buildings in the OT and OTW zones with frontage on Pacific Avenue or Ocean Beach Boulevard, not less than fifty percent of each 25-foot segment of the first floor building façade shall be glass windows designed to accommodate window displays. Bay or bow windows are permitted, and may extend into the right-of-way not more than twelve inches.

(8) Screening: Trash receptacles and HVAC units shall be screened from public view by landscaping, fencing, or other appropriate method. Roof placement of HVAC units, screened by a false front, is permitted.

(9) Parking: For buildings in Old Town with frontage on Pacific Avenue or Ocean Beach Boulevard, parking shall not be placed between the building and the street.

(10) Landscaping:

(a) Landscaping shall be used where necessary to mitigate the height, bulk, or scale of buildings.

(b) Parking areas shall be landscaped, with not less than 400 square feet of landscaping, including two trees, required for each 20 vehicle stalls. Where feasible, such landscaping shall be located and designed to provide shade for motor vehicles. Landscaping or landscaped berms shall be used to partially screen parking areas from view from adjacent streets or building occupants.

(c) Any building not built to the street line shall provide landscaping between the building and the street.

(d) All plantings shall be provided with irrigation or other watering methods to ensure plant survival.

(11) Building width: the minimum width for any residential building shall be not less than fourteen feet.

(12) Orientation: The front door of any residential building shall face the street.

(13) Street furniture: In the OT and OTW zones, the approving authority may require the placement of street furniture within the public way when such placement would enhance the proposed development and the surrounding area.

(14) In the SR3 zone only, balconies shall be required as an architectural feature on the face of any building directly facing the Pacific Ocean.
(15) In the C2 zone only: For commercial property completely surrounded by non-commercial districts and uses including R1MH and schools, Design Review requirements shall be consistent with those of the surrounding districts.
(16) In the C1 and C2 zones only: Single-family housing units shall be sited to accommodate their future conversion to non-residential use.

5.10.03 Restricted Residential (R1R):

5.10.03.01 Intent
The intent of this district is to preserve, enhance, and contribute to an existing architectural design currently present in the older homes. The predominant architectural styles permitted are:

Beach Cottage - Typically small, single story houses with a front porch, a gable end facing the street, dormers, and shingle siding.

Victorian Beach House - The general characteristics are simple one or two story, vertically oriented homes with a steep gable roof, overhanging eaves, weathered shingle siding and a covered front porch.

Craftsman – These homes are typically one story with pitched, broad gables. A lower gable usually covers an open or screened porch, and a large gable covers the main portion of the house. Wood shingles or wood board and batten are the favored exterior finish. Exposed structural members and trim work are usually painted, with shingles left in a natural state or painted an earth tone stain.

5.10.03.02 Design requirements:
The following are required design elements in the R1R zone.
(1) Roofs: Pitched roofs are required, with a minimum roof pitch of 5:12. Materials shall be wood shingle or composition.
(2) Porches: Covered front porches or wrap-around porches are required. Porches on the front of the house, facing the street, shall not be screened.
(3) Building materials: Wood siding is required. Cedar shingles, lap, clapboard, tongue-and-groove, or board and batten are permitted. Other construction methods are prohibited.
(4) Foundations: Permanent foundations are required. Not more than 36” of the foundation may be shown above ground level.
(5) Accessory buildings: Garages, whether attached or detached, shall be recessed not less than two feet from the front of the house. Where available, direct access from a garage to a side street or an alley is required. Sheds and other accessory buildings shall be located in the rear or side yard. Accessory buildings shall be designed to complement the principal building(s) in form, detail, color, and material.
(6) Orientation: The front door shall face the street.

(7) Building width: The minimum width of any building shall be not less than fourteen feet.

5.10.04 Shoreline Residential (S1 & S2):

5.10.04.01 Intent

The intent of this district is to preserve, enhance, and contribute to an existing architectural design currently present in the older homes. A-Frame, Ranch, Tudor, Log Homes, Romanesque, Mediterranean Villa, Exotic, Spanish, and contemporary are prohibited architectural styles.

The predominant architectural styles permitted are as indicated in Section 5.10.03.01.

5.10.04.02 Design requirements:

(1). Roofs: Pitched roofs of not less than 5:12 are required. Materials shall be wood shingle or composition.
(2.) Porches: Covered front porches or wrap around porches are required. Porches on the front of the house, facing the street, shall not be screened.
(3). Building materials: Wood siding is required. Cedar shingles or cedar board and batten siding, or a combination thereof, is required for not less than 80% of the exposed exterior. Not more than 6" shingle exposure is permitted. Lap, clapboard, tongue-and-groove, or brick are permitted on not more than 20% of the exposed exterior. Other construction methods are prohibited.
(4). Color: Natural or stained natural treatment is required. Trim may be painted.
(5). Foundations: Permanent foundations are required. Not more than 36" of the foundation may be shown above ground level.
(6). Accessory buildings: Garages, whether attached or detached, shall be recessed not less than two feet from the front of the house. Where available, direct access from a garage to a side street or an alley is required. Sheds and other accessory buildings shall be located in the rear or side yard. Accessory buildings shall be designed to complement the principal building(s) in form, detail, color, and material.
(7). Orientation: The front door shall face the street.
(8). Building width: The minimum width of any building shall be not less than fourteen feet.

5.10.05 Use of Alternative Building Materials

Notwithstanding the requirements set forth herein for the use of wood products, the approving authority may authorize the use of alternative cement-based materials in lieu of wood if all of these requirements are met:

(1) The product has a wood-like treatment or finish, such as an embossed wood grain or a shape that mimics a natural wood product.
(2) The applicant provides appropriate documentation attesting to the long-term durability of the product.
(3) The product is consistent in size and shape to the wood product it proposes to replace.

SECTION 6

SUPPLEMENTARY PROVISIONS

6.1 CONDITIONAL USE PERMIT CRITERIA

6.01 The Hearings Examiner may approve, approve with modifications, or deny an application for conditional use. In determining the impacts that a proposed use may have on surrounding properties and the community, the Examiner shall make the following determinations. The Hearings Examiner shall approve an application that meets all of these requirements. The Hearings Examiner may modify an approval with conditions that will ensure that these provisions are met.

(1). That the proposed use is permitted as a conditional use in the zone in which the subject property is located.

(2). That the hours of operation of the proposed use will not be disruptive to the neighborhood.

(3). That local and area streets are capable of accommodating traffic projected from the proposed use.

(4). That the proposed design of the site and the buildings therein meet the city's design requirements.

(5). That adequate provision has been made on site to accommodate the parking and loading needs of the proposed use.

