



Kelso Planning Commission Agenda

Meeting at 6:00 p.m.

Tuesday, March 12, 2013

203 South Pacific Ave., City Hall Council Chambers

| Agenda | Approved/ Denied | Remarks |
|---|---------------------|---------|
| Call to Order: | | |
| 1. Roll Call | | |
| Approve Minutes: | | |
| 1. February 12, 2013 Regular Meeting | | |
| Presentation: | | |
| 1. Shoreline Master Program (SMP) Regulatory Approach Options 3 presented by Parametrix | | |
| Public Hearing: | | |
| 1. Title 17 Text Amendments ZON13-001 CANCELLED | | |
| Citizen Business: | | |
| Action/Motion Items: | | |
| Commission Business: | | |
| 1. Zoning Code <ul style="list-style-type: none"> a. Proposed Revisions KMC 17.08 Definitions b. Proposed Revisions KMC 17.15 Permitted, Administrative and Conditional Uses c. Proposed Revisions KMC 17.40 Development Standards | | |
| Adjournment: | | |
| Next Meeting April 9, 2013 at 6:00 p.m. | | |

City of Kelso Community Development Department (360) 423-9922

Posted March 8, 2013



Kelso Planning Commission Meeting Minutes
Tuesday, February 12, 2013
6:00pm – 7:40pm

Commissioners Present:

Dan Jones, Patricia VanRollins (late arrival), Toby Tabor, Rick VonRock, Jared Wade, Clark Hislop

Commissioners Absent: James Webb (notification received prior to meeting)

Staff Present: Nancy Malone, Community Development Manager; Stephanie Helem, Recording Secretary

Call to Order:

Vice-Chair Rick VonRock called the meeting to order at 6:00 pm.

Minutes:

Commissioner Wade made the motion, seconded by Commissioner Jones to approve the minutes of January 8, 2013. Motion carried, all in favor.

Presentations:

MURP Program – South Kelso Neighborhood Revitalization & Action Plan. Nancy gave an introduction. In December 2012, with the help of COG, the city submitted a proposal for a south Kelso neighborhood action plan project in which if the city was selected a group of students from Portland State would be working with the city to explore neighborhood issues in the south Kelso area. The process will create community dialog as to focusing on the concept of social equity and community health. In January the city was made aware the project was selected for this program and is in the process of implementing the program. Chris Myers and Beth Otto gave a PowerPoint presentation on their work plan and what we as the city will see as a result from this program. They are two members of a group from Portland State University. There were sixty projects submitted in the RFP process. Six projects were chosen. There are six students working on this project. This project is running late January early February through the middle of June 2013. Their general marketing strategy is branding this "ASK" Activate South Kelso. Discussion followed. Possible May planning commission meeting presentation of findings. Future council presentation planned.

Shoreline Master Program (SMP) Regulatory Approach Options 2 (PowerPoint) presented by Parametrix Planner, Jennifer Hughes. Regulatory options, this is the second of three topic meetings about the Shoreline Master Program update. Same place as we were in January still developing environment designations goals and policies for the master program update document. There are four broad policies in the management act; encouraging water dependent uses, promoting public access, protecting the shorelines natural resources, providing for restoration of ecological functions. Tonight's presentation more in depth about three of those broad topics; maintenance and enhancement of ecological processes (no net loss), mitigation of accumulative impacts, some proposed draft shoreline environment designations specific for Kelso. Discussion followed.

Citizen Business: No business

Action/Motion Items:

1. Planning Commission Rules and Regulations.

MOTION: Commissioner Hislop made the motion, seconded by Commissioner Jones to accept the City of Kelso's Planning Commission Rules of the Commission. Motion carried, all in favor.

Commission Business:

1. Zoning Code, Nancy Malone

a. Upcoming Modifications/Revisions Discussion. Moving forward with changing items in the municipal code.

- Adding definitions that have been left out.
- Clarifications on different industrial uses and the same with commercial town center and west Kelso.
- Eliminating retail establishments on the ground floor in the commercial town center in the four block area? Discussion followed. Administrative review process requirements. Office space on ground floor.
- Grooming parlors currently not allowed on 1st floor in downtown core.
- Towing Service in the light industrial area is not allowed in code. Discussion followed. Would not be suitable in a commercial area. Suitable for light industrial or industrial.
- Elimination of an antique or second hand store within 300 ft of another one.

b. General consensus from Planning Commission to go ahead with the above listed changes as discussed.

c. Add language for metal carports to be allowed. People are putting these up whether it is a business or home owner. City has no idea if they are being placed correctly, do they meet the setbacks? Current code says the accessory structure/carport has to be of like construction as the residence. Currently metal carports (detached) are not allowed in the city of Kelso. Discussion followed. Bring back to the commission more information regarding regulations and permit requirements. How are these secured? Size? Conformity?

2. Nuisance Code 8.24, Nancy Malone

a. Shopping Cart Removal – Create policy.

b. Number of vehicles parked in the city right of way and length of time. Working with the police department and public works.

3. Lewis and Clark Bowman Archery Club – requesting to place Archery Range in Aldercrest area.

4. Addition of Parklets – parking areas that are not being utilized for vehicles making them into park areas where businesses can utilize area as extensions of restaurant in downtown and west Kelso area. Probably several meetings down the road.

5. Food Truck Courts – another way to attract people to downtown area. KDRA involvement.

6. Looking into creating new zoning district. Mixed Use Commercial/Industrial.

7. Victory Center Status – Notice of Incomplete Application sent. They have 90 days to submit new information.

8. Commissioner VonRock – County Commissioners meeting today. Kelso received funding.

a. Storm drainage/sanitary sewer relocation grant at mall to put pad \$50,000. City has not received application for this pad. Series of things to be done before pad could be placed.

b. Visitor's Information Center replacement city granted 100,000.

c. Airport granted \$95,000.

Adjournment:

There being no further business, Commissioner VonRock motioned to adjourn and Commissioner VanRollins seconded to adjourn at 7:40pm.

Patricia VanRollins, Planning Commission Chair

Respectfully submitted:
Stephanie L. Helem, Recording Secretary

DRAFT

17.08.010 Purpose.

For the purpose of this title, certain words and terms used herein, or which may be used, are defined below. Words not defined shall be known by their common meaning unless the context clearly indicates otherwise. (Ord. 3745 § 1 (Att. A), 2011; Ord. 3699 § 1 (Att. B), 2009; Ord. 3508 § 6, 2003; Ord. 3075 § 2.1, 1987)

17.08.020 "A" definitions.

"Accessory building or structure" means a subordinate building or structure that is incidental to the principal structure on the same lot. Accessory dwelling units are not considered accessory buildings or structures.

"Accessory dwelling unit" means separate living quarters contained within or detached from a single-family dwelling on a single lot, containing eight hundred square feet of floor area or less, excluding any garage area or accessory buildings and sharing a single driveway with the primary dwelling; provided, no recreational vehicle shall be an accessory dwelling unit.

"Accessory use, building or structure" means a building, part of a building or structure, or a use which is subordinate to the operation or enjoyment of a lawful use and the use of which is incidental to that of the main building, structure or use on the same lot.

"Administrative official" means the duly appointed city of Kelso community development director or the director's designee.

"Administrative uses" means those uses set forth and defined in the text and tables of this title and are generally thought to be compatible throughout the district. However, there may be some instances where such a use may be incompatible and site plan review by the administrative official and the opportunity for public comment is required in order to ensure compatibility with the intent and character of the district.

"Adult day care home" means a regular family abode of a person or persons providing personal care or special care for less than twenty-four hours to more than one but not more than six adults who are not related by blood or marriage to the person(s) providing the services.

"Adult family home" means a residential home in which a person or persons provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services and are licensed by the Washington State Department of Social and Health Services.

"Agriculture" means all forms of crop-related activities, such as growing crops and processing crops as part of a farm, and animal husbandry, using best management practices. Incidental vegetable gardening, landscaping and keeping common pets are not defined as agriculture.

"Alcoholism/substance abuse treatment facility" means a private place or establishment, other than a hospital, licensed by the state and operated primarily for the inpatient treatment of alcoholism and other substance abuse problems. May include outpatient treatment.

"Alley" means a public thoroughfare or way having a width of not more than twenty feet that affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

"Alteration(s)" means any change, addition or modification in construction or occupancy of a building, or any change, addition or modification to a site.

"Antique shop" means an establishment engaged in the sale of collectibles, relics or objects of an earlier period than the present.

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"Apartment house" means a building containing five or more family dwelling units each of which, though independent of each other, is provided with joint services such as central heat, common hallways, common entrance or entrances to the building, janitor services, refuse disposal and similar services.

"Assisted living-home" means any group residential program that provides personal care and support services to people who need help with daily living activities as a result of physical or cognitive disability. Assisted living communities usually offer help with bathing, dressing, meals and housekeeping. The amount of help provided depends on individual needs. establishment operated for the purpose of providing a range of domiciliary care for a group of persons who by reason of age are either unable to or choose not to provide such care for themselves and who are not in need of medical or nursing treatment except in the case of temporary illness.

"Attached structure" means any structure that is attached to another structure by a common wall, by a roof, or by structural connections that allow pedestrian access to both structures. For example, decks or stairways are attached structures when they are connected to another structure. A garage may be attached to another structure by sharing a wall or by a breezeway. Structures connected by an "I" beam or similar connections are not considered attached.

"Auto repair services" means the servicing of automobiles not owned by the property owner, for a fee, including mechanical servicing and body work. Auto repair services must take place within a building.

"Auto wrecking yard" means an area where the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts, exists. (Ord. 3745 § 1 (Att. A), 2011; Ord. 3699 § 1 (Att. B), 2009; Ord. 3508 § 7, 2003)

17.08.030 "B" definitions.

"Bed and breakfast" means a lodging where five or fewer guest rooms are provided to guests by a resident operator for a fee by pre-arrangement on a daily or short-term, temporary basis. A breakfast and/or light snacks may be served to those renting rooms in the bed and breakfast. No cooking facilities are provided in the individual rooms.~~"d and breakfast" means a detached single family residence that is owner occupied and in which:~~

~~A. No more than five guest rooms are provided within the residence or within accessory buildings, for compensation, as overnight accommodations for transient visitors who remain no longer than two weeks in any one visit; and~~

~~B. Breakfast is customarily included in the charge for the room.~~

"Boarding house" means a building with not more than five guest rooms where lodging and meals are provided for compensation for not more than ten persons, but shall not include rest homes or convalescent homes.

"Boundary line adjustment" is the adjusting of boundary lines, between platted or nonplatted lots or both, which does not create any additional lot, tract, parcel, site, or division, nor create any lot, tract, parcel, site, or division which contains insufficient area and dimensions to meet minimum requirements for width and area for a building site and may be accomplished in nonconforming situations when the degree of nonconformity is not increased. Boundary line adjustments may combine two or more platted or nonplatted lots, or both, into one lot.

"Brewery" or "winery" means an establishment primarily engaged in the production and distribution of beer, ale, or other malt beverages, or wine, and which may include accessory uses such as a tasting room and retail sales of promotional products. This classification allows a brewery/winery to sell beer/wine at retail and/or act as wholesaler for beer/wine of its own production for off-site consumption with appropriate state licenses. The tasting room and retail area can be no larger than 750 square feet combined. One-day promotional events may be held on site up to four times per year. The development may include other uses such as a standard restaurant, bar or live entertainment as otherwise permitted in the zoning district.

"Brewpub" means a restaurant, tavern, bar or nightclub that manufactures up to 1,500 barrels of fermented malt beverages per year on premises for either consumption on-premises or by hand-capped or sealed containers in quantities up to one-half barrel or 15.5 gallons sold directly to the consumer. Wholesaling shall be permitted only as otherwise permitted in the zoning district. All aspects of production, service and sales of alcohol beverages must have the appropriate Washington State permits. A brewpub is not allowed in conjunction with a restaurant that has a drive-up facility.

"Buffer" means space, either landscaped or existing or natural vegetation, intended to reduce the impact of undesirable sights, sounds, or odors; provided, that an area that was logged or clear cut within five

years of submittal may not be acceptable as a buffer. Buffers protecting critical areas shall be as defined in Chapter 18.20.

"Building" means any structure intended for support, shelter or enclosure of persons, animals, uses or property of any kind.

"Building height" means the vertical distance above grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of the building.

"Building line" means the perimeter of that portion of a building or structure nearest a property line but excluding open steps, terraces, cornices, decks less than thirty inches high, and other ornamental features projecting from the walls of the building or structure.

"Building, main" means the principal building 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 structure designed or used for the primary purpose, as in the case of group houses, each such permissible building on one lot as defined by this title shall be construed as constituting a main building.

"Building official" means the person or persons or firm designated by the city to ensure compliance with appropriate municipal codes related to building permits, such as administration of the International Building Codes. (Ord. 3745 § 1 (Att. A), 2011; Ord. 3699 § 1 (Att. B), 2009; Ord. 3508 § 7, 2003)

17.08.040 "C" definitions.

"Caliper" means a measurement of a tree's diameter, in particular deciduous trees. Caliper of a tree trunk shall be taken six inches above the ground up to and including four-inch caliper size, and twelve inches above the ground for larger tree sizes.

"Carport" means a covered shelter for one or more vehicles that is open on at least two sides.

"Caretaker's dwelling" means a residence located on the premises with a main nonresidential use and occupied only by a caretaker or guard employed on the premises, and his or her family. For the purposes of this definition, dwelling includes apartment, quarters, cottages, facilities and unit.

~~"Child day care centers" means any preschool, day nursery, nursery school, child home-based day care nursery or other building or premises regularly used for the day care of a group of thirteen or more children for periods of less than twenty-four hours, apart from their parents or guardians, governed by the state day care center licensing provisions and conducted in accordance with state requirements.~~

"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.