(6). That the proposed use has access to an adequate potable water supply.

(7). That the proposed use will connect to a public sewer system with sufficient capacity to accommodate the use.

(8). That the proposed use meets the requirements of other applicable ordinances and regulations including, but not limited to the Comprehensive Plan, the Shoreline Master Program, and the State Environmental Policy Act.

6.02 Bond. The City Council may require that the applicant for a Conditional Use Permit furnish the City with a performance bond of up to 150% of the value of the cost of the improvement to be guaranteed by such bond, in order to assure the proper development of the conditional use according to the restrictions and conditions specified by the City Council and as set forth in this title.

6.03 Procedure for approval of conditional uses.

(1). Application. A request for conditional use may be initiated by a property owner or his authorized agent by filing an application with the City of Long Beach on forms prescribed by the City. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development and its relationship to the surrounding property. Each application shall be accompanied by a receipt indicating payment of fees.

(2). Notice of Public Hearing. Before a request for a conditional use permit is acted upon, it shall be considered at a public hearing.

(3) Written notice shall be addressed through the United States mail to all property owners of record within a radius of three hundred feet of the exterior boundaries of the subject property. The written notice shall be mailed not less than twelve days prior to the hearing.

(4) The City shall publicize said hearing notice for two consecutive weeks in newspaper of record.

(5) The Hearings Examiner may recess a hearing on a request for a Conditional Use in order to obtain additional information. Upon recessing for this purpose, the Hearings Examiner shall announce the time and date when the hearing will be resumed.

(6) The Hearings Examiner shall cause written notification of its action to the City Council.

6.04 Time limit. A Conditional Use permit is valid only if construction or use has commenced within one year from the date of final approval. If substantial construction or use has not commenced within one year of final approval, the Conditional Use permit shall be null and void. A one-year extension may be granted by the City Council if such extension request is made prior to the expiration date.

6.2 BED AND BREAKFAST: The following minimum conditions shall apply to bed and breakfast operations:

Bed and breakfast facilities shall meet all applicable health, fire safety, and building codes and shall be operated so as to not give the appearance of being a business, and those facilities shall not infringe upon the right of neighboring residents to peaceful occupancy of their home.

(1) The bed and breakfast facility premises shall be the principal residence of the owner or the manager.

(2) One non-illuminated sign not to exceed four square-feet shall be permitted.

(3) Driveways accessing a bed and breakfast which are greater than one hundred feet in length shall have an improved width of at least twelve feet with appropriately spaced cutouts to facilitate the passage of two vehicles traveling in opposite directions.

(4) One off-street patron parking space shall be provided for each room rented.

(5) Other conditions may be imposed such as additional parking, improved access, landscaping, or screening, found necessary to protect the best interests of the surrounding properties or the neighborhood due to the nature or character of the site of the facility.

(6) Meals shall be provided to guests only.

6.3 PROJECTIONS FROM BUILDINGS:
Cornices, eaves, gutters, sunshades, and other similar architectural features may not project more than two feet into a required setback. The following types of structures or structural parts are not subject to the building height limitations of this title: belfries, chimneys, church steeples, cupolas, domes, elevator shafts, flagpoles, monuments, observation towers, and other similar projections.

6.4 STORAGE IN FRONT YARD:
No accessory storage buildings shall be located in a required front yard. All personal pet containment areas such as private kennels, dog runs, etc., shall only be located in a rear yard.

6.5 PARKING, STORAGE, OR USE OF MAJOR RECREATIONAL EQUIPMENT:
For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, RV's and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. All such equipment shall be stored in rear yards away from street side view or along the side yards. No major recreational equipment shall be parked or stored on any lot except in a car port or enclosed building or behind the nearest portion of a building to a street, provided however that such equipment may be parked anywhere on residential premises for periods not to exceed 24 hours during loading or unloading. No major recreational equipment shall be parked or stored on any street or way, whether public or private.

6.6 CAMPING AND USE OF RV'S:
No more than two RV's may be used on a lot. Such RV's may be placed upon a lot for not more than 60 days total use per year. Parking and use of more than two RV's on a lot may be permitted the City Council upon an application to the City Council for a Special Use Permit.

6.7 PARKING AND STORAGE OF CERTAIN VEHICLES:
Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any property other than in a completely enclosed building.

6.8 CLEAR VISION AREAS OF LANDSCAPE MATERIALS AND FENCES:
Driveway and street intersections. To insure that landscape materials and fences do not constitute a safety hazard, a **Vision Clearance Triangle** (VCT) shall be provided at all intersections of public rights-of-way and driveways. Within this area unobstructed cross-visibility at a level between forty-two inches and ten feet shall be maintained. However, trees having limbs or foliage trimmed, except during early growth stages, so as to not extend into the sight area, shall be allowed. Landscaping material shall not be located closer than four feet from the edge or top of the curb line or driveway apron, except for required ground cover. The vision clearance triangle for said intersections shall be as follows:

(1). At intersections of public rights-of-way the VCT shall be formed by measuring twenty feet along each property line from the intersection and connecting the end points of such lines formed by such measurement.

(2). At intersections of driveways with public rights-of-way the VCT shall be formed by measuring ten feet along the property line from the intersection and ten feet along the driveway connecting the end point of such lines formed by such measurement.

6.9 FENCES A fence shall be permitted as an accessory uses in all zones. Fences shall be placed inside the property of the owner erecting the fence. Fence height shall not exceed 42 inches in height in any yard which abuts on a street and 72 inches in height in any other yard. Fences higher than 42 inches may be permitted by the planning commission through Design Review, if the applicant demonstrates that the Vision Clearance Triangle is not encumbered by the fence.

6.10 ITINERANT HOME RENTAL The renting of a home for less than thirty-day intervals in the R1, R2, S1, , R1MH, and RIR zones is prohibited.

6.11 LOT FILLING AND MODIFICATION excessive land filling for the purpose of improving a view(s) is not permitted. The intent of this regulation is to allow filling of land for the purpose of being above the surrounding flood plain, yet achieve a fairly homogeneous finish grade with the surrounding properties. No land in or near a flood plain shall be altered or filled unless such activity has received all necessary permits from all agencies.

6.12 UNDERGROUND UTILITIES All new and/or renovated utilities on Pacific Avenue shall be required to be placed underground.

6.13 OUTDOOR MERCHANDISING The display of goods for sale out-of-doors may be allowed only by a conditional use permit. Limitations on length of time, placement of goods, and screening may be applied. Temporary displays for periods not to exceed 30 consecutive days, or 60 days in a calendar year, may be approved by Special Use Permit of the City Council.

6.14 SPECIAL USE PERMIT For events and other activities not specifically addressed by this ordinance, an applicant may apply to the City Council for a Special Use Permit.

6.15 ILLUMINATION The intent of this provision is to restrict lighting to only an immediate area and to avoid distracting and annoying illumination in residential areas and avoid lighting that distracts vehicle operators. Lighting intended for security, parking areas, unloading areas, walkways, porches, entrances to buildings, signs, yards, courts and similar areas, shall cast its light only upon said areas and not upon areas outside of the intended area. Illumination and lighting that are erected as traffic control lighting or navigation lighting are exempt from this provision. All other lighting shall be considered signage and subject to the provisions within Section 9.

SECTION 7

OFF-STREET PARKING AND LOADING

7.01 INTENT

This section is intended to reduce the need for parking on streets and the traffic congestion and hazards caused thereby, and to provide for off-street parking adequate to each type of development in terms of both amount and location.

7.02 Off-Street Parking Space Requirements

All Districts except Old Town - The following shall apply;

(1). Permanent Residences - 2 per housing unit, for the purposes of this section, garage approach aprons shall not be considered parking spaces.

(2). Schools, elementary, nursery - 1 per employee or teacher.

(3). Church, Theater, Community Hall - 1 per six seats or 12 foot of bench.

(4). Motels, Hotels - 1 per unit, plus 1 per each employee and 2 for a manager's unit.

(5). Retail stores, such as grocery stores, tourist shops, furniture stores - 1 per 400 square feet of gross floor area, plus 1 per 2 employees.

(6). Art gallery, library, museum - 1 per 800 square feet of floor area, plus 1 per 2 employees.

(7). Restaurants, cafeterias, drinking establishments - 1 per 200 square feet of gross floor area.

(8). Bakery, confectionery - 1 per 400 square feet of gross floor area.

(9). Gas station - 1 per 2 employees.

(10). Offices, including banks, medical clinics, and professional offices - 1 per 400 square feet of gross floor area.

(11). RV parks and campgrounds - 1 per RV space or campsite, plus 1 per employee.

(12). Private clubs, lodges - 1 per 4 seats.

(13). Senior citizen homes, convalescent centers - 1 per 6 beds, plus 1 for every 3 employees.

(14). Similar uses or aggregate - To be evaluated by the Planning Commission on a case by case basis, based on the above standards.

(15). Commercial Amusements - 1 space per 300 square feet of ground area.

7.03 General Provisions for Off-Street Parking

Parking requirements shall comply with the following criteria;

(1). A plan drawn to scale, indicating how the off-street parking and loading requirements are to be met, shall accompany an application to the Planning Commission.

(2). An off-street parking space shall be at least 9' in width and 18' in length. Such space shall have a vertical clearance of at least 7 feet. A maximum of 50% of required space may be utilized as compact stalls measuring 8' wide by 16' in length.

(3). Off-street parking lots shall have one ingress and one egress access points. The maximum allowable width of ingress and egress access points is 15 feet. This is to prevent continuous unregulated entry or exit of parking lots.

(4). Off-street parking requirements shall be met on the same lot and zoning district as the building served, or on a lot within 200 feet specifically reserved for said business's clientele, except that off-street parking facilities for separate uses may be provided on a separate lot, if the spaces are not less than the total requirement of separate uses.

(5). Parking lots shall have graveled or paved surfaces, maintained adequately for all-weather use, and drained to avoid flow of water over public sidewalks, right-of-way, and abutting private property.

(6). Maneuvering space (to prevent backing onto streets) shall be provided for all lots which provide access onto arterial streets.

(7). In the event that several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately, unless evidence is presented to the satisfaction of the Planning/Design Review Commission that the various uses shall not be used simultaneously.

(8). Required parking spaces shall not be used for the storage of vehicles or materials used in conducting the business.

(9). Should the owner or occupant of a lot or building change the use of the lot or building, the required off-street parking shall be increased or decreased according to the new use.

7.04 Off-Street Loading Requirements

For each use for which a building is to be erected or structurally altered to the extent of increasing the floor area to equal the minimum floor area required to provide loading space, and which will require the receipt or distribution of materials or merchandise by truck or similar vehicle, there shall be provided off-street loading space on the basis of minimum requirements as follows:

(1). Commercial, Industrial, and public utility uses which have a gross floor area of three thousand, five hundred square feet or more, shall provide truck loading or unloading berths in accordance with the following table:

Square Feet of Floor Area	Required Berths
3,500 to 6,500	1
6,501 to 10,000	2
10,001 and over	3

(2). Office buildings, hotels, motels, hospitals, institutions, schools, public buildings, recreational or entertainment facilities, and any similar use which has a gross floor area of ten thousand square feet or more, shall provide off-street loading or unloading berths in accordance with the following table:

Square Feet of Floor Area	Required Berths
10,000 to 50,000	1
50,001 and over	2

7.05 General Provisions for Off-Street Loading

(1). A loading berth shall contain space at least twelve feet wide, thirty feet long, and have a height clearance of at least fourteen feet.

(2). Should the owner or occupant of a lot or building change the use of the lot or building, the required loading shall be increased or decreased according to the new use.

7.06 Old Town Zone Parking Requirements

(1). There are no off-street parking requirements in the Old Town Zone, except for the following:

- 1.5 off-street parking spaces shall be provided for each residential dwelling; and
- One off-street parking space shall be provided for each hotel or motel room.

No variances for required parking spaces will be given in the Old Town Zone.

(2). A property without side street access may not create ingress or egress curb cuts through the sidewalk for access to off street parking spaces unless approved by the City Council.

(3). If a property does not provide the required parking space the owner shall pay a one time fee as established by resolution of the City Council for each deficit parking space. Said fee shall be placed in a public parking fund to be used for the acquisition and/or

development of public parking. It is noted that such public parking may not be located in the immediate vicinity of the property paying the deficit parking fee.

(4). In addition to the one time fee specified in 7.06(3) each subject property owner shall also pay an annual maintenance fee as established by resolution of the City Council for each deficit parking space. This annual maintenance fee shall be included in the annual business license billing.

(5). A property without side street access may not create ingress or egress curb cuts through the sidewalk for access to off street parking spaces.

SECTION 8

LANDSCAPING REQUIREMENTS

8.1 Required Landscaping
The landscaping provisions shall be applied in the following zoning districts:

8.2 OT Old Town District
(1). New commercial development which abuts a residential zoned property shall provide a landscape strip along the common property line. The required land strip shall be 5 feet in width and consist of a mixture of evergreen and deciduous plantings, trees, shrubs and ground covers.