"Clinic" means a building or portion of a building in which health care services are provided for treatment of human or animal outpatients.

"Club/lodge" means any kind of group for members only and who meet for a specific purpose.

"Cluster development" means the arrangement or grouping of lots to increase densities on some portions of a property to preserve the remainder for open space or other amenities.

"Community center" means a location where members of a community may gather for group activities, social support, public information, and other purposes. They may sometimes be open for the whole community or for a specialized group within the greater community.

"Conditional uses" means those uses set forth and defined in the text and tables of this title and are generally thought to be incompatible throughout the district. However, compatibility with other uses in the district may be achieved if uses are properly sited and designed. Conditional uses may be permitted by the hearings examiner when it is determined, after holding a public hearing, that difficulties related to compatibility and/or the provisions of public services have been adequately resolved.

"Convalescent or nursing homes" means permitting nursing, dietary and other personal services to convalescents, invalids or other persons incapable of providing for their own care, but excluding cases of mental illness and cases of contagious or communicable disease and excluding surgery or primary treatments which are customarily provided in sanitariums or hospitals. See "health care facility."

"Covenant" means a private legal restriction or obligation in regard to the use of land contained in the deed to a property or otherwise formally recorded.

"Cultural institution" means a building used primarily for the production, presentation, or exhibition of cultural disciplines such as music, dance, theater, literature and the visual arts, or items of scientific interest. (Ord. 3745 § 1 (Att. A), 2011; Ord. 3699 § 1 (Att. B), 2009; Ord. 3568 § 1, 2005; Ord. 3508 § 7, 2003)

17.08.050 "D" definitions.

"Day care facility"- "Day care center" means a state licensed entity regularly providing care for thirteen or more children for periods of less than twenty-four hours. A day care center is not located in a private family residence unless the portion of the residence to which the children have access is used exclusively for the children during the hours the center is open or is separate from the usual quarters of the family.

Day Care, Family Home. "Family home day care" means an entity regularly providing care during part of the twenty-four hour day to six or fewer children in the family abode of the person(s) under whose direction the children are placed; or, a state licensed entity regularly providing care during part of the twenty-four hour day to between six and twelve children in the family abode of the person(s) under whose direction the children are placed.

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Day Care, Mini-Center. "Mini-center day care" means a state licensed entity providing care during part of the twenty-four hour day period for twelve or fewer children in a facility other than the family abode of the person or persons under whose direct care the children are placed, or for the care of seven through twelve children in the family abode of such person or persons.

~~means a building or structure in which an agency, person, or persons regularly provide child care for a group of children for periods of less than twenty-four hours per day. "Child day care centers" means any preschool, day nursery, nursery school, child home-based day care nursery or other building or premises regularly used for the day care of a group of thirteen or more children for periods of less than twenty-four hours, apart from their parents or guardians, governed by the state day care center licensing provisions and conducted in accordance with state requirements.~~

~~Child care facilities include family day care homes and child day care centers, as defined below:~~

~~A. "Family day care home" means a state licensed child day care facility in the family residence of a state licensee providing regularly scheduled child day care for not more than twelve children in the family living quarters, including children who reside at the home.~~

~~B. "Child day care centers" means any preschool, day nursery, nursery school, child home-based day care nursery or other building or premises regularly used for the day care of a group of thirteen or more children for periods of less than twenty-four hours, apart from their parents or guardians, governed by the state day care center licensing provisions and conducted in accordance with state requirements.~~

"Dedication" means the deliberate appropriation of land or improvements by the owner for any general or public use. Through a dedication, the owner reserves to himself no rights other than those compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

"Density" is a method of describing the intensity of development patterns typically measured in dwelling units per acre. Gross density includes the entire property, whereas net density refers to the land available for development (e.g., less roads and critical areas).

"Development" means the activity or purpose for which land or structures or a combination of land and structures are designed, arranged, occupied or maintained together with any associated site improvements. This definition includes the construction, erection, placement, movement or demolition of any structure or site improvement and any physical alteration to land itself including any clearing, grading, leveling, paving or excavation. Development also means any existing or proposed configuration of land, structures and site improvements, and the use thereof.

"Development rights" means the potential for the improvement of real property, measured in dwelling units or units of commercial or industrial space, existing because of the zoning classification of real property.

"Diameter breast height" means the diameter of a tree trunk measured at four feet above average grade.

"Domestic animal" means cats, dogs, rabbits and other small animals commonly kept as pets in the city.

"Drive-through business" means a business or portion of a business where customers may carry on business while seated in a motor vehicle. This definition shall include but not be limited to gas stations, car washes, and drive-in businesses and facilities such as restaurants or banks.

"Drought-resistant plants" means plant material that, once established, can survive with little or no water other than that from annual rainfall.

"Duplex" means a building that contains two primary dwelling units on one lot. The units must share a common wall or common floor/ceiling.

"Dwelling unit" means a building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units or accessory dwelling units, unless the additional cooking facilities are clearly accessory to the primary use, such as an outdoor grill.

~~"Dwelling" or "dwelling unit" means a building or portion of a building designed exclusively for residential purposes.~~

~~"Dwelling, duplex" means a building containing two dwelling units under a common roof.~~

~~"Dwelling, multifamily" means a building arranged or designed to be occupied by more than four families, such as an apartment house or flat, but not including a trailer park, a building or portion of a building containing three or more dwelling units or more than one dwelling unit on one lot, not including accessory dwelling units.~~

"Dwelling, single-family" means a building arranged or designed to be occupied by not more than one family containing one dwelling unit. (Ord. 3745 § 1 (Att. A), 2011; Ord. 3699 § 1 (Att. B), 2009; Ord. 3508 § 7, 2003)

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17.08.060 "E" definitions.

"Easement" means a private agreement between parties to allow the use of the real property of another for a specific purpose, such as access, utility lines, etc. An easement is itself a real property interest, but legal title to the underlying land is retained by the original owner for all other purposes.

"Education institution" means a school or educational or training institution that offers a program of college, professional, preparatory, high school, middle school, junior high school, elementary, or kindergarten instruction, or any combination thereof, or any other program of trade, technical or artistic

instruction (excluding single-day programs of instruction), together with associated staff housing and/or conference facilities and other typical educational accessory uses.

A. "Private" education institutions are privately owned and operated.

B. "Public" education institutions are operated by the Kelso School District or any other public entity.

"EIS" means an environmental impact statement prepared to Chapter 43.21C RCW and Chapter 197-10 WAC and any amendments thereof.

"Emergency shelter" means congregate facilities providing housing to shelter families and individuals offered on an emergency basis for a period not to exceed 90 days continuously. Shelters may offer meals, lodging and associated services on site, aimed at helping people move towards self-sufficiency.

"Entertainment facilities" includes but is not limited to movie theaters, arcades, recreation, bowling. Adult land uses and sexually oriented uses are not included.

"Establishment" means either of the following: (1) an institutional, business, commercial, or industrial activity that is the sole occupant of one or more buildings; (2) an institutional, business, commercial, or industrial activity that occupies a portion of a building that: (a) the activity is a logical and separate entity from the other activities within the building and not a department of the whole; and (b) the activity has either a separate entrance from the exterior of the building, or a separate entrance from a common and clearly defined entryway that has direct access to the exterior of the building.

"Equipment" means nonautomobile mechanisms including:

A. "Heavy equipment": "Equipment – Heavy Duty" means self-powered, self-propelled or towed mechanical devices, equipment and vehicles of a nature customarily used for commercial purposes such as tandem axle trucks, graders, backhoes, tractor trailers, cranes and lifts but excluding automobiles, recreational vehicles and boats and their trailers.

B. "Light equipment": "Equipment Light" means handheld mechanical devices of a nature typically used for landscaping or other nonindustrial scale activities.

C. "Mechanical equipment": "Equipment Mechanical" means HVAC or other mechanisms that are fixed in a location for uses associated with structures.

"Equipment storage area" means a place where two or more items of heavy and/or light equipment are stored. (Ord. 3745 § 1 (Att. A), 2011; Ord. 3699 § 1 (Att. B), 2009; Ord. 3508 § 7, 2003)

17.08.070 "F" definitions.

"Facade" means that exterior side of a building which faces, and is most nearly parallel to a public or private street (a building may have more than one facade). The facade shall include the entire building

walls, including wall faces, parapets, fascia, windows, doors, canopies, and visible roof structures of one complete elevation.

"Factory-built home" means any building designed to be used as a dwelling, that is constructed primarily in a factory in compliance with the standards of the International Building Code, does not contain a permanent chassis, and is transported to the site for assembly and installation on a permanent foundation. Such dwellings must have the insignia of approval of the Washington State Department of Labor and Industries, in accordance with Chapter 43.22 RCW.

"Family" means an individual, or two or more persons related by blood, marriage or adoption, or a group of not more than six persons, excluding servants, who are not related by blood, marriage or adoption living together in a dwelling unit.

~~"Family home services" includes the following:~~

~~A. "Adult day care home" means a regular family abode of a person or persons providing personal care, or special care for less than twenty-four hours to more than one but not more than six adults who are not related by blood or marriage to the person(s) providing the services.~~

~~B. "Adult family home" means a regular family abode of a person or persons providing personal care, or special care, room and board to more than one but not more than six adults who are not related by blood or marriage to the person(s) providing the services.~~

~~C. "Family day care home" means a licensed child day care facility in the family residence of a state licensee providing regularly scheduled child day care for not more than twelve children in the family living quarters, including children who reside at the home.~~

~~D. "Foster family home" means a dwelling unit in which foster care is provided on a twenty-four-hour basis for not more than six unrelated children, expectant mothers or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother or disabled person is placed as part of the family, and the dwelling unit is governed by the state foster care home licensing provisions and conducted in accordance with state requirements.~~

~~E. "Group care facility, small" means a facility for handicapped, physically disabled or developmentally disabled or elderly adults needing assistance, or dependent or predelinquent children, plus house parents, providing facilities residentially oriented in a home-like environment directed to allow a degree of community participation and human dignity not provided in an institutional atmosphere for only six or less such persons, plus house parents. Does not include "halfway house" as defined.~~

~~F. "Licensed boarding home, small" means any home or other institution however named which is advertised, announced or maintained for the express or implied purpose of providing domiciliary-assisted living services and enhanced adult residential care to three to six aged persons not related by blood or marriage.~~

"Farmer's market" means an open-air temporary grouping of vendors in a common location, usually selling produce, freshly prepared foods, handmade crafts or other unique, agriculturally related goods.

"Final plat" is a map or representation of a subdivision (excluding a short subdivision), showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys or other divisions and dedications, meeting the requirements of the platting regulations of the city, and filed for record in the office of the auditor of Cowlitz County.

"Flag lot" means a lot of a panhandle configuration where the panhandle connects the main body of the lot to a road or street. A lot generally in the shape of a flag where access is typically by a narrow, private right-of-way or driveway.

"Floor area ratio" represents the gross floor area of all buildings or structures on a lot divided by the total lot area. means the total area of all floors within the exterior vertical walls of a building. If any room has a sloping ceiling, no portion of the room measuring less than five vertical feet from the finished floor to the finished ceiling shall be included in the computation of total area.

"Food vending cart" means a vending container equipped with wheels and used to serve food items, prepared remotely and stored within the cart for sale on a sidewalk to pedestrians. The cart may be outfitted to keep prepared food hot or cold.

"Footprint" means the area at the ground plane of a building, structure, or other element, bounded by the outside of the exterior walls and including stairs, porches, decks, upper story overhangs, canopies, and other appurtenances over three feet in height above the grade, except not including roof overhangs.

"Formula take-out food restaurant" means a restaurant or establishment that (1) is contractually required to offer standardized menus, ingredients and interior or exterior design, and (2) serves or delivers its food or beverages in disposable containers.

"Fourplex" means a building containing four dwelling units, designed for occupancy by not more than four families living independently from each other.

"Frontage" means that distance where a property line is common with a street right-of-way line.

"Funeral home," "funeral chapel" or "mortuary" means a facility designed for preparing human remains for burial or cremation and/or for holding services related to the burial of human remains. (Ord. 3745 § 1 (Att. A), 2011; Ord. 3699 § 1 (Att. B), 2009; Ord. 3508 § 7, 2003)

17.08.080 "G" definitions.

"Garage" means an accessory building or an accessory portion of a primary building designed or used primarily for the shelter or storage of automobiles, boats and/or any other vehicles.

~~A. "Attached" means a garage that is structurally attached to the principal building on the lot.~~

~~B. "Detached" means a garage that is freestanding, not structurally attached to any other building on the lot.~~

"Garage/estate sale" means the sale of used household or personal goods on a residential parcel owned by the owner or occupant of the principal dwelling and/or other participants in the case of a multiple-residence sales event.

"Grade" (adjacent ground elevation) is the computed average of the lowest and the highest points of elevation of the original surface of the ground, or existing paving or sidewalk within the area between the building and property line, or, when the property line is more than five feet from the building, between the building and a line five feet from the building. On waterfront parcels as defined in the shoreline master program, the definition of grade from the shoreline master program shall be used (WAC 173-14-030(3)).