(2). New commercial development or commercial uses which have a remodeling value of 50% of the existing structure shall landscape 5% of the subject property.

8.3 OT Old Town West District
(1). New commercial development which abuts a residential zoned property shall provide a landscape strip along the common property line. The required land strip shall be 5 feet in width and consist of a mixture of evergreen and deciduous plantings, trees, shrubs and ground covers.

(2). New commercial development or commercial uses which have a remodeling value of 50% of the existing structure shall landscape 5% of the subject property. A portion of this landscaping must include a minimum 3' wide landscape strip abutting Ocean Beach Boulevard.

8.4 C1 Commercial District
(1). New commercial development which abuts a residential zoned property shall provide a landscape strip along the common property line. The required land strip shall be 5 feet in width and consist of a mixture of evergreen and deciduous plantings, trees, shrubs and ground covers.

(2). New commercial development or commercial uses which have a value of 50% of the existing structure shall provide a landscape strip an average of five feet in depth but not less than three feet along all property lines abutting public rights-of-way, excluding alleys, ingress and egress points. The required landscape strip shall consist of evergreen and deciduous trees planted not more than thirty feet on center interspersed with large and small shrubs and ground cover. Plantings of shrubs and ground covers shall be chosen and spaced to result in a covering of the landscape strip within two years. Shrubs shall be of a type that do not exceed a height at maturity of approximately three to four feet. Deciduous trees shall have a minimum trunk diameter of two inches at time of planting. Evergreen trees shall be a minimum of six feet tall at time of planting.

8.5 S3 Shoreline Resort District

(1). New commercial development which abuts a residential zoned property shall provide a landscape strip along the common property line. The required land strip shall be 5 feet in width and consist of a mixture of evergreen and deciduous plantings, trees, shrubs and ground covers.

(2). New commercial development or commercial uses which have a value of 50% of the existing structure shall provide a landscape strip an average of five feet in depth but not less than three feet along all property lines abutting public rights-of-way, excluding alleys, ingress and egress points. The required landscape strip shall consist of evergreen and deciduous trees planted not more than thirty feet on center interspersed with large and small shrubs and ground cover. Plantings of shrubs and ground covers shall be chosen and spaced to result in a covering of the landscape strip within two years. Shrubs shall be of a type that does not exceed a height at maturity of approximately three to four feet. Deciduous trees shall have a minimum trunk diameter of two inches at time of planting. Evergreen trees shall be a minimum of six feet tall at time of planting.

8.6 S3R Shoreline Resort Restricted District

(1). New commercial development which abuts a residential zoned property shall provide a landscape strip along the common property line. The required land strip shall be 5 feet in width and consist of a mixture of evergreen and deciduous plantings, trees, shrubs and ground covers.

(2). New commercial development or commercial uses which have a value of 50% of the existing structure shall provide a landscape strip an average of five feet in depth but not less than three feet along all property lines abutting public rights-of-way, excluding alleys, ingress and egress points. The required landscape strip shall consist of evergreen and deciduous trees planted not more than thirty feet on center interspersed with large and small shrubs and ground cover. Plantings of shrubs and ground covers shall be chosen and spaced to result in a covering of the landscape strip within two years. Shrubs shall be of a type that does not exceed a height at maturity of approximately three to four feet. Deciduous trees shall have a minimum trunk diameter of two inches at time of planting. Evergreen trees shall be a minimum of six feet tall at time of planting.

8.7 L1 Light Industrial District

(1). New Light Industrial development which abuts a residential zoned property shall provide a landscape strip along the common property line. The required land strip shall be 5 feet in width and consist of a mixture of evergreen and deciduous plantings, trees, shrubs and ground covers.

(2). New light industrial development or light industrial uses which have a value of 50% of the existing structure shall provide a landscape strip an average of five feet in depth but not less than three feet along all property lines abutting public rights-of-way, excluding alleys, ingress and egress points. The required landscape strip shall consist of evergreen and deciduous trees planted not more than thirty feet on center interspersed with large and small shrubs and ground cover. Plantings of shrubs and ground covers shall be chosen and spaced to result in a covering of the landscape strip within two years.

Shrubs shall be of a type that does not exceed a height at maturity of approximately three to four feet. Deciduous trees shall have a minimum trunk diameter of two inches at time of planting. Evergreen trees shall be a minimum of six feet tall at time of planting.

8.8 Required Maintenance

All required landscape areas shall be properly maintained and kept in good condition at all times, in order to present a neat, lively and orderly appearance. Failure to maintain required landscape areas shall be pursued as a zoning violation subject to section 14.02 of this ordinance. Failure to install and maintain landscaping as a design review condition will result in a City Business License not being issued or the revocation of the issued City Business License. Final approval of new construction is contingent on the completion of all Design Review elements including landscaping.

SECTION 9

SIGNS

9.1 Purpose

It is the purpose of this chapter to safeguard the life, health, property and welfare of the citizens of the City by regulation and controlling the design, construction, location, use, illumination and maintenance of signs and sign structures visible from any portion of public property or rights-of-way. The intent of the standards set forth in this section is:

(1) To protect the right of business to identify its premises and advertise its products through the use of signs without undue hindrance or obstruction;

(2) To encourage the design of signs that attract and invite rather than demand the public's attention and to curb the proliferation of signs;

(3) To promote the enhancement of business and residential properties and neighborhoods by fostering the erection of signs complementary to the buildings and uses to which they relate and which are harmonious with their surroundings.

9.15 Standards

(1). Height: No freestanding sign shall be greater than 96" in height from the adjacent ground surface.
(2). Materials: Materials used in sign construction are to be of wood and paint. Metal shall be allowed for sign frames, support and fasteners.
(3). Characters, Lettering, and Numbers: All characters including lettering and numbering shall be uniform in spacing and appearance.

9.2 Exceptions

This chapter shall not regulate traffic and directional signs installed by a government entity; signs not intended to be viewed from and not readable from off-premises; window merchandise displays; point-of-advertising displays, such as product dispensers; national flags and flags of political subdivisions; symbolic flags of an institution; legal notices required by law; barber poles; historic site plaques; gravestones; structures intended for a separate use, such as phone booths, Goodwill containers and recycling containers; lettering or symbols painted directly onto or flush-mounted magnetically onto an operable motor vehicle operating in the normal course of business.

9.3 Permit Required

No sign shall be erected, re-erected, constructed, posted, applied, altered, structurally revised or repaired except as allowed in this ordinance and pursuant to a permit issued by the city. A separate permit shall be required for a sign or signs for each business entity and/or a separate permit for each group of signs or a single supporting structure installed simultaneously.