~~"Gross density" means the total number of dwelling units divided by the total project area, without subtracting areas devoted to open space, roadways, parks or similar public use and infrastructure areas.~~

~~"Group home" means an ADSA licensed adult family home or boarding home contracted and certified by ADSA to provide residential services and support to adults with developmental disabilities. "ADSA" means the aging and disability services administration, an administration within the Washington State Department of Social and Health Services.~~

~~"Group care facility, large" means a facility for more than six handicapped, physically disabled, or developmentally disabled adults, or dependent or pre-delinquent children, plus house parents, that provides residentially oriented facilities in a home-like environment directed to allow community participation in a noninstitutional atmosphere. See "family home services."~~

~~"Group care facility, small" means a facility for six or fewer handicapped, physically disabled, or developmentally disabled adults or dependent or pre-delinquent children, plus house parents, that provides residentially oriented facilities in a home-like environment directed to allow community participation in a noninstitutional atmosphere. Does not include "halfway house" as defined. (Ord. 3745 § 1 (Att. A), 2011; Ord. 3699 § 1 (Att. B), 2009; Ord. 3508 § 7, 2003)~~

17.08.090 "H" definitions.

"Halfway house" means a home for juvenile delinquents, adult offenders, or those leaving correctional institutions providing residentially oriented facilities which allow rehabilitation or social adjustment for persons who are in need for supervision or assistance in becoming socially reoriented but not in need of institutional care. Such facility provides a reintroduction of residents into a normal community life by providing a stable living situation rather than incarceration or a reintroduction without home, job or social reinforcement.

"Hazardous waste" means and includes all dangerous and extremely hazardous waste as specified in RCW 70.105.010.

"Hazardous waste storage" means the holding of dangerous waste for a temporary period. Accumulation of hazardous waste is not storage as long as the accumulation is in compliance with applicable requirements of WAC 173-303-200 and 173-303-201.

"Hazardous waste treatment" means the physical, chemical, or biological processing of hazardous waste to make such wastes nonhazardous or less hazardous, safer for transport, amenable for energy or material resource recovery, amenable for storage or reduced in volume.

"Health care facility" includes the terms "alcoholism/substance abuse treatment facility," "hospice care," "hospital," "psychiatric hospital," "convalescent or nursing home," "ambulatory surgical facility," and "sanitarium," ~~which are further defined as follows:~~

~~A. "Alcoholism/substance abuse treatment facility" means a private place or establishment, other than a hospital, licensed by the state and operated primarily for the inpatient treatment of alcoholism and other substance abuse problems. May include outpatient treatment.~~

~~B. "Convalescent or nursing homes" means permitting nursing, dietary and other personal services to convalescents, invalids or other persons incapable of providing for their own care, but excluding cases of mental illness and cases of contagious or communicable disease and excluding surgery or primary treatments which are customarily provided in sanitariums or hospitals.~~

~~C. "Hospice care" means palliative care provided to a terminally ill person in a place of temporary or permanent residence that alleviates physical symptoms, including pain, as well as alleviating the emotional and spiritual discomfort associated with dying.~~

~~D. "Hospital" means an institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons and licensed by state law to provide facilities and services in surgery and obstetrics and general medical practice.~~

"Home occupation" means an accessory use of a dwelling unit for gainful employment involving the manufacture, provision, or sale of goods and/or services.

~~A. "Major Home occupation – Major home occupations" includes any occupation which is clearly secondary to the main use of the premises as a dwelling place, and does not change the character thereof or have any exterior evidence of such secondary use (e.g., outward physical appearance, outdoor storage of materials, supplies or vehicles, noise, electrical interference, lighting, vibrations) other than signing as permitted in the zoning district in which it is situated. Major home occupations may be conducted within the dwelling unit, attached garage, or accessory structure, by members of a family residing in the dwelling, and nonresident individuals, when authorized;~~

~~B. "Minor home occupations"~~ "Home occupation – Minor" are compatible with the neighborhoods in which they are located and cause no impact greater than that generally associated with a single residence. Bed and breakfast establishments that contain no more than two rooms shall be considered a minor home occupation.

"Hotel/motel/inn" means a building or group of buildings containing guest rooms, where, for compensation, lodging is provided for transient visitors. Hotels, motels and inns typically provide such things as restaurants, meeting rooms and/or other auxiliary facilities and services. A hotel, motel or inn is not a bed and breakfast lodging as defined and regulated elsewhere in this title. (Ord. 3745 § 1 (Att. A), 2011; Ord. 3699 § 1 (Att. B), 2009; Ord. 3508 § 7, 2003)

17.08.100 "I" definitions.

"Impervious surface" means surface area that does not allow for water infiltration, or has a runoff coefficient of 0.90 or more (e.g., nonpermeable pavement, solid rock, roofs, foundations, underground tanks and vaults, and similar areas). Reserved. (Ord. 3745 § 1 (Att. A), 2011; Ord. 3699 § 1 (Att. B), 2009; Ord. 3508 § 7, 2003)

"Improvements" means structures, works or components thereof, including but not limited to streets, curbs, sidewalks, water and sanitary sewer systems, levee and drainage systems, street light systems, landscaping and electric, gas, telephone and television lines and cables and appurtenant equipment.

17.08.110 "J" definitions.

"Junk or salvage yard" means any area where junk or salvage is bought, sold, exchanged, baled or packed, disassembled, kept, stored or handled. This definition shall also include auto or other vehicle or machinery wrecking or dismantling activities. This definition shall not include the processing of used, discarded or salvaged materials as part of a manufacturing operation located on the same property, and contractors' storage yards. (Ord. 3745 § 1 (Att. A), 2011; Ord. 3699 § 1 (Att. B), 2009; Ord. 3508 § 7, 2003)

17.08.120 "K" definitions.

"Kennel" means a building, enclosure or portion of any premises in or at which dogs, cats or other domesticated animals are boarded or kept for hire, or in or at which dogs, cats or other domesticated animals are kept or maintained by any person than the owner thereof, or in or at which six or more cats or four or more dogs over the age of four months are kept or maintained. This definition shall include boarding kennels, but not pet shops, animal hospitals or zoos.

"Kiosk" means a small structure with one or more open sides that is used to vend merchandise (as newspapers) or services (as film developing).

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"Kitchen" means any room or part of a room that is designed, built, used or intended to be used for cooking or preparation of food, including the term "kitchenette," but not including a bar or butler's pantry. (Ord. 3745 § 1 (Att. A), 2011; Ord. 3699 § 1 (Att. B), 2009; Ord. 3508 § 7, 2003)

17.08.130 "L" definitions.

"Landscaping" means the placement, preservation, and the replacement of trees, shrubs, plants and other vegetative materials in accordance with an approved landscaping plan meeting the requirements set forth in this title for open space and planting requirements.

"Level of service (LOS)" means a quantitative standard for transportation facilities describing operational conditions. Level of service may be described for intersections (signalized or unsignalized) or street segments (between signalized intersections).

"Livestock" ~~f-~~ For the purposes of this title, "livestock" means horses, cows, llamas, sheep, goats, chickens, and pigeons.

"Lot area" means the total horizontal area within the lot lines, excluding any area seaward of the line of the ordinary high water mark, and excluding private streets and lot area in panhandles or flag lots narrower than thirty feet.

"Lot, corner" means a lot bounded on adjoining sides by streets.

"Lot coverage" means that portion of the total lot area covered by buildings, structures, and other impervious surfaces such as sidewalks and driveways.

"Lot depth" means the perpendicular distance measured from the midpoint of the front lot line to the rear lot line or, if necessary, to the extension of the rear lot line.

"Lot frontage" means the lot or parcel side where it adjoins a street, boulevard or access way.

"Lot, interior" means any lot other than a corner lot.

"Lot lines" means the property lines bounding the lot.

~~A. "Front." In the case of an interior lot, the front lot line or "street frontage" is the line separating the lot from the street right of way. In the case of a corner lot, the shorter street frontage shall be the front lot line.~~

~~B. "Rear" means the lot line opposite and most distant from the front lot line; when the lot extends to tidal water, the rear lot line is the ordinary high water mark.~~

~~C. "Side" means any lot boundary that is not a front or rear lot line.~~

"Lot, through" means a lot having frontage on two streets that do not intersect at a lot line.

"Lot line, front" means a lot line, or segment of a lot line, that abuts a street. On a corner lot, the front lot line is the shortest of the lot lines that abut a street. If two or more street lot lines are of equal length, then the applicant or property owner can choose which lot line is to be the front lot line.

However, a through lot has two front lot lines regardless of whether the street lot lines are of equal or unequal length.

"Lot line, rear" means a lot line that is opposite a front lot line. A triangular lot has two side lot lines but no rear lot line. For other irregularly shaped lots, the rear lot line is all lot lines that are most nearly opposite the front lot line.

"Lot line, side" means a lot line that is neither a front or rear lot line.

"Lot line, side street" means a lot line that is neither a front or rear lot line and abuts a street.

"Lot width" means the horizontal distance measured at the building setback line between the two opposite side lot lines. Average lot width shall be the average of the front and rear lot lines. (Ord. 3745 § 1 (Att. A), 2011; Ord. 3699 § 1 (Att. B), 2009; Ord. 3508 § 7, 2003)

17.08.140 "M" definitions.

"Manufactured home" means a structure, built to conform to national standards embodied in the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 USC 5401, et seq., administered by the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is twelve body feet or more in width or thirty-six body feet or more in length, or when erected on the site is eight hundred and sixty-four or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation as defined within the International Residential Code (IRC), connected to the required utilities, and includes mandatory plumbing, heating, air conditioning and electrical systems contained therein. A manufactured home displays a certificate from the United States Department of Housing and Urban Development.

"Manufactured home, new" means a manufactured home that has not been previously occupied. The most commonly accepted definition of a "new manufactured home" also recognizes manufactured homes used as model homes as new.

"Manufactured home site" means a parcel of land within a manufactured home subdivision park or lot of record, for the accommodation of one manufactured home, its accessory buildings or structures and accessory equipment for the exclusive use of the occupants. In the case of a manufactured home park, the boundaries of a manufactured home site are established on the approved plot plan. In the case of a manufactured home subdivision, the boundaries of the manufactured home site are the platted lot lines as established by the recorded subdivision. In the case of a lot of record, means a lot shown on an officially recorded plat or short plat or parcel of land officially recorded or registered as a unit of property and is described by metes and bounds, and lawfully established on the date of recording of the instrument first referencing the lot.

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~~"Manufactured home" means a single-family dwelling required to be built in accordance with regulations adopted by federal law (42 U.S.C. 5401 through 5403) and meet or exceed the requirements for a "designated manufactured home" as defined in RCW 35.63.106, now or hereafter amended.~~

~~"Medical clinic" means a building or portion of a building containing offices or facilities for providing medical, dental, or psychiatric services for outpatients only.~~

"Meeting hall" means a building, public or private, used for large gatherings of people.

~~"Microbrewery" or "microwinery" means the same as "brewery/winery" except for the following: a microbrewery shall have a capacity of not more than 15,000 barrels a year and a microwinery no more than 3,000 cases of wine per year. Per RCW 66.24.244(3), a microbrewery may also sell beer produced by another microbrewery or a domestic brewery for on- and off-premises consumption from its premises as long as the other breweries' brands do not exceed 25 percent of the microbrewery's on-tap offering of its own brands.~~

~~"Mobile home" means a factory-built dwelling built prior to June 15, 1976, to standards other than the United States Department of Housing and Urban Development Code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since the introduction of the United States Department of Housing and Urban Development Manufactured Home Construction and Safety Act.~~

~~"Modular home" means a factory-assembled structure, meeting Washington State Uniform Building Code Standards, and Title 14 of this code, designed primarily for use as a dwelling when connected to the required utilities that include plumbing, heating and electrical systems contained therein, does not contain its own running gear, and must be mounted on a permanent foundation. A modular home does not include a mobile home or manufactured home.~~

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~~"Mobile home" means a structure, transportable in one or more sections, which, in the traveling mode, is eight body-feet or more in width or forty body-feet or more in length or, when erected on site, is three hundred twenty or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein and manufactured prior to June 15, 1976.~~

~~"Mobile home, recreational park model" means a trailer type unit that is primarily designed to provide temporary living quarters for recreational, camping or seasonal use and that meets the following criteria:~~

~~A. Built on a single chassis, mounted on wheels;~~

~~B. Having a gross trailer area not exceeding four hundred square feet (37.15 square meters) in the set-up mode; and~~

~~C. Certified by the manufacturer as complying with ANSI A119.5.~~

Mortuary. See "funeral home," "funeral chapel" or "mortuary."

"Motel" means a building or group of buildings that contain individual sleeping quarters or dwelling units which are occupied, or intended to be occupied, for compensation. Motels typically do not provide such things as restaurants, meeting rooms, and/or other auxiliary facilities and services. This definition includes auto cabins, auto courts, tourist courts, and motor hotels, but does not include hotels.

"Museum" means a building devoted to the care, study and display of objects of lasting historic interest. (Ord. 3745 § 1 (Att. A), 2011; Ord. 3699 § 1 (Att. B), 2009; Ord. 3508 § 7, 2003)

17.08.150 "N" definitions.

"Native species" means tree, shrub, or ground cover plant species that occur or live naturally in the Columbia River region.

"Nonconforming building or structure" means a legally established building or structure that was constructed prior to adoption of the ordinance codified in this title, or applicable amendments thereto, and that does not conform to present setback, lot coverage or other development requirements of this title.

"Nonconforming lot" means a lot that was lawfully created but does not conform to the lot requirements of the zone in which it is located.

"Nonconforming use" means any preexisting structure or a legally established use of land that has been continued, but does not conform to the regulations of the zone in which it is located as determined by this title, or amendments thereto.

"Nuisance" means any use, activity or structure that interferes with the enjoyment and use of one's property by endangering personal health or safety, offending human senses and/or failing to conform with the provisions, intent or standards of the district in which the use, activity or structure occurs. (Ord. 3745 § 1 (Att. A), 2011; Ord. 3699 § 1 (Att. B), 2009; Ord. 3508 § 7, 2003)

17.08.160 "O" definitions.