9.35 Sign Repair and Reconstruction: Any sign that is subject to replacement of the sign frame or face shall conform to the current sign regulations.

9.4 Exemptions

The following shall not require a permit; these exemptions shall not be construed as relieving the owner of a sign from the responsibility of its erection and maintenance and its compliance with the provisions of this chapter or any other law or ordinance regulating the same:

(1) The changing of the advertising copy or message on a lawfully erected sign designed for the use of replaceable copy;

(2) Painting, repainting or cleaning of a lawfully erected sign structure

(3) Temporary decorations customary for special holidays, such as Christmas and Independence Day, erected entirely on private property;

(4) Real estate signs not exceeding eight square feet in residential zones and twenty-four square feet in commercial zones;

(5) On-premises information signs guiding or directing traffic onto or off of a lot or within a lot, incidental signs and internal information signs such as "vacancy", "no soliciting", not over eight square feet in area which are non-electrical and non-illuminated and do not exceed six feet in height. The information or copy displayed by or on any internal information sign shall be limited to only those letters and/or symbols necessary to convey the required message in as brief a manner as reasonably possible and shall not advertise in any manner the facility occupying the premises nor goods or services available nor hours of operation;

(6) Political signs;

(7) One non-electric and non-illuminated business identification sign containing no advertising matter over four square feet in area, which is permanently affixed on a plane parallel to a wall;

(8) One on-premises non-illuminated bulletin board not over twelve square feet in area for each charitable or religious organization;

(9) For each street frontage of the premises, one non-illuminated temporary construction sign denoting the architect, engineer and/or contractor when placed on work under construction, and not exceeding thirty-two square feet in area;

(10) Memorial signs or tablets, names of buildings, and date of erection when cut into a masonry surface or when constructed of bronze or other noncombustible materials;

(11) Non-electrical identification signs which contain no more than the name and address of the dweller or tenant of a residence shall be allowed. Only one such sign not over two square feet in area shall be allowed for each street frontage of a residential dwelling within the city;

(12) Temporary signs not exceeding thirty-two square feet in area;

(13) Signs used exclusively for;

> (a) Display of official notices used by any court, public body or official, or for the posting of notices by any public officer in the performance of a public duty, or by any person in giving legal notice;
>
> (b) Official directional, warning or information signs of a public or semipublic nonprofit entity erected by or with the approval of the city; provided, however, the design of such signs shall be subject to the approval of the superintendent of public works in consultation with the planning department. All such signs shall be installed by or under the direction of the city department of public works and may be removed by the department of public works if they become damaged, unsightly, or otherwise fall into a state of disrepair. Upon such removal, replacement signs may be installed.

(14) Upon review and approval granted by the Administrator, a business is entitled without permit or Design Review to one oval or rectangular sign not to exceed 3 square feet of area. The sign may be of white dry-erase board material designed for changing of sign advertising copy. This sign may be a double-faced sign, and may also be a portable sign provided that it is commercially lettered and placed on private property and does not block ingress or egress routes to a building or public thoroughfares. All other regulations of Section 9 apply. The administrator's decision can be appealed to Design Review.

(15) Upon review and approval granted by the Administrator, a business is entitled without permit or Design Review to one banner not to exceed 16 square feet. Banners may be displayed only from Memorial Day through the first Sunday after Labor Day. Banners shall be in good condition and shall not be displayed if faded, torn, frayed or in disrepair. All other regulations of Section 9 apply. The administrator's decision can be appealed to Design Review.

(16) Signs visible through a window in the C1, C2, OT, and OTW zones, provided that the sign(s) do not occupy more than forty (40%) percent of the total window space facing any street.

9.5 Prohibited signs

The following signs are prohibited:

(1) Signs or sign structures, which by coloring, shape, wording or location resemble or conflict with traffic control signs or devices;

(2) Signs that create a safety hazard for pedestrian or vehicular traffic;

(3) All flashing signs, except changing message centers;

(4) Portable signs (with exception 9.4(14), 9.4(15);

(5) Signs attached to or placed on a vehicle or trailer parked on public or private property; provided, however, that this provision shall not be construed as prohibiting the identification of a firm or its products on a vehicle operating during the normal course of business. Franchised buses and taxis are exempt from this provision;

(6) Any sign affixed to or painted on trees, rocks or other natural features, or utility poles and the like including advertising signs affixed to or painted on fences;

(7) Roof signs;

(8) All portable reader board signs;

(9) Strings of pennants, banners, posters, ribbons, streamers, balloons, spinners, searchlights.

(10) Interior illuminated signs

(11) Pole signs

9.6 Abandoned Signs

Abandoned signs shall be removed by the owner or lessee of the premises upon which the sign is located within ninety days after the business or service advertised by the sign is no longer conducted on the premises.

9.7 Illumination

All signs are to be externally lit signs such that the light falls upon the sign face and is from external illumination. The light directed on, shall be so shaded, shielded and/or directed so that the light intensity or brightness shall not adversely affect surrounding or facing premises or adversely affect safe vision of operators of vehicles moving on private or public roads, highways or parking areas, or adversely affect safe vision of pedestrians on a public right-of-way.

9.8 Off-premises sign.

A sign which is not located on the same premise as the business of the applicant is an off-premise sign. Approval from the Planning Commission is required prior to installation. General criteria of permanent on-premise signs shall be met. Off-premise signs will be allowed only by demonstration of all of the following:

(1). Necessity of the sign to identify the business or to provide directions.

(2). Determination that the sign is aesthetically appropriate to its surroundings and does not constitute a safety hazard.

(3). It is the only off-premise sign for the business.

(4). Signs shall be no larger than 24 square feet. This shall not reduce the permitted size in subsection A.

9.9 Real estate signs
Real estate signs shall be limited to one sign per street frontage on the premises for sale, lease or rent, and three directional signs to such property. Directional signs shall be displayed only during the time that the premises are actually open for inspection and shall not be placed so as to cause a hazard.

9.10 Political signs
Political signs shall be removed within ten days after the final election involving the candidate or issue advertised by the sign.

SIGN REGULATIONS BY DISTRICT

9.11 R1 Single-Family Residential District
The following signs are permitted in the R1 zoning district:

(1). One non-electrical identification sign per street frontage not exceeding three (3) square feet, which contains no more than the name and address of the dweller or tenant of the residence;

(2). No illuminating, moving or flashing signs are permitted;

(3). One non-electrical identification sign per entrance to a subdivision; providing, that the sign does not exceed twenty-four (24) square feet in area;

(4). One non-illuminated sign not to exceed four square-feet shall be permitted for home occupations.