"Office" means a room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government and generally furnished with desks, tables, files, and communication equipment.

"Off-street parking" means all off-street areas designed, used, required or intended to be used for the parking of motor vehicles. See Chapter 19.78 LMC for parking standards.

"On-street parking" means parking in the street right-of-way, typically in parking lanes or bays. Parking may be parallel or angled in relation to the edge of the right-of-way or curb.

"Open space" means land and/or water area that is predominantly undeveloped, and is set aside to serve the purposes of providing park and recreation opportunities, conserving critical areas and character. Open space excludes tidelands, shorelands, yards required by this title, areas occupied by dwellings, impervious surfaces not incidental to open space purposes, individual lots or land regulated under provisions of Chapter 16.20, and areas that were clear cut or extensively logged within five years of submittal.

"Ordinary high water mark" means the mark on all lakes, streams and tidal water that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation. If the ordinary high water line cannot be found, the ordinary high water mark adjoining fresh water shall be the line of mean high water.

"Outdoor storage" means the outdoor storage of goods for more than seventy-two hours. Outdoor storage includes, but is not limited to, sales or storage yards for automobiles, trailers, moving equipment boats, construction equipment and materials, items used for manufacture, and auto wrecking yards. Temporary outdoor sales displays less than one hundred square feet in ground area per business establishment parking lots, moorage areas in marinas, and outdoor sales and storage areas of commercial nurseries are not defined as outdoor storage.

"Overlay district" means a geographic area that constitutes a mapped district superimposed over the underlying zone on the official zoning map. (Ord. 3745 § 1 (Att. A), 2011; Ord. 3699 § 1 (Att. B), 2009; Ord. 3508 § 7, 2003)

"Owner" means the owner of the title to real property or the contract purchaser of real property of record, as shown on the latest assessment records in the office of the county assessor. "Owner" also includes a deed holder or contract purchaser whose name does not appear in the latest assessment records, but who presents to the city a copy of a deed or contract of sale showing date, book, and page of recording.

17.08.170 "P" definitions.

"Park and ride lot" means an area intended to accommodate parked vehicles during normal commuting hours where commuters park their vehicles and continue travel to another destination.

"Park and ride lot, shared-use" means a parking lot that was originally developed for a limited, nonresidential use, such as a church or theater, and serves the same function as a park and ride lot. A shared-use park and ride lot requires no expansion of existing parking area or number of spaces or any other development beyond maintenance, signage and striping normally conducted for this purpose.

"Parking lot" means an area intended to accommodate parked vehicles and is not accessory to a single-family residence.

"Parking space" means a space within a parking lot, exclusive of access drives, used to park a vehicle and having access to a public street.

"Passive recreational facilities or uses" means recreational facilities or uses that do not involve or allow motorized vehicles such as trails and wildlife and nature preserves.

"Pawnshop" means establishments who lend money on goods deposited until redeemed.

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"Pedestrian orientation" means that the location and access to structures, site configuration and elements, types of uses permitted at street level, building front design, and location of signs are based on the needs of persons on foot.

"Permitted uses" means those uses set forth and defined in the text and tables of this title and are permitted on any site in a zoning district provided district standards are met. In some cases a permitted use may require review by the administrative official.

"Performance bond" means a form of security executed by a surety company authorized to transact business in the state of Washington, securing to the city the satisfactory completion of required improvements and fulfilling the requirements of this chapter.

"Personal services" means uses that offer specialized goods and services including barbershops, beauty shops, dry cleaning, tanning salons, tattoo parlors, clothing repair or tailoring and other similar establishments.

"Pet shop" means establishments engaged in the retail sale of pets, pet food, supplies and the grooming of pets and other small animals.

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"Produce stand" means a temporary building, structure, or land area used for the sale of fresh whole fruits, vegetables, grains, seeds, and/or nuts. A produce stand may include, as incidental and accessory to the principal use, some limited nonfood items, and these products shall consist of no more than 15 percent of the gross sales area. A temporary building or structure shall not be permanently affixed to the ground and shall be readily removable in its entirety.

~~"Personal and P~~rofessional services" means uses such as accounting firms, credit bureaus, collection agencies, advertising agencies, contractor's offices, ambulance service companies, employment agencies, finance companies, insurance agents, income tax return preparers, investment counseling firms, lawyer's offices, or real estate companies.

"Political signs" means signs about nonpartisan elections, bond measures, initiatives, and similar matters and the customary, partisan politics. Political signs do not include permanent outdoor advertising structures or billboards, which are regulated by the other sections of this chapter, despite whether political advertising is carried on such outdoor advertising structures or billboards.

"Protection zone" means the zone at grade level located directly below the canopy and within the drip line. (Ord. 3745 § 1 (Att. A), 2011; Ord. 3699 § 1 (Att. B), 2009; Ord. 3508 § 7, 2003)

17.08.180 "Q" definitions.

Reserved. (Ord. 3745 § 1 (Att. A), 2011; Ord. 3699 § 1 (Att. B), 2009; Ord. 3508 § 7, 2003)

17.08.190 "R" definitions.

"Recreation facilities, active" refers to a mix of uses in a neighborhood park that may include facilities or facility types such as athletic fields, buildings or structures for recreational activities, concessions, community garden, courses or courts, children's play area, dog play area, or a bike path.

"Recreational facilities, passive" refers to a mix of uses in a neighborhood park, undeveloped land or minimally improved lands such as landscaped areas, natural area or sensitive areas, ornamental gardens, nonlandscaped green space, stairways, decorative fountains, picnic areas, water bodies, or trails without recreational staffing.

"Recreational vehicle" means a vehicle, such as a motor home, travel trailer, recreational park model, truck/camper combination or camper trailer, that is designed for human habitation for recreational or emergency purposes and that may be moved on public highways without any special permit for long, wide or heavy loads.

~~"Mobile home, recreational park model" means a trailer type unit that is primarily designed to provide temporary living quarters for recreational, camping or seasonal use and that meets the following criteria:~~

~~A. Built on a single chassis, mounted on wheels;~~

~~B. Having a gross trailer area not exceeding four hundred square feet (37.15 square meters) in the set up mode; and~~

~~C. Certified by the manufacturer as complying with ANSI A119.5.~~

"Recycling center" means a collection point for small refuse items, including, but not limited to, bottles and newspapers, located either in a container or a small structure.

"Religious facility" means a facility in which the primary focus is religious worship. A religious facility may also include related activities including religious education, counseling, assembly rooms, kitchen, and a rectory or parsonage.

"Replat" means the division of a lot(s) or parcel(s) of land that is already a part of an existing subdivision. The term "replat" shall be regarded as synonymous with the terms "resubdivison" and "resegregation."

"Residential treatment facility" means a residential building that is licensed by the state to provide residential and domiciliary care to five or more individuals, or to provide rehabilitative treatment or services to individuals. Residential treatment facilities generally provide a limited-term living

arrangement for their residents in a family-like setting. Such facilities also provide rehabilitative services other than basic living skills training, often intended to provide residents with the future ability to live independently. Such facilities may provide medical treatment as an integral part of a rehabilitative program.

"Retail sales and services" means sales and service uses that offer items and/or services to the general public at retail prices. Such retail sales and services are available, through a storefront, to walk in customers. Examples of retail sales and services include but are not limited to antique shops, barber shops, beauty shops, bicycle shops, bookstores, butcher shops, china and glassware stores, cigar stores, clothing stores, confectionery stores, department stores, drapery stores, dress suit rental, drugstores, dry goods stores, floor covering stores, florists, furniture stores, gift and souvenir shops, grocery stores, hardware stores, household appliance stores, infants' wear shops, jewelry stores, luggage stores, musical instrument stores and repair shops, newsstands, paint stores, photographic supply and camera shops, shoe repair shops, sporting goods stores, stationery stores, taxidermists, variety shops, and watch, clock and jewelry repair. "Retail" means the selling of goods, wares, or merchandise directly to the ultimate consumer or persons without a resale license.

"Right-of-way, public" means the property held by the city or other governmental jurisdiction for existing and/or future public access including land occupied or intended to be occupied by a street, crosswalk, pedestrian and bike paths, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, street trees or other special use. The usage of the term "right-of-way" for land division purposes shall mean that every right-of-way hereafter established and shown on a plat or map is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.

"Roadside produce stand" means an establishment engaged in the retail sale of local fresh fruits and vegetables and having permanent or semi-permanent structures associated with such use. No roadside stand, building or structure shall be more than 750 square feet in ground floor area. (Ord. 3745 § 1 (Att. A), 2011; Ord. 3699 § 1 (Att. B), 2009; Ord. 3508 § 7, 2003)

17.08.200 "S" definitions.

"Sanitarium" or "sanatorium" means a health station or retreat or other place where resident patients are kept, and which specializes in giving clinical, temporary and emergency services of a medical or surgical nature to patients and injured persons and is licensed by state agencies under provision of law to provide facilities and services in surgery, obstetrics and general medical practice, as distinguished from treatment of mental and nervous disorders.

"Screen" means a system of vegetation located within the perimeter landscape to provide varying degrees of visual separation between land uses and site development.

"Second-hand/consignment store" means an establishment engaged in the retail sale of used clothing, sports equipment, appliances and other merchandise.

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"Self-service storage facility" means an establishment containing separate storage spaces that are leased or rented as individual units for the storage of household or business goods.

"Setback" means the minimum allowable horizontal distance from a given point or line of reference, such as a street right-of-way, to the nearest vertical wall or other element of a building or structure as defined in this chapter.

"Sexually oriented business" means ~~those businesses defined as follows: an establishment, including the following defined uses or any similar establishment to which customers are invited or permitted access, and which, for consideration of any kind, offers adult materials to such customers:~~

A. "Adult arcade" means an establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image-producing machines, for viewing by five or fewer persons each, are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

B. "Adult bookstore," "adult novelty store" or "adult video store" means a commercial establishment which has a significant or substantial portion of its interior business or advertising to the sale or rental, for any form of consideration, of any one or more of the following:

1. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations, which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or
2. An establishment may have another significant or substantial portion of its stock-in-trade that does not involve the offering for sale or rental of materials depicting or describing specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store, or adult video store so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, the specified materials which depict or describe specified anatomical areas or specified sexual activities. Therefore, any establishment having twenty percent or more of its stock-in-trade or revenues that come from trading in material depicting or describing specified sexual activities or specified anatomical areas shall be categorized as an adult bookstore, an adult novelty store, or an adult video store.

C. "Adult cabaret" means a nightclub, bar, restaurant, or similar commercial establishment, whether or not alcoholic beverages are served, which features:

1. Persons who appear nude or semi-nude;

2. Live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities;

3. Films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

D. "Adult motel" means a hotel, motel, or similar commercial establishment which:

1. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas, and which has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or

2. Offers a sleeping room for rent for a period of time that is less than twenty hours; or

3. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than twenty hours.

E. "Adult motion picture theater" means a commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions characterized by the depiction or description of specified anatomical areas or specified sexual activities are regularly shown for any form of consideration.

F. "Adult theater" means a concert hall, theater, auditorium, or similar commercial establishment that, for any form of consideration, regularly features persons who appear nude or semi-nude, or live performances which are characterized by exposure of specified anatomical areas or specified sexual activities.

G. "Nude or semi-nude model studio" means any place where a person who appears nude or semi-nude or displays specified anatomical areas is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.

H. "Specified anatomical areas" means and includes any of the following:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola; or

2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

I. "Specified sexual activities" means and includes any of the following:

1. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts; or

2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or
3. Masturbation, actual or simulated; or
4. Human genitals in a state of sexual stimulation, arousal or tumescence; or
5. Excretory functions as part of or in connection with any of the activities set forth in subsections 11 through 4 of this definition.

"Sign" means any communication device, structure, placard or fixture that is visible from any public right-of-way or pedestrian path or sidewalk and is intended to aid in promoting the sale of products, goods, services or events or to identify a building using graphics, letters, figures, symbols, trademarks or written copy. Painted wall designs or patterns that do not represent a product, service or trademark or that do not identify the user are not considered signs; only that part of the design or pattern that cannot be distinguished from the sign shall be considered part of the sign. The different types of signs addressed in this chapter are defined as follows:

A. "Sign - Billboard" means an off-premises freestanding sign.

B. "Sign - Business-complex" means a freestanding sign that is intended to provide for the advertising and identification of multiple businesses located on a single parcel.

C. "Sign - Directional-sign" means a sign that contains specific directional information and whose primary purpose is directional.

D. "Sign - Electric-sign" means any sign that is illuminated by an artificial light source either internally or outside of the sign.

E. "Sign - Fascia-sign" means a sign attached or erected parallel to and not extending more than eighteen inches 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 or facade. Signs on awnings or exterior windows and murals that include copy will be regulated as wall signs.

F. "Sign - Flashing-sign" means any sign that, by movement or by other method or manner of illumination, flashes on or off, winks, blinks with varying light intensity, shows motion, or creates the illusion of motion or revolves in a manner to create the illusion of being on or off or that rotates or turns. This definition does include electronic reader board signs and barber poles.

G. "Sign - For sale/lease/rent-sign" means a sign advertising the availability of real property for lease, rent or sale.

"Sign - H."Freestanding-sign" means a sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or structure.

"Sign - I."Freeway-sign" means a sign situated within a radius of one thousand feet from a freeway entry/exit point, but not separated by a physical barrier from the entry/exit intersection. A freeway sign is primarily oriented to the passing motorist on the adjacent freeway, and shall identify businesses such as regional shopping malls, eating, lodging or service station facilities that serve the traveling public. No wall-mounted sign can be classified as a freeway sign.

"Sign - J."Message board-sign" means a sign with manual or electronic changing type that can display letters and numbers to depict a message. Message board signs must include the time and temperature in their display.

"Sign - Monument" is a sign not attached to a building, not more than five feet in height or twenty feet in length, which is attached to the ground by means of a wide base of solid appearance. Monument signs must be designed so as to be compatible with adjacent architecture and landscaping, and must be constructed with materials conducive to abutting structures and the surrounding area. They may not be constructed from fabric or banner material.

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"Sign - K."Off-premises-sign" means any sign that advertises an establishment, merchandise, services, goods or entertainment that is sold, produced, manufactured or furnished at a location other than on the property on which the sign is located and that does not relate strictly to the lawful use of the premises on which it is located. Lawful use is defined as a sign which indicates the business transacted, services rendered, goods sold or produced on the premises, name of the business and/or name of the person, firm or corporation occupying the premises.

"Sign - L."Political-sign" means a sign related to nonpartisan elections, bond measures, initiatives, and similar matters and to the customary partisan politics. Political signs do not include permanent outdoor advertising structures or billboards.

"Sign - M."Projecting-sign" means a sign that is affixed to a building or wall and projects horizontally from the surface of such a building or wall face further than eighteen inches.

"Sign - N."Rooftop-sign" means any sign that is located on a roof of a building or structure.

"Sign - O."Rotating-sign" means any sign that spins, rotates, moves up and down or otherwise moves in any other fashion to give an illusion of movement, not including barber poles.

"Sign - P."Sandwich board-sign" means a portable sign, typically in the shape of an inverted V, with two sign boards attached to each other at the top of the sign; also known as a sandwich board or A-frame

sign. Each board shall be considered a separate sign face for purposes of determining allowable area of sign.

"Sign - Q-"Special service-sign" means a guide sign located within the public right-of-way that provides road users with business identification and directional information for services and for eligible attractions.

"Sign - R-"Temporary-sign" means any sign or advertising display constructed of cloth, wood, canvas, light fabric, paper or other light materials with or without frames intended to be displayed for a limited time only as determined by the planning director, and not permanently mounted.

"Sign - Wall" is any permanent sign that is attached parallel to and extending not more than ten inches from the wall of a building. This includes painted, individual letter, cabinet signs and signs attached to a mansard roof (if constructed at an angle of seventy-five degrees or more from horizontal). No more than two wall signs are permitted per building face, and in combination with all other permitted signs shall not exceed ten percent of wall area.

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"Significant tree" means any living woody perennial plant characterized by a main stem or trunk having many branches, including the following:.

1. Evergreen tree ten inches in diameter or greater, measured four feet above existing grade; or
2. Deciduous tree twelve inches in diameter or greater, measured four feet above existing grade; or
3. All trees located within a required critical area buffer as defined in Title 18.

"Stormwater management" means the collecting, conveyance, channeling, holding, retaining, detaining, infiltrating, diverting, treating, or filtering of surface water, ground water, and/or runoff, together with applicable managerial measures.

"Street" means a public way that provides vehicular circulation or primary access to abutting properties, inclusive of arterials, collector streets and local streets and exclusive of alleys. Physically, a street is the improved and maintained portion of a right-of-way that is designated for vehicular use.

"Street-facing facade/wall" means all the wall planes of a structure as seen from one side or view that are at an angle of 45 degrees or less from a street lot line.

"Structure" means any manmade assemblage of materials extending above or below the surface of the earth and affixed or attached thereto.

"Structure height" means the highest point above grade of a structure other than a building, except as otherwise provided by this code. (Ord. 3745 § 1 (Att. A), 2011; Ord. 3699 § 1 (Att. B), 2009; Ord. 3508 § 7, 2003)

17.08.210 "T" definitions.

"Tent" means any structure, enclosure or shelter constructed of canvas, plastic or other pliable material supported in any manner except by air or the contents it protects.

"Temporary use" means a use of property intended for a limited period of time and does not involve the construction or alteration of any permanent structure.

"Townhouse" means a form of attached housing comprised of a single building where dwelling units are separated by vertical fire walls. Each unit is located on its own individual legal lot of record, has its own independent access and its own front and rear yard.

"Transitional housing facility" means a project that has as its purpose facilitating the movement of homeless individuals and families to permanent housing within a reasonable amount of time (usually 24 months). Transitional housing includes housing primarily designed to serve deinstitutionalized homeless individuals and other homeless individuals with mental or physical disabilities and homeless families with children.

"Tree canopy" means the total area of the tree or trees where the leaves and outermost branches extend, also known as the "drip line."

"Tree stand" means at least five or more existing trees forming a continuous canopy, each having a six-inch diameter or greater, measured four feet above existing grade. Trees may be evergreen or deciduous varieties. (Ord. 3745 § 1 (Alt. A), 2011; Ord. 3699 § 1 (Att. B), 2009; Ord. 3508 § 7, 2003)

"Triplex" means a building containing three dwelling units, designed for occupancy by not more than three families living independently from each other.

17.08.220 "U" definitions.

"Use" means the purpose which land, buildings, or structures now serve or for which such are occupied, arranged, designed, or intended.

"Use, change of" means the change of a use within the classified use of any structure, portion thereof or premises which is permitted in a particular zoning district. A change within the same category of permitted uses (for example, a change from one restaurant to another, or a change from one retail store to another) shall not be considered to be a change of use. A change in use from a vacant structure to an occupied structure shall be considered a change of use, unless the use is a resumption of a prior use. For the purposes of this section, the prior use includes the last occupied use of the vacant structure; provided, that such vacancy has occurred for a duration of less than twelve consecutive months.

"Use, primary" means the purpose for which land or a building is designed, arranged or intended, or for which it is occupied, maintained, let or leased.

"Use, secondary" means a minor or secondary function for which a lot, building or structure is used in conjunction with, but subordinate and incidental to, its primary use.

"Utility services" means electric substations, gas metering stations, sewer lift stations, telephone and communications relay or switching stations, municipal/public water works (including pumping stations and reservoirs), power booster or conversion plants, and similar utility facilities, all with their necessary buildings, apparatus or appurtenances thereto. For purposes of this title, "utility services" does not include local transmission and collection lines, pipes, conductors, or utilities located underground. Utility services are not subject to the minimum lot size requirements of the zoning district in which they are located (except as required for domestic water, sewage disposal and soil percolation rates); provided, that they meet all other requirements of the zoning district in which they are located. (Ord. 3745 § 1 (Att. A), 2011; Ord. 3699 § 1 (Att. B), 2009; Ord. 3508 § 7, 2003)

17.08.230 "V" definitions.

"Variance" means a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property that are not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship.

"Veterinarian clinic" means a building or portion of a building used for animal health care. A veterinarian clinic may include the incidental boarding of animals undergoing treatment.

"View" means the ability to observe an expanse of open space, including the Cowlitz or Columbia River corridor or the cityscape, from the ground floor level of an existing residence. (Ord. 3745 § 1 (Att. A), 2011; Ord. 3699 § 1 (Att. B), 2009; Ord. 3508 § 7, 2003)

17.08.240 "W" definitions.

"Wholesale trade" means establishments or places of business primarily engaged in selling merchandise to other businesses, including retailers, industrial, commercial, institutional, or professional business users, other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

"Wireless communication facility" means an unstaffed facility for the transmission and reception of low-power radio signals consisting of an equipment shelter or cabinet, a support structure, antennas (e.g., omni-directional, panel/directional or parabolic) and related equipment.

"Wireless communication facility category 1" is a wireless communication facility that consists of antennas equal to or less than four feet in height with an area of not more than five hundred eighty square inches in the aggregate (e.g., fourteen-inch-diameter parabola or 2.6-foot by 1.5-foot panel) that is affixed to an existing structure that is not considered a component of the facility.

"Wireless communication facility category 2" is an attached wireless communication facility that consists of antennas equal to or less than ten feet in height or up to one meter (39.37 inches) in diameter and with

an area not more than thirty square feet in the aggregate that is affixed to an existing structure that is not considered a component of the facility.

"Wireless communication facility category 3" is an attached wireless communication facility that consists of antennas equal to or less than fifteen feet in height or up to one meter (39.37 inches) in diameter and with an area not more than one hundred square feet in the aggregate that is affixed to an existing structure that is not considered a component of the facility.

"Wireless communication facility lattice tower" is a wireless communication support structure that consists of metal crossed strips or bars to support antennas and related equipment.

"Wireless communication facility monopole" is a wireless communication facility that consists of a support structure, the height of which shall not exceed one hundred twenty feet in height not including antennas. (Ord. 3745 § 1 (Att. A), 2011; Ord. 3699 § 1 (Att. B), 2009; Ord. 3508 § 7, 2003)

17.08.250 "X" definitions.

Reserved. (Ord. 3745 § 1 (Att. A), 2011; Ord. 3699 § 1 (Att. B), 2009; Ord. 3508 § 7, 2003)

17.08.260 "Y" definitions.

"Yard" means an open space on a lot or parcel that is required by this title to be unoccupied and unobstructed from the ground upward, except as otherwise provided in this title.

"Yard, front" means an open space extending from a building to the front lot line.

"Yard, rear" means an open space extending from a building to the rear lot line.

"Yard, side" means an open space extending from a building to the side lot line. When a parcel has two or more front yards, the remaining yards are to be considered side yards.

"Youth-oriented business or activity" means a business utilizing a permanent building or facility where children under the age of eighteen years are invited onto the business premises in conjunction with such business activity and at least fifty percent of the business revenue is generated from their patronage. (Ord. 3745 § 1 (Att. A), 2011; Ord. 3699 § 1 (Att. B), 2009; Ord. 3508 § 7, 2003)

17.08.270 "Z" definitions.

"Zero lot line" means a form of residential development in which individual dwelling units are placed on separately platted lots with a zero setback to one property line. They may be attached to each other but not necessarily.

"Zone" means one of the classifications of permitted uses into which the land area of the city is divided.

"Zoning map" means the official map that identifies and delineates boundaries of the city's zoning classifications. (Ord. 3745 § 1 (Att. A), 2011; Ord. 3699 § 1 (Att. B), 2009; Ord. 3508 § 7, 2003)

Chapter 17.15 PERMITTED, ADMINISTRATIVE AND CONDITIONAL USES

Sections:

- 17.15.010 Designations.
- 17.15.015 Similar Uses
- 17.15.020 Land Use Table
- 17.15.030 Footnotes.
- 17.15.040 Use Performance Standards

17.15.010 Designations.

- A. Type I uses listed in Table 17.15 are permitted subject to review by the administrative official for compliance with Section 17.10.035 and the applicable standards of this title.
- B. The Type II and Type III uses listed in Table 17.15, and all matters directly related thereto possess characteristics that warrant review consistent with Title 18B, and Chapter 17.10.040, to ensure:
 - 1. Consistency with the city comprehensive plan goals, objectives, policies and development criteria;
 - 2. The intent, character and development standards appropriate to the zoning district within which it is to be located;
 - 3. Compatibility with other uses; and
 - 4. Other relevant requirements of state or county law.
- C. If no symbol appears in the box at the intersection of the column and row, the land use is not allowed in that district.
- D. Use classifications are listed on the vertical axis and City of Kelso zoning districts are shown on the horizontal axis.
- E. If a number appears next to the review classification symbol at the intersection of the column and row than that use is subject to special standards listed as footnotes following Table 17.15 in Section 17.15.030.
- F. If a letter appears adjacent to the use classification than that land use is subject to performance standards listed in Section 17.15.040. These standards are in addition to other applicable standards of the Kelso Municipal Code.
- G. If a proposed use is to be situated on property within the jurisdictional boundaries of the Kelso Critical Areas Ordinance/Shoreline Master Program, it shall be subject to the permits and procedural requirements thereof in addition to all applicable standards of this title. If a conflict exists between the standards of the Kelso Critical Areas Ordinance/Shoreline Master Program and this title, the more restrictive provisions shall apply.

17.15.015 Similar Uses.

- A. When a proposed use is not classified within any of the categories of Table 17.15, but appears to be similar in character and consistent with the purpose of the zoning district, the matter may be referred to the administrative official to determine whether or not the unclassified use is similar to a use currently listed as a Type I, II or III use for the zoning district.

- B. Similar use requests may be initiated by written application and accompanying fee, or directly by the Administrative official. Each request shall set forth the specific basis for the request and its compliance with subsection D. below.
- C. The administrative official may consult with any interested, affected or concerned agencies or persons before making a similar use determination.
- D. The administrative official shall not approve a similar use determination request unless evidence is presented to demonstrate that the proposed use will comply with the purpose, intent, goals, objectives and policies of the Comprehensive Plan and the zoning district in which it is proposed to be located. The administrative official shall state the reasons upon which the determination is based.
- E. If the administrative official finds that the proposed use is similar, he shall also establish whether the proposed use shall be processed as a Type I, II or III use according to Chapter 17.10. If a proposed use is not determined to be similar, it shall not be considered an allowable use. Similar use determinations may be appealed to the Hearing Examiner as provided in Chapter 17.10 and Title 18B.

17.15.020 Land Use Table.

The following Table 17.15 indicates those uses which may be permitted through Type I, II or III review in the various zoning districts defined in this title. In addition to Table 17.15, reference to the individual zoning districts and, where indicated, the regulatory notes of Section 17.15.030 and definitions of Chapter 17.08, is necessary in order to determine if any specific requirements apply to the listed use.