9.12 R1R Restricted-Single-Family Residential District
The following signs are permitted in the R1R zoning district:

(1). One non-electrical identification sign per street frontage not exceeding three (3) square feet, which contains no more than the name and address of the dweller or tenant of the residence;

(2). No illuminating, moving or flashing signs are permitted;

(3). One non-electrical identification sign per entrance to a subdivision; providing, that the sign does not exceed twenty-four (24) square feet in area;

(4). One non-illuminated sign not to exceed four square-feet shall be permitted for home occupations.

9.13 R2 Multi-Family Residential District

The following signs are permitted in the R2 zoning district:

(1). Signs for single-family residential shall be permitted one non-electrical identification sign per street frontage not exceeding three (3) square feet, which contains no more than the name and address of the dweller or tenant of the residence.

(2). No illuminating, moving or flashing signs are permitted.

(3). Multi-Family residential complexes shall use a group sign at a ratio of three (3) square feet per dwelling unit, not to exceed twenty-four (24) square feet per street frontage.

(4). One non-illuminated sign not to exceed four square-feet shall be permitted for home occupations.

9.14 OT Old Town District

The following signs are permitted in the OT zoning district:

(1). Each single business property shall be permitted a total sign area not to exceed fifty (50) square feet. A freestanding sign may not exceed fifteen (15) square feet of the total allowable signage.

(2). Each multiple-tenant building is permitted one freestanding sign not to exceed thirty-five (35) square feet of the total allowable signage. Total allowable signage may not exceed two square feet per lineal foot of street frontage up to a maximum of one hundred and fifty (150) square feet.

(3). Each multiple-building complex is permitted one freestanding sign not to exceed one square foot per lineal foot of street frontage up to a maximum of seventy-five (75) square feet. Each business within the complex shall be permitted a wall sign not to exceed one square foot per lineal foot of wall frontage.

9.15 OTW Old Town West District

The following signs are permitted in the OTW zoning district:

(1). Each single business property shall be permitted a total sign area not to exceed fifty (50) square feet. A freestanding sign may not exceed fifteen (15) square feet of the total allowable signage.

(2). Each multiple-tenant building is permitted one freestanding sign not to exceed thirty-five (35) square feet of the total allowable signage. Total allowable signage may not exceed two square feet per lineal foot of street frontage up to a maximum of one hundred and fifty (150) square feet.

(3). Each multiple-building complex is permitted one freestanding sign not to exceed one square foot per lineal foot of street frontage up to a maximum of seventy-five (75) square feet. Each business within the complex shall be permitted a wall sign not to exceed one square foot per lineal foot of wall frontage.

9.16 C1 and C2 Commercial District

The following signs are permitted in the C1 and C2 zoning districts:

(1). Each single business property shall be permitted a total sign area not to exceed one-hundred (100) square feet. A freestanding sign may not exceed twenty-five (25) square feet of the total allowable signage.

(2). Each multiple-tenant building is permitted one freestanding sign not to exceed fifty (50) square feet of the total allowable signage. Total allowable signage may not exceed two square feet per lineal foot of street frontage up to a maximum of one hundred and seventy-five (175) square feet.

(3). Each multiple-building complex is permitted one freestanding sign not to exceed one square foot per lineal foot of street frontage up to a maximum of one-hundred (100) square feet. Each business within the complex shall be permitted a wall sign not to exceed one square foot per lineal foot of wall frontage.

9.17 LI Light Industrial District

The following signs are permitted in the LI zoning district:

(1). Each single business property shall be permitted a total sign area not to exceed one-hundred (100) square feet. A freestanding sign may not exceed twenty-five (25) square feet of the total allowable signage.

(2). Each multiple-tenant building is permitted one freestanding sign not to exceed fifty (50) square feet of the total allowable signage. Total allowable signage may not exceed two square feet per lineal foot of street frontage up to a maximum of one hundred and seventy-five (175) square feet.

(3). Each multiple-building complex is permitted one freestanding sign not to exceed one square foot per lineal foot of street frontage up to a maximum of one-hundred (100) square feet. Each business within the complex shall be permitted a wall sign not to exceed one square foot per lineal foot of wall frontage.

9.18 S1 & S2 Shoreline Residential Districts

The following signs are permitted in the S1 and S2 zoning district:

(1). Signs for single-family residential shall be permitted one non-electrical identification sign per street frontage not exceeding three (3) square feet, which contains no more than the name and address of the dweller or tenant of the residence.

(2). No illuminating, moving or flashing signs are permitted.

(3). Multi-Family residential complexes shall use a group sign at a ratio of three (3) square feet per dwelling unit, not to exceed twenty-four (24) square feet per street frontage.

(4). One non-illuminated sign not to exceed four square-feet shall be permitted for home occupations.

9.19 S3 Shoreline Resort District

Following signs are permitted in the S3 district:

(1). Multi-Family residential complexes shall use a group sign at a ratio of three (3) square feet per dwelling unit, not to exceed twenty-four (24) square feet per street frontage.

(2). The maximum total area for commercial signs shall not exceed 100 square feet (including both sides of two sided signs). For commercial developments which have more than one occupant, one additional sign not to exceed four (4) square feet in area per occupant shall be allowed to identify each occupant of development.

9.20 S3R Shoreline Resort Restricted District

Following signs are permitted in the S3R district:

(1). Multi-Family residential complexes shall use a group sign at a ratio of three (3) square feet per dwelling unit, not to exceed twenty-four (24) square feet per street frontage.

(2). The maximum total area for commercial signs shall not exceed 100 square feet (including both sides of two sided signs). For commercial developments which have more than one occupant, one additional sign not to exceed four (4) square feet in area per occupant shall be allowed to identify each occupant of development.

9.21 Nonconforming signs

(1). No person shall be issued a permit for a new sign as long as that person has any nonconforming signs located on that property.

(2). Nonconforming portable signs shall be removed and the flashing portion of other signs terminated within sixty days of the effective date of the ordinance codified in this chapter. With respect to nonconforming portable signs, an extension of the removal date

may be granted by the City if it appears that the user of the sign will be monetarily damaged by the abatement. The burden of proof shall be on the user of the sign to establish monetary damage. If the sign is rented on month-to-month basis or period less than sixty days, no extension may be granted. If the sign is leased for a period in excess of sixty days from the effective date of the ordinance, the removal date shall be extended for the period of the lease. If the sign is owned by the user, the removal date shall be extended to the date on which the depreciated value of the sign is zero as shown on the income tax record of the owner. The owner may also be required to take accelerated depreciation if permitted by Internal Revenue Service law, if code, regulation or policy is the reason of the abatement. The user's status as renter, lessee or owner of the sign shall be determined as of Month, Day, Year, and no interest created after that date shall be recognized. Nonconforming portable signs may be removed by the city and shall be stored by the city for a period of ten days. Thereafter, it may be disposed of by the city in any manner in its sole discretion. If the owner of the sign is present at the time of removal, he shall be given an opportunity to remove the sign forthwith.