Table 17.15

| Table 17.15 Allowable Land Uses | Residential Single-Family | Res. Multi-family | Open Space | Commercial - Town Center | Commercial - West Kelso | Neighborhood Service Center | Specialty Retail & Services | Commercial - Major Retail | Light Manufacturing | General Manufacturing |
|--|---------------------------|-------------------|------------|--------------------------|-------------------------|-----------------------------|-----------------------------|---------------------------|---------------------|-----------------------|
| | RSF | RMF | OPN | CTC | CWK | CNH | CSR | CMR | ILM | IGM |
| RESIDENTIAL | | | | | | | | | | |
| Single-family Residence (A)(NL) | I | I ₁ | | I ₁ | I ₁ | I ₁ | I ₁ | I ₁ | | |
| Duplex (NL) | I ₂ | I ₃ | | I | I | | | | | |
| Multiple-family dwellings, including rooming & boarding houses, triplexes, 4 plexes, condominiums, apartment houses and apartment courts | | I | | I ₄ | I ₄ | I ₄ | I ₄ | I ₄ | | |
| Family Home Services* (C) Day Care Family homes* | I | I | | | | | | | | |
| Group Care Facility, Large* (D) Day Care Mini-center* | | I | | | | | | | | |
| Day Care-Adult* | II | II | | | | | | | | |
| Adult Family home | II | II | | | | | | | | |
| Expansion and/or reconstruction of a residence | I | I | III | | | | | | | |
| Mobile Home Parks & Subdivisions (B) | | II | | | | | | | | |

| | RSF | RMF | OPN | CTC | CWK | CNH | CSR | CMR | ILM | IGM |
|---|-----|-----|-------|-------|-----|-------|-----|-----|-----|-----|
| Livestock* (RT) | | II6 | | | | | | | | |
| Accessory Apartment* (AT) | | II | | | | | | | | |
| Tenp Mfg Home for Aged Relative (WU) | | II | | | | | | | | |
| AMUSEMENT AND RECREATION | | | | | | | | | | |
| Recreation Facilities, Active* | | II | II | III18 | I5 | I | I | I | II | II |
| Recreation Facilities, Passive* | | I | I | I | | | | | | |
| Fitness Centers/Sports Clubs | | | | II6 | I | I/II7 | I | I | II | |
| Participant sports and recreation—indoor | | | | III5 | I | I/II7 | I | I | II | |
| Participant sports and recreation—outdoor | | | III18 | | II | | II | I | | |
| Trails | | | I | | | | | | | |
| Wildlife and Nature Preserves | | | I | | | | | | | |
| COMMUNITY SERVICES | | | | | | | | | | |
| Art Galleries, Non-commercial | | II | II | | | | | | | |
| Auditoriums, clubhouses, meeting halls | | | | II6 | I | | I | I | | |
| Community Centers & Recreation Facilities | | II | II | II6 | I | I | I | I | I | I |
| Educational, cultural, or governmental | | II | II | II | I | III | I | I | II | I |
| Health Care Facilities* | | III | III | II | I | I7 | I | I | | |
| Clinics walk in* | | | | II | II | I | I | I | | |
| Hospital | | III | III | | | III | | | | |
| Marinas, boardwalks, public piers | | | | I | I | | I | I | | |
| Museums | | III | III | II | II | | | | | |
| Assisted Living Home* | | II | II | | | II | | | | |
| Post Office | | | | I | | | | | | |
| Religious Facilities | | III | III | III6 | III | III7 | III | III | III | III |
| Social and fraternal clubs and lodges | | | II6 | | II | | | | | |
| Group Home* | | II | II | II | | | | | | |
| State Licensed Child Day Care Center/Halfway House* | | II | II | II6 | I | I | I | I | I | I |
| Family Day Care Homes* Day Care Center* | | II | II | II6 | II | II | II | II | II | |
| Child Day Care Centers* Transitional Housing* | | II | II | II6 | I | I | I | I | I | I |
| MANUFACTURING | | | | | | | | | | |
| Agriculture* including agricultural processing | | | | | | | | | II | I |
| Fabrication, manufacture, assembly, processing, packaging, repair, servicing of goods. | | | | | | | | | I9 | I9 |
| Any principally permitted use whose operations are predominantly out-of-doors rather than completely enclosed within a building | | | | | | | | | II | I |
| Aquaculture | | | II | | | | | | | |
| Commercial Indoor Storage | | | | | | | | | I | I |
| Commercial moving and freight terminals | | | | | | | | | II | I |
| Computer and electronic equipment and products | | | | | | | | | I | I |
| Food Products | | | | | | | | | I | I |
| Furniture and Fixtures | | | | | | | | | I | I |
| Junk or Salvage Yards | | | | | | | | | | I |

| | | | | | | | | | | | |
|---|-----|-----|-----|----------------------------|----------------|----------------|----------------|----------------|------------------|------------------|------------------|
| Laboratories for scientific research, testing and experimental development that can be performed with minimal adverse impact on, and pose no special hazard to, the environment and the community | | | | | | | | | | I | I |
| Mechanical, automotive, trucking, agricultural/forestry and contractors' or builders' equipment and supplies | | | | | | | | | | I | I |
| Marine oriented commercial and industrial activities. | | | | | | | | | | II ₁₀ | II ₁₀ |
| <u>Miclo Brewery*</u> | | | | | | | | | | <u>II</u> | <u>II</u> |
| | RSF | RMF | OPN | CTC | CWK | CNH | CSR | CMR | ILM | IGM | |
| Printing and Publishing | | | | | | | | | | I | I |
| Recycling centers | | | | | | II | II | | | I | I |
| Sales of items manufactured on-site | | | | | | | | | | II | II |
| <u>Skating rink - indoor</u> | | | | | | | | | | <u>III</u> | <u>III</u> |
| <u>Vehicle towing and storage services</u> | | | | | | | | | | <u>II</u> | <u>II</u> |
| Vocational Schools | | | | | | | | | | I | I |
| Winery/brewery | | | | | | | | | | I | I |
| Wood Products | | | | | | | | | | I | I |
| | RSF | RMF | OPN | CTC | CWK | CNH | CSR | CMR | ILM | IGM | |
| RETAIL TRADE AND SERVICE | | | | | | | | | | | |
| Automobile sales—new or used | | | | | I | | I | I | II | | |
| Bed and Breakfast* | II | II | | II ₁ | I | I | I | I | | | |
| <u>Brew/Pub</u> | | | | <u>I</u> | <u>I</u> | <u>I</u> | <u>I</u> | <u>I</u> | | | |
| Cart vendors | | | | I | II | | | | | | |
| Cemeteries, Mausoleums and Columbaria | III | III | | | | | | | | | |
| Convenience stores including gasoline sales and/or a car wash facility | | | | | II | II | I | | | | |
| Crematorium | III | III | | | | | | | | | |
| Entertainment (e.g., theaters, video game arcades, etc., except adult motion picture theaters and other uses as described in Chapter 17.70, Sexually Oriented Business (SOB) Overlay Zone) (O) | | | | I ₇ | I | II | I | I | | | |
| <u>Fitness Center/Sports Club</u> | | | | <u>II</u> | <u>II</u> | <u>II</u> | <u>I</u> | <u>I</u> | <u>II</u> | | |
| Formula take-out food restaurant with drive-through | | | | | I | | I | I | | | |
| Formula take-out food restaurant without drive-through | | | | I ₇ | I | | I | I | | | |
| Hotels, Motels, Inns* | | | | I ₇ | I | | I | I | | | |
| Home Occupation, Major* (G, H) | II | II | | | | | | | | | |
| Home Occupation, Minor* (F, H) | I | I | | | | | | | | | |
| Kennels* (X) | | | | | II | | II | II | II | | |
| Minor Vessel Repair Shop | | | | | | I | I | | I | I | |
| Mixed Commercial/Residential | | III | | I _{4,7} | I ₄ | I ₄ | I ₄ | I ₄ | | | |
| Mortuaries, Funeral Homes and Funeral Chapels | III | III | | | | | | | | | |
| Personal and professional services* | | | | I_{4,7} | I | I | I | I | | | |
| <u>Pet shop*</u> | | | | <u>I</u> | <u>I</u> | <u>I</u> | <u>I</u> | <u>I</u> | | | |
| Professional Offices (K) | | III | | I_{4,7} | I | I | I | I | II ₈ | II ₈ | |
| Restaurants | | | | I ₇ | I | | I | I | II ₁₁ | II ₁₁ | |

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| | | | | | | | | | | |
|--|-----|-----|------|-------|------|-----|------|------|------|------|
| Retail sales and services with drive-through businesses* (I) | | | | | I | | I | I | II | |
| Retail sales and services without drive-through businesses | | | | I7,12 | I | I7 | I | I | | |
| Retail Sales & Services with screened outdoor storage | | | | II,7 | II | | II | II | I | I |
| Secnd Hand/ Consignment-Retail Stores (H) | | | | I7,12 | I | I7 | I | I | | |
| Sexually Oriented Business* (E) | | | | | | | | | | |
| Small engine repair | | | | | | I | I | | I | |
| Taverns | | | | I7 | I | | I | I | | |
| Uses which service the automobile (e.g., gasoline service station, car wash, minor/major vehicle repair shops) | | | | | II | I13 | I | I | I | |
| Veterinarian clinics* (XV) | | | | | | I7 | II | II | | |
| Cardtaker Residence (MK) | | | | | | | | | I | I |
| Temporary Uses (US) | I17 | I17 | I17 | I18 | I17 | I17 | I17 | I17 | I17 | I17 |
| Wholesale and Retail Sales | | | | | | | II | II | II | |
| | RSF | RMF | OPN | CTC | CWK | CNH | CSR | CMR | ILM | IGM |
| TRANSPORTATION | | | | | | | | | | |
| Park and ride lots* | | | | | II | II | I | II | | |
| Park and ride lots, Shared Use* | II | II | | | | | | | II | I |
| Parking as principal use | | | | II | I | | I | I | II | I |
| Transit Facilities | | | | I14 | | | | | | |
| | | | | | | | | | | |
| UTILITIES | | | | | | | | | | |
| Public and private utility buildings and structures (L) | II | II | II | II | II | II | II | II | II | II |
| Communication Antennas, Cat 1 (PN) | I | I | I | I | I | I | I | I | I | I |
| Communication Antennas, Cat 2 (QO) | II | | II | I | I | I | I | I | I | I |
| Communication Antennas, Cat 3 (RP) | | | II | | II | | II | II | I | I |
| Communication Towers and Monopoles (QS) | | | II19 | | II19 | | II19 | II19 | II19 | II19 |
| | | | | | | | | | | |
| WHOLESALE TRADE-STORAGE | | | | | | | | | | |
| Self-service storage facilities; provided, that no outside storage is visible from adjoining properties and public rights-of-way | | | | | | III | | | | |
| Warehousing (wholesale, bulk retail and trade) | | | | | | | | III | | |

- I = Type I Permitted Use
 II = Type II Administrative Use
 III = Type III Conditional Use
 * = Defined Term

Letters and numbers refer to footnotes and regulatory notes within sections 17.15.030 and 17.15.040.

Table 17.15.030 Footnotes

The following numbers correspond to the numbers identified at the intersection of land use and use district lines in Table 17.15.

1. Only existing residential uses are permitted. Standards applicable to the RSF-5 zoning district shall apply to such single-family dwellings.
2. Only existing duplex dwelling units are permitted.
3. Only one duplex unit allowed per legal parcel.

- 4. Commercial/residential mixed use developments; provided, that the residential units are located above the ground floor.
- ~~5. Not permitted on the ground floor on Pacific Ave., South between Oak and Maple Streets.~~
- ~~6.5.~~ Social and fraternal clubs and lodges the principal activity of which is a service customarily carried on as a business is not permitted.
- ~~7.6.~~ Building footprints not exceeding five thousand square feet are permitted; provided, that facilities shall screen all outdoor storage except for outdoor storage for agricultural produce sales, or landscaping retail sales. Buildings of a footprint greater than five thousand square feet, but less than ten thousand square feet may be allowed through administrative review.
- ~~8.7.~~ Use is limited to a shared-use in the same structure as a permitted use.
- ~~9.8.~~ Such goods or products include:
 - a. Mechanical, automotive, marine, trucking, agricultural/forestry and contractors' or builders' equipment and supplies
 - b. Winery/brewery
 - c. Printing and publishing
 - d. Wood products
 - e. Furniture and fixtures
 - f. Computer and electronic equipment and products
 - g. Food products
- ~~10.9.~~ Water dependent uses shall be confined to the designated Shoreline areas.
- ~~11.10.~~ Food service is allowed as an administrative use for the convenience of employees and clearly subordinate to the primary use of the property. In reviewing the administrative use application for a food service use, the following standards shall apply:
 - a. The use is limited in size so that it functions as a service intended for the convenience of employees;
 - b. The use is located in the interior of the site and is fully screened from public streets;
 - c. No additional parking shall be allowed;
 - d. No additional signage is authorized;
- ~~12.11.~~ In the Downtown Design Overlay District (DDO), retail use up to five-thousand-square-foot building footprint is permitted and between five-thousand-square-foot and fifteen-thousand-square-foot building footprint per building may be permitted through administrative review.
- ~~13.12.~~ Use is restricted to minor auto repair services (lubrication and oil change, tune up). Any vehicles remaining on site for more than seventy-two hours shall be screened in accordance with outdoor storage development standards.
- ~~14.13.~~ All public transportation stations shall be located at the city of Kelso multi-modal transportation facility.
- ~~15.14.~~ Limited to no more than one sale for each quarter of the year and no sales event shall last more than two consecutive days.
- ~~16.15.~~ Allowed in the RSF-15 zone only.
- ~~17.16.~~ Requires a Temporary Use permit.
- ~~18.17.~~ Active recreation facilities shall only be considered for location in designated city parks as listed in the adopted Park Plan.
- ~~19.18.~~ Height up to a maximum 75', depending on coverage objectives.