Section 10

Reserved

Section 11

VARIANCES

11.01 Hearings Examiner shall grant Variances
The Hearings Examiner shall have the authority to grant a variance from the provisions of this Ordinance when the conditions as set forth in Section 11.02 herein have been found to exist, provided, that any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other property in the vicinity and zone in which subject property is situated.

11.02 Required Showings for a Variance
Before any variance may be granted, it shall be shown:

(1). The strict application of the bulk, dimensional or performance standards set forth in the zoning code precludes or significantly interferes with a reasonable use of the property not otherwise prohibited;

(2). The need for the variance is directly related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the zoning code and not, for example, from deed restrictions or the applicant's own actions;

(3). The design of the project is compatible with other permitted activities in the area and will not cause adverse effects to adjacent properties;

(4). The requested variance does not constitute a grant of special privilege not enjoyed by the other properties in the area, and is the minimum necessary to afford relief;

(5). The public interest will not suffer any substantial detrimental effect.

11.03 Procedure for Approval of Variance
(1). Application. A request for a variance may be initiated by a property owner or his authorized agent by filing an application with the City of Long Beach on forms prescribed by the City. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development and its relationship to the surrounding property, and a list of the owners of all abutting property located within a 300-foor radius of the exterior boundaries of the subject property. Each application shall be accompanied by a receipt indicating payment of fees, as established by the City Council.

(2). Notice of Public Hearing. Before a request for a variance permit is acted upon, it shall be considered at a public hearing.

(a) Written notice shall be addressed through the United States mail to all property owners of record within a radius of three hundred feet of the exterior boundaries of the subject property. The written notice shall be mailed not less than twelve days prior to the hearing.

(b) The city will publicize said hearing for two consecutive weeks in newspaper of record. The cost of publication shall be the responsibility of the applicant.

(c) The hearings examiner may recess a hearing on a request for a variance in order to obtain additional information. Upon recessing for this purpose, the hearings examiner shall announce the time and date when the hearing will be resumed.

(3) Final Action.

(a) The hearings examiner shall cause written notification of his action to be mailed to the applicant for a variance within ten days after the decision has been rendered.

(b) The applicant or any other aggrieved party with standing in the matter may appeal the decision of the hearings examiner to Superior Court, within twenty one days of the decision of the hearings examiner. Notice of such appeal shall be provided to the city concurrently with the filing of the appeal.

SECTION 12

NONCONFORMING USES AND STRUCTURES

12.01 Existing Buildings or Uses
The lawful use of land or buildings existing at the effective date of the ordinance may be continued although such use does not conform to the regulations in this ordinance, providing that, if such use is abandoned, any future use of land or building shall be made to conform to the regulations of the zone in which it is located.

12.02 Discontinuance or Abandonment of Use
The discontinuance of the use of land or abandonment of a use of a building for one year shall be prima facie evidence of discontinuance, or abandonment.

12.03 Change of a nonconforming Use
If a nonconforming use is changed, it shall be changed to a use conforming to the regulations of the zone in which it is located, and after change, it can not be changed back again to any nonconforming use.

12.04 Nonconforming structure
A structure conforming with respect to use but nonconforming with respect to height, yard requirement, coverage or density may be altered or extended; providing, the alteration or extension does not result in further violation of this ordinance.

12.05 Expansion or Alteration
No existing nonconforming structure may be enlarged, expanded in use or reconstructed, except to a conforming use in the district. Ordinary maintenance and repair work may be done in nonconforming uses.

12.06 Reconstruction
If a nonconforming building is destroyed by fire, explosion, or act of God, to the extent of 60% of its value before destruction, it may be rebuilt only as a conforming use, unless otherwise recommended by the planning commission and approved by the City Council.

12.07 Replacement of Non-conforming Mobile Homes or Modular Homes.
Mobile homes or modular homes on lots located outside of the RIMH zone may be replaced for the following purposes.

(1). To upgrade the existing mobile or modular home.
(2). To replace a damaged or destroyed mobile or modular home.

12.075 Replacement requirements.
(1). Replacement of a modular home as permitted in 12.07 is subject to and shall meet all the requirements of RIMH.
(2). The pitch of the roof shall not be less 4:12.

(3). The modular home foundation and/or skirting shall be situated to provide a low profile appearance; therefore, not more than two courses of concrete blocks or fourteen inches of concrete shall be exposed above grade.
(4).The roof overhang shall be at least 8 inches around the entire perimeter of the modular home.
(5). All replacement modular homes shall be subject to the provisions of the zone in which they are located including, but not limited to, design review.
(6). The replacement of a mobile home with another mobile home is prohibited.

12.08 Replacement of Non-conforming Homes.

Homes on lots located outside of the RIR, S1, and S2 zone may be replaced if the home is damaged or destroyed.

The replacement of a home as permitted in Section 12.08 is subject to and shall meet all the requirements of the zone district in which the home is located.

SECTION 13

AMENDMENTS

13.01 Authorization to initiate amendments

An amendment to the text or map of this title may be initiated by the City Council, the planning commission, or by application of a property owner or his authorized agent. . No amendment shall be approved unless the planning commission and City Council make affirmative findings that the amendment is consistent with the city's comprehensive plan.

13.02 Application and fee

An application for amendment to this title by a property owner or his authorized agent shall be filed with the planning commission on forms prescribed by the City. Each application shall be accompanied by a receipt indicating payment of a fee, charged according to a schedule of fees as established by the City Council.

13.03 Public hearing required

Before action is taken on a proposed amendment to the zoning map or the text of this ordinance, the planning commission and the City Council shall hold public hearings thereon. Notice of the public hearings shall be given as follows:

(1). By publishing in the official newspaper not less than two consecutive weeks prior to the date of hearing, a notice containing the time, place and purpose of the hearing.

(2). The planning commission announcement of the public hearing for an amendment to the zoning map shall be given by sending copies of the notice by mail, not less than 30 days prior to the date of hearing, to all property owners within the area enclosed by lines parallel to and three hundred feet from the exterior boundaries of the property involved, using for this purpose the names and addresses of owners as shown upon the records of the county assessor. Failure to send notice to a person specified in this section or failure of a person to receive the notice shall not invalidate any proceeding in connection with the hearing. The commission may prescribe additional methods for providing notice.

13.04 Action

(1). Recess of Hearing. The planning commission may recess a hearing on an amendment to this title in order to obtain additional information. Upon recessing for this purpose, the planning commission shall announce the time and date when the hearing will be resumed.

(2). Planning Commission Recommendation. The planning commission shall make its decision on an amendment to this title and forward their recommendation to the City Council within ninety days of the time the amendment was requested for the final decision.

(3). City Council Decision. Following a separate public hearing, the City Council shall act on the proposed amendment within sixty days of receipt of the recommendation of the

Planning Commission, except that the time for decision may be extended if the zoning amendment is being considered concurrently with a comprehensive plan amendment.

13.05 Withdrawal or postponement

Any applicant, or his agent, may at any time request withdrawal or postponement of consideration of his application. If such notice of withdrawal or request for postponement is received by the City less than one week before the scheduled meeting or continuation thereof for which the application has been legally posted, the application may not thereafter be replaced on the agenda for necessary hearing except on payment of a new application fee.

13.06 Time limitation for re-request

No request for an amendment to the text or the zoning map of this title shall be considered by the City within the twelve-month period immediately following a previous denial of such request, except that the planning commission may consent to a new hearing, if, in the opinion of the planning commission, new evidence or a change of circumstances warrant it.

SECTION 14

ADMINISTRATION

14.01 Administrative Official

The City Administrator or his authorized agent shall have the power and duty to administer the provisions of this ordinance. The City Administrator shall adopt, and revise as required, such instructions and forms as are necessary to serve the public and carry out the provisions of this ordinance.

14.02 Enforcement

The City Council, city administrator, or other duly authorized agents shall have the power and duty to enforce this ordinance through proper legal channels. They shall approve no plans and shall issue no permits unless such plans and intended use of such activities conform in all respects with the provisions of this ordinance.

14.03 Authorization to issue permits

(1). In the issuance of any permit authorized under this title, the City Administrator or his duly authorized agent shall be authorized to receive fees and funds required to be paid.

(2). No city official or employee shall issue a permit for a conditional use or variance, or give other authorization for any use that would not be in full compliance with this ordinance. Any permit or other authorization in violation of this ordinance shall be void without the necessity of any proceedings for revocation or nullification, and any work undertaken pursuant to such permit or other authorization shall be unlawful, and no action taken by any elected or appointed official of the City shall validate any such work, permit, or other authorization.

14.04 Investigation of violations

The City Administrator or his authorized agent shall investigate within ten days any written charge of violation of this ordinance brought to the City Administrator's attention. Upon verifying a violation of this ordinance, the City Administrator shall serve notice to the property owner to comply with the zoning ordinance. The City Administrator or his authorized agent shall inspect the premises after serving notice of violation and, if the violation is still in effect, may take any action authorized in Section 15.02.

14.05 Appeals.

14.05.01 Any decision of the Administrator in interpreting any section of this Ordinance may be appealed in writing by the affected party within ten
(10) business days to the Hearings Examiner. Appeals shall be accompanied by a fee established by resolution of the City Council.

14.05.02 Any appeal of the decision of the Hearings Examiner for any matter set forth in Section 14.05.01 shall be made to Pacific County Superior Court. Such appeal shall be made within ten (10) business days of the written decision of the Hearings Examiner.

14.05.03 If the decision or interpretation of the Administrator or the Hearings Examiner is made in relation to an enforcement action, such enforcement action shall be stayed by the City until final disposition of the appeal.

SECTION 15

SEVERABILITY AND PENALTY

15.01 Severability

The provisions of this ordinance are hereby declared to be severable. If any section, subsection, paragraph, subparagraph, sentence, clause, or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

15.02 Penalty for Violation

Any person, firm, or corporation who knowingly violates or fails to comply with any term or provision of this title shall be deemed to have committed a misdemeanor, and if found guilty, shall be subject to a fine not to exceed One Thousand Dollars ($1,000), and/or to imprisonment not to exceed ninety (90) days or to both such fine and imprisonment. Each day shall be a separate offense. In the event of a continuing violation or failure to comply, the second and subsequent days shall constitute a gross misdemeanor punishable by a fine not to exceed Five Thousand Dollars ($5,000) and/or imprisonment not to exceed three hundred and sixty-five (365) days or both such time and imprisonment. Continuing violation shall mean the same type of violation which is committed within a year of the initial violation.

As an additional concurrent penalty, it shall be a civil infraction for a person, firm, or corporation to violate or fail to comply with any term or provision of this title. Each day shall be a separate infraction. A person, firm, or corporation found to have committed a civil infraction shall be assessed a monetary penalty as follows:

1. **First offense:** Class 3 ($50), not including statutory assessments.

2. **Second offense arising out of the same facts as the first offense:** Class 2 ($125), not including statutory assessments.

3. **Third offense arising out of the same facts as the first offense:** Class 1 ($250), not including statutory assessments.

ORDINANCE NO. 797a

AN ORDINANCE ESTABLISHING ZONING REGULATIONS FOR THE CITY OF LONG BEACH, PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH, AND PROVIDING FOR THE ENFORCEMENT OF THE COMPREHENSIVE PLAN.

WHEREAS, the City Council deems it necessary for the purpose of promoting the public health, safety and general welfare of the City; and

WHEREAS, a Comprehensive Plan has been adopted to anticipate and influence orderly and coordinated development of land and building uses within the City; and

WHEREAS, The Planning Commission has prepared a zoning ordinance for the City, designed to encourage growth, protect and enhance property values, minimize discordant, unsightly surroundings, avoid inappropriate design, provide for environmental, aesthetic, health, safety and general welfare objectives, while looking to the comfort, prosperity, beauty and balance of the community as a whole; and

WHEREAS, all of the requirements of RCW 35A.63.100 have been conformed to and public hearings in accordance with RCW 35A.63.070 have been held, and it having been determined that this ordinance will provide for the needs of the City as previously set forth;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF LONG BEACH, WASHINGTON AS FOLLOWS:

Section 1. Authorization. The City Council hereby authorizes this Ordinance as the implementing tool of its Growth Management Comprehensive Plan and Policy.

Section 2. Repeal of Conflicting Ordinances. All previous Ordinances are repealed insofar as they may be in conflict with this Ordinance as of the effective date of this Ordinance.

Section 3. Effective Date. This Ordinance shall be in full force and effect five days from and after its approval, passage and publication in the manner required by law.

Passed this 15th Day of June, 2005

AYES_____ NAYS_____ ABSENT_____

_____
Mayor

ATTEST:

_____