17.15.040 Regulatory Notes

The following regulatory notes apply to the corresponding uses listed in Table 17.15:

- A. Single-family dwellings shall be constructed consistent with the following standards:
 - 1. Only one dwelling unit allowed per legal parcel.
 - 2. Shall have a width of not less than 14 feet at the narrowest point of the first story (excluding architecturally designed entrance ways);

3. Trailers, recreational vehicles or tents may not be used for human habitation or dwelling purposes
 4. Attached garages shall be placed in the rear of the lot if at all possible.
- B. Mobile Home Parks and Subdivisions are subject to following standards.
1. The minimum site requirements for expansion of existing and proposed mobile home subdivisions are as follows:
 - a. Minimum zoning area: Three acres;
 - b. Density: As determined by the underlying zoning density requirement;
 2. No building or structure in a mobile home park or subdivision shall exceed the building height restrictions set forth for single-family residential dwelling units.
 3. Every mobile home park and subdivision locating within the city shall be connected to city sanitary sewers. This standard applies to any expansion of existing parks or subdivisions and to all proposed mobile home parks and subdivisions.
 4. Every mobile home park and subdivision, and/or expansion of the same, locating within the city shall be connected to the city water supply system.
 5. Every mobile home park and subdivision, and/or expansion of the same, locating within the city shall supply the necessary public power utilities to each and every unit proposed therein. Such utilities shall be placed underground except in those situations where this could be proven to be dangerous to humans and animals.
 6. All mobile home parks and subdivisions, and/or expansion of the same, shall submit, along with accompanying site development plans, proof of compliance with provisions for flood hazard protection as set forth in KMC 18.12.210 through 18.12.310.
 7. Not less than ten percent of the total gross buildable area of the park or subdivision shall be designed and maintained as a recreational area for the occupants of the park or subdivision. The location of the recreation area will be in a safe and secure area of the park or subdivision and separated from passing automobile traffic by a cyclone fence not less than four feet in height as measured from ground level.
 8. Setbacks in all mobile home parks and subdivisions shall be as follows:
 - a. Mobile home parks:
 - i. Front setback: Ten feet from front property line;
 - ii. Side setback: Five feet, including carports, garages and accessory buildings;
 - iii. Rear setback: Ten feet from rear property line.
 - b. Mobile home subdivisions:
 - i. Front setback: Twenty-five feet from front property line or fifty-five feet from street centerline, whichever is greater;
 - ii. Side setback: Five feet from each side property line;
 - iii. Rear setback: Fifteen feet from rear property line.
 - c. All setbacks shall be measured from the nearest corner or wall to the appropriate property or site line.
 9. Permanent structures located within any mobile home space shall be used for storage only, have a maximum area of thirty-five square feet, and shall be located not less than six feet from any mobile home. ~~These structures shall be uniform in design and included in the plans submitted to the Planning Commission. All permanent structures shall comply with the Uniform Building Code as adopted by the city.~~
 10. All mobile home park and subdivision streets and rights-of-way shall conform to the standards set forth in Title 16 of this code.
 11. Access driveways shall be provided to each mobile home space and shall have a minimum width established by the city engineer;
 - a. No access driveway or curb cut providing ingress or egress to a mobile home park or subdivision shall be located closer than fifty feet from any public street intersection, as measured from the street right-of-way lines at the nearest side of the intersection;

- b. Access drives and walkways within the park or subdivision shall be hard surfaced according to the specifications established by the city engineer.

C. ~~Family-Home Services~~ Halfway houses-, Group homes and Transitional housing are subject to the following standards

1. One off-street parking space is required for each on-shift, nonresidential employee in addition to the residential parking requirements. Residential driveways are acceptable access ways.
2. Access streets, parking and/or loading areas shall be sufficient to safely accommodate the number of estimated vehicle trips generated by the use.
3. No structured area for active play or play structures may be located in the front yard. In the event of double frontage or similar situations, the director or designee shall determine which yard would have the least visual impact to the neighborhood.
- ~~4. Family child day care homes located within multifamily residential uses shall not be operated from a combination of dwelling units.~~
- ~~5.4.~~ The site shall conform to the lot size, building size, setback and lot coverage requirements of the zoning district.
- ~~6.5.~~ Provide an off-street drop-off/pick-up area;
- ~~7. File a child care registration form with the city as provided by the Community Development Director;~~
- ~~8.6.~~ Comply with all business licensing requirements;
- ~~9.7.~~ No structural or decorative alteration is permitted in a residential zone if that alteration changes the residential character of an existing residential structure or is incompatible with surrounding residences;
- ~~10. Hours of operations shall not be conducted before 5:00 a.m. or after 9:00 p.m. in residential zones;~~
- ~~11.8.~~ An on-site vehicle turnaround, or separate entrance and exit points, and passenger loading area must be developed for review and approval by the city engineer;
- ~~12.9.~~ The site must be landscaped in a manner compatible with adjacent residences in residential zone according to a plan approved by the community development department.

D. ~~Child~~ Day Care Centers (all types) shall meet the following standards:

1. Within Residential districts a sight-obscuring fence of at least four feet in height as approved by the review authority shall be provided to separate any outdoor play area from adjoining lots.
2. Structure(s) shall meet building, sanitation, health, traffic safety and fire code requirements.
3. A minimum of one off-street parking space shall be provided for each on-shift employee plus one space per twelve persons served.
4. An on-site vehicle turnaround, or separate entrance and exit points, and passenger loading area must be provided. The city shall specifically consider the location and appearance of the proposed turnaround or access in determining compatibility with surrounding uses.
5. A ~~child~~ day care center shall not be located within three hundred feet of another day care center, except for any ~~child~~ day care center that is an accessory use in a community service facility, as described in subsection g of this section.
6. No ~~child~~ day care center shall be located in a private family residence unless the portion of the residence where the children have access is used exclusively for the children during the hours the center is in operation, or is separate from the usual living quarters of the family.
7. A ~~child~~ day care center, if sited on the premises of an operating community service facility, such as a private or public school, place of worship, community center or library, and is associated with that activity, shall be considered accessory to the principal use of the property concerned.

E. Sexually Oriented Businesses are only permitted in accordance with the provisions of KMC 17.30.

F. Minor home occupations shall meet all of the following criteria:

1. Minor home occupations are limited to those of a service character, but may include limited retail sales directly related to the home occupation.
2. Minor home occupations shall be conducted within the dwelling unit and/or attached garage by members of the family residing in the dwelling only.
3. There shall be no outside storage of materials, supplies, or display of goods or equipment of any kind related to the minor home occupation, except for one commercial vehicle as it pertains to the home occupation.
- ~~4.~~ Any need for any customer parking created by the home occupation shall be provided off street, in a location other than the required front yard setback.
- ~~5.~~ No on street parking of commercial vehicles is allowed and under no circumstance shall parking create a traffic hazard.
- ~~6.~~ With the exception of existing driveways, no parking shall be allowed in setbacks or buffers.
- ~~7.~~ Hours of operation shall occur between 7:00 a.m. and 10:00 p.m. and shall not noticeably affect the residential character of the neighborhood.
- ~~8.~~ There shall be no exterior evidence of the home occupation other than a permitted sign, that would cause the premises to differ from its residential character (e.g., outward physical appearance; lighting; the generation/emission of noise, fumes, or vibrations as determined by the administrative official using normal senses and from any lot line; create visible or audible interference in radio or television reception or cause fluctuations in line voltage outside the home occupation; or on average increase vehicular traffic by more than two additional vehicles at any given time).

G. Major home occupations shall meet the following requirements:

1. Major home occupations may include services, small-scale retail sales of products, mail order businesses and storage of materials associated therewith.
2. Major home occupations shall be conducted by members of a family residing in the dwelling, except the administrative official may authorize the family to employ a limited number of non-resident individuals to assist with the home occupation on case by case basis.
3. A major home occupation may be conducted within the dwelling unit, attached garage, or a detached garage only. The outward appearance shall be secondary and subordinate to the primary use of the property and the purpose of the zoning district. There shall be no exterior evidence of the home occupation other than a permitted sign, that would cause the premises to differ from its residential character: (e.g., lighting; the generation/emission of noise, fumes, or vibrations as determined by the administrative official using normal senses and from any lot line; create visible or audible interference in radio or television reception or cause fluctuations in line voltage outside the home occupation; or on average increase vehicular traffic by more than two additional vehicles at any given time).
4. There shall be no outside storage of materials, supplies, or display of goods or equipment of any kind related to the home occupation, except one commercial vehicle as it pertains to the home occupation and employee parking.
- ~~5.~~ Any need for customer or employee parking created by the home occupation shall be provided off street, in a location other than the required front yard setback.
- ~~6.~~ No on street parking of commercial vehicles is allowed and under no circumstance shall parking create a traffic hazard.
- ~~7.~~ With the exception of existing driveways, no parking shall be allowed in setbacks or buffers.
- ~~8.~~ Hours of operation shall occur between 7:00 a.m. and 10:00 p.m. and shall not noticeably affect the residential character of the neighborhood.
- ~~9.~~

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- H. Uses not permitted as home occupations. The following uses, by the nature of their operation or investment, have a pronounced tendency, once started, to increase beyond the limits permitted for home occupations, interfere with or impair the use and value of adjoining properties, or violate the restriction of no exterior evidence (e.g., outward physical appearance; outside storage of materials, supplies or vehicles; generate noise, dust, fumes, odors, electrical interference, vibrations, excessive traffic, etc.). Therefore, the uses listed below shall not be permitted as home occupations:
1. Beauty salons and barber shops with more than one chair;
 2. Gift, craft, second hand stores;
 3. Kennel;
 4. Large item repair, including stoves, refrigerators, washers and dryers, etc.;
 5. Towing services;
 6. Trucking businesses or storage, except for the parking or storage of one commercial vehicle used solely by the owner/operator residing on the premises;
 7. Veterinary clinic.
 8. Cabinet making, woodworking or carpentry shops;
 9. Antique shops;
 10. Health salons, spas, gymnasiums, martial arts schools, dance studios, aerobic exercise studios;
 11. Machine and sheet metal shops;
 12. Motor vehicle, trailer or boat maintenance, repair, detailing, paint, and body shops;
 13. Taxidermist;
 14. Upholstering
 15. Taxi Services
- I. Drive-in business require a minimum number of off-street queuing spaces to minimize traffic hazards, pedestrian-vehicle conflicts, and the disruption of the commercial area street front.
1. Drive-in businesses shall provide queuing spaces according to the following requirements:
 - a. Banks with drive-in facilities shall provide a minimum of five queuing spaces per lane when the number of lanes does not exceed two.
 - b. Banks with three or more drive-in lanes shall provide a minimum of three queuing spaces per lane.
 - c. Car washes shall provide a minimum of six queuing spaces.
 2. If the drive-in bank or car wash is located along either a principal arterial, a minor arterial or along a street with only one lane for moving traffic in each direction, the city engineer shall determine whether additional queuing spaces are necessary or whether access should be restricted.
 3. The city engineer shall establish the minimum number of queuing spaces needed for similar uses that are not listed above, using the quantities of subsection G1 as a guide
- J. Public utility buildings, sewage pumping stations, electrical distribution substations and similar developments necessary for the operation of utilities shall comply with the following requirements:
1. If the installation is housed in a building, the building shall conform architecturally with surrounding buildings or the type of buildings that are likely to develop in the use district;
 2. Any un-housed installation on the ground, or housed installation that does not conform to the architectural requirements of subsection A of this section, shall be surrounded by sight-obscuring plantings;
 3. An un-housed installation of a dangerous nature, such as an electrical distribution substation, shall be enclosed by a cyclone security fence at least six feet in height;
 4. All buildings, installations and fences shall observe the yard requirements for buildings in the district in which they are located, except that in residential use districts, the side yards shall each be not less than twenty-five feet in width.

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~~Secondhand retail stores and shops shall not locate closer than three hundred feet from an existing secondhand retail store or shop (as measured in all compass directions from the exterior wall of the existing store or shop to the property line of the proposed store or shop).~~

~~K. Caretakers' and/or owners, operators residences are limited to one per parcel and are only permitted where there is a principal use on the subject parcel.~~

~~Professional offices include but are not limited to the following activities with no (or limited) retail activity, display, or storage of goods and materials:~~

- ~~1. Accountant;~~
- ~~2. Architect;~~
- ~~3. Attorney;~~
- ~~4. Engineer;~~
- ~~5. Surveyor;~~
- ~~6. Physician;~~
- ~~7. Dentist;~~
- ~~8. Insurance agent;~~
- ~~9. Real estate office;~~
- ~~10. Travel agency;~~

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~~L. Public utility buildings, sewage pumping stations, electrical distribution substations and similar developments necessary for the operation of utilities shall comply with the following requirements:~~

- ~~1. If the installation is housed in a building, the building shall conform architecturally with surrounding buildings or the type of buildings that are likely to develop in the use district;~~
- ~~2. Any un-housed installation on the ground, or housed installation that does not conform to the architectural requirements of subsection A of this section, shall be surrounded by sight-obscuring plantings;~~
- ~~3. An un-housed installation of a dangerous nature, such as an electrical distribution substation, shall be enclosed by a cyclone security fence at least six feet in height;~~
- ~~4. All buildings, installations and fences shall observe the yard requirements for buildings in the district in which they are located, except that in residential use districts, the side yards shall each be not less than twenty five feet in width.~~

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~~M. Caretakers' residences are limited to one per parcel and are only permitted where there is a principal use on the subject parcel.~~

~~N.L. Accessory buildings and structures shall not occupy any lot independent of the main building or structure. No permits will be issued for detached accessory buildings or structures unless a permit is also issued at the same time for the main building on the lot. No manufactured home, mobile home, trailer, bus, shipping container or railroad car may be stored, or converted to or used as a storage building, accessory building or for any other nonresidential use No detached accessory building or structure may occupy the front of any lot.~~

~~O.M. Social Card Rooms: The location of any licensed gambling activity authorized by RCW 9.46.0282 as it now exists or is hereafter amended is prohibited within three thousand five hundred feet of the location of any other such gambling activity. Likewise, no such gambling activity shall be located on the same arterial street as any other such gambling activity. In addition to the foregoing, any establishment where such gambling activity is to be engaged in shall be subject to the issuance of a conditional use permit in accordance with established procedures.~~

~~P.N. Wireless Communication Facility Category 1 is subject to the following standards:~~

1. The use shall be located on buildings or other structures. The Facility Category 1 may be located on buildings and structures that contain mixed uses.
2. Antennas equal to or less than four feet in height and with an area of not more than five hundred eighty square inches in the aggregate (e.g., fourteen-inch diameter parabola or 2.6-foot by 1.5-foot panel) are exempt from the height limitation of the zone in which they are located. (For example, in some zones the maximum height of a building is thirty-five feet. A Facility I can go up to thirty-nine feet and still be within the height limit.) Placement of a Facility Category 1 antenna or related components on a nonconforming structure shall not be considered to be an expansion of the nonconforming structure.
3. The shelter or cabinet used to house radio electronics equipment must be concealed from view and/or camouflaged. This can be accomplished through landscaping or other screening and through the use of compatible building materials.
4. In single-family residential areas, a Facility I shall be separated from any other Facility I by a distance equal to or greater than five hundred linear feet.
5. The Facility Category 1 antenna and components shall be the same color as the existing building, pole or support structure on which it is to be located.
6. A building permit shall be required to construct a Facility I.
7. Roof-mounted facilities must be set back a minimum of ten feet from the edge of the roof.

EQ. Wireless Communication Facility Category 2 is subject to the following standards:

1. The Facility Category 2 antenna may be located on buildings and other structures.
2. The shelter or cabinet used to house radio electronics equipment must be concealed from view and/or camouflaged. This can be accomplished through landscaping, fencing or other architectural screening by using compatible building materials.
3. A Facility Category 2 antenna shall comply with the height limitation specified for all zones, except omni-directional antennas may exceed the height limitation by twelve feet. The permitted antenna height includes the wireless communication support structure. Placement of a Facility II antenna or related components on a nonconforming structure shall not be considered to be an expansion of the nonconforming structure.
4. The Facility Category 2 antenna and components shall be the same color as the existing building, pole or support structure on which it is to be located.
5. A building permit shall be required to construct a Facility 2.
6. Roof-mounted facilities must be set back a minimum of ten feet from the edge of the roof.
7. Category 2 facilities may be allowed in Residential zones through Type II review on buildings on lots used for non-residential purposes.

RP. Wireless Communication Facility Category 3 is subject to the following standards:

1. The shelter or cabinet used to house radio electronics equipment must be concealed and/or camouflaged.
2. Facility Category 3 shall comply with the height limitation specified for all zones, except as follows: Omni-directional antennas may exceed the height limitation by fifteen feet. Placement of a Facility 3 antenna or related components on a nonconforming structure shall not be considered to be an expansion of the nonconforming structure.
3. The Facility Category 3 antenna and components shall be the same color as the existing building, pole or support structure on which it is to be located.
4. A building permit shall be required to construct a Facility Category 3.
5. Roof-mounted facilities must be set back a minimum of ten feet from the edge of the roof.

SQ. Wireless Communication Facility Monopoles and Lattice Towers shall comply with the following performance standards:

1. The maximum height of a monopole or lattice tower is sixty feet for one carrier or one hundred twenty feet if two or more carriers are located on the monopole or lattice tower. A permitted co-location monopole or lattice tower that does not have two or more carriers located on it for a period of one year or more shall be modified to conform to the single carrier height of sixty feet.
2. The lot on which the monopole or lattice tower is to be constructed must be legally conforming.
3. The facility must be screened in accordance with KMC 17.40
4. Monopoles and lattice towers located in the light manufacturing (ILM) zone must be set back a minimum of one hundred feet from any residentially zoned property. The minimum setback along I-5 and/or SR-432 is one hundred feet.
5. Antennas that extend above the wireless communications support structure shall not be calculated as part of the height of a monopole or lattice tower.
6. Co-location on an existing support structure is to be permitted. A Facility 3 is the largest wireless communication facility allowed on a monopole or lattice tower.
7. The shelter or cabinet used to house radio electronics equipment and the associated cabling connecting the equipment shelter or cabinet to the monopole or lattice tower must be concealed and/or camouflaged through landscaping, fencing, or other screening using compatible building materials and colors.
8. A building permit shall be required to construct a monopole or lattice tower. (Ord. 3533 § 9, 2004)
9. Antennas may not extend more than fifteen feet above their supporting structure, monopole, lattice tower, building or other structure. Site location and development shall preserve the pre-existing character of the site as much as possible. Wireless communication towers and accessory equipment (equipment shelters and cabinets) shall be integrated through location, design, and color to blend in with the existing site characteristics to the extent practical. Existing vegetation around the facility shall be preserved or improved upon to provide vegetative screening. In the RSF-E zone, a minimum of two-thirds of the height of the monopole or lattice tower must be screened by existing vegetation when possible. Additional screening may be required by the community development director to mitigate visual impacts to adjacent properties or public rights-of-way as determined by site-specific conditions.
10. No equipment shall be operated above forty-five dba as measured from the nearest property line on which the attached wireless communication facility is located.

~~FR~~ Livestock are allowed within the RSF-15 zone subject to the following densities and standards:

1. Horses: One per eighty-seven thousand one hundred twenty square feet of lot area to a maximum of two horses per lot; or
2. Cows: One per eighty-seven thousand one hundred twenty square feet of lot area to a maximum of two cows per lot; or
3. Llamas: Two per eighty-seven thousand one hundred twenty square feet of lot area to a maximum of four llamas per lot; or
4. Sheep: Four per eighty-seven thousand one hundred twenty square feet of lot area to a maximum of eight sheep per lot; or
5. Goats: Four per eighty-seven thousand one hundred twenty square feet of lot area to a maximum of eight goats per lot; or
6. Chickens: One rooster/six hens per eighty-seven thousand one hundred twenty square feet of lot area to a maximum of one rooster/six hens per lot; or
7. Pigeons: Twelve pigeons per twenty-one thousand seven hundred eighty square feet of lot area to a maximum of twenty-four pigeons per lot;
8. There must be a minimum distance of not less than forty feet between a building for human habitation and a structure housing livestock or poultry;
9. Livestock and poultry shall not be located any closer than one hundred feet from any residential building on an adjacent lot and no less than 50 feet from the property line of an adjacent vacant

parcel capable of development. Confined feeding areas or structures to house livestock or poultry shall not be located closer than two hundred feet to any pre-existing residence on adjacent properties;

U.S Temporary Uses.

1. There are two (2) types of temporary uses, special events and emergencies:
 - a. Special events include but are not limited to uses such as:
 - i. Carnivals
 - ii. Christmas Tree Sales
 - iii. Farmer's Markets
 - iv. Festival or Street Fairs, including Block Parties
 - v. Parades
 - vi. Parking Lot/Outdoor Sales Events
 - vii. Seasonal sale of agricultural products grown off-premise
 - b. Emergency uses are occasioned by an unforeseen event, such as fire, windstorm or flood including:
 - i. A mobile home, recreational vehicle or other temporary structure for a residential purpose in a residential zone, or;
 - ii. A mobile office or other temporary structure for a business purpose in a commercial or industrial zone;
2. Nothing within this section is intended to circumvent the strict application of those permitted uses within the underlying zoning districts. Time limits shall be strictly enforced.
3. Approval Criteria.
 - a. Special events. The administrative official shall approve, approve with conditions or deny a request for approval of a special event subject to compliance with all of the following criteria:
 - i. The event occurs for no longer than 45 days in a calendar year on the approved event site;
 - ii. The event is permitted in the underlying zoning district or within the approved event site;
 - iii. The applicant has proof of the property owner's permission to place the event on his/her property;
 - iv. There will be no parking utilized by the customers and employees of the temporary event which is needed by the property owner to meet his/her minimum parking requirements;
 - v. The event does not interfere with adequate vision clearance, and shall not obstruct pedestrian access on public rights-of-way;
 - vi. Conditions as may be required by the building official and/or Fire Marshal to determine compliance with minimum building, fire and life safety codes; and
 - vii. Adequate provisions for trash disposal and sanitary facilities shall be provided.
 - viii. The applicant will be required to show a certificate of insurance covering the proposed special event.
 - b. Unforeseen emergencies. The administrative official shall approve, approve with conditions or deny a request of an unforeseen/emergency situation(s) subject to compliance with of all of the following criteria:
 - i. The need for the use is the direct result of a casualty loss such as fire, windstorm, flood or other severe damage by the elements of a pre-existing structure or facility previously occupied by the applicant on the premises for which the permit is sought;
 - ii. There exists adequate and safe vehicular ingress and egress when combined with the other uses of the property;
 - iii. There exists adequate parking for the temporary use;
 - iv. The use will pose no hazard to pedestrians in the area of the use;
 - v. The use will not create adverse off-site impacts including noise, odors, vibrations, glare or lights which will affect adjoining uses;
 - vi. The use can be adequately served by sewer or septic system and water, if applicable; and

- vii. The length of time that the temporary building will be used is the maximum needed to address the hardship but no longer than one year. With the exception that a temporary use approval may be renewed once by the Administrative Official for a period not to exceed one year.
- 4. The regulations in this section shall not apply to:
 - a. Garage/estate sales conducted on private residential properties subject to the following criteria:
 - i. Sales last no longer than three (3) consecutive days; and
 - ii. Sales are held no more than four (4) times in a calendar year; and
 - iii. Sales are conducted on the owner's property. Multiple-family sales are permitted if they are held on the property of one of the participants.
 - iv. No garage sale signage is allowed within the public right-of-way. Signs on private property must have the written permission of the property owner.
 - b. On-site construction office during the period of construction, but no longer than six months. A single six month extension may be granted upon written request, provided the applicant shows good cause for granting the extension. The approved extension shall be the minimum necessary to achieve completion of the project.

VI. Not more than one accessory apartment, as defined, may be allowed on a parcel. The following criteria shall apply:

1. The accessory apartment shall be located within an owner-occupied, site-built single-family dwelling or its accessory garage within 50 feet of the primary residence.
2. The accessory apartment shall not exceed 800 square feet and shall be reviewed to ensure compatibility with surrounding uses.
3. One additional paved, off-street parking space is required.
4. The accessory apartment shall share access with the primary dwelling.
5. Adequate utility service shall be confirmed.
6. A restrictive covenant shall be recorded on the property to preclude the separate sale or division of the accessory apartment from the single-family dwelling.

WU. The following criteria shall govern the review and approval of a temporary manufactured home, or park model (defined in 17.08.140), for occupancy by an aged, infirmed or incapacitated relative or by one or more relatives (by blood or marriage) engaged in care giving for the aged, infirmed or incapacitated person:

1. Such temporary home shall only be considered on residential properties of two acres or greater.
2. Such home shall be for temporary placement for a period of one year, subject to review prior to renewal by the Administrative Official;
3. The aged, infirmed or incapacitated person must be related by blood or marriage to the caregiver;
4. The property must be owned by either the caregiver or the aged, infirmed or incapacitated relative;
5. Such temporary permit shall be issued only for the purpose of providing one temporary housing unit on the same lot as the existing residence, in reasonably close proximity to each other, with the intent of sharing utility systems and to minimize negative effects on adjacent uses;
6. If more than one residence already exists on the property, the Reviewing Official shall not issue a permit for a temporary unit under this section;
7. Seventy-five (75) years of age is considered aged for purposes of this section. Individuals less than 75 years of age shall be required to furnish a written statement by a licensed medical doctor or osteopath, indicating that the patient is not physically or mentally capable of independent living and is dependent on a relative being close by for personal physical care assistance;
8. The caregiver shall be physically capable of providing the needed personal physical care;

9. Financial hardships, taking care of the property and other convenience arrangements not relating to age or infirmity shall not be considered grounds for which a permit can be issued;
10. Sewage disposal shall be by connection to the existing sanitary sewer outlet located on the property. No additional side-sewer connections to the collector line shall be permitted, unless required otherwise by the City Engineer.
11. The temporary unit shall conform to setback requirements of Kelso Municipal Code, and shall not be permitted within the 100-year floodplain or other critical area;
12. Temporary manufactured homes shall meet the following siting requirements:
 - a. Have permanent steps or inclined planes affixed to all entrances;
 - b. Maintain a minimum eighteen inch crawl space under the entire unit;
 - c. Have permanent skirting or sidewalls installed to enclose all areas between the lower edge of the outside walls and the ground;
 - d. Be placed and anchored per the manufacturer's installation instructions or per the design of a professional engineer or architect licensed in Washington {WAC 296-150M-610 (1) (C)};
13. If the placement of the temporary home would violate the provisions of any deed restriction or subdivision covenant for the property, the application shall be returned or denied without prejudice until the covenant issue is resolved;
14. No additional road approaches, access roads or accessory structures to serve the temporary residence shall be permitted, unless determined to be acceptable by the City Engineer, as appropriate. The temporary unit shall be located within one hundred feet of the existing residence on the property unless this would conflict with subsection (11) above, or if other bonafide physical site constraints would prohibit compliance;
15. A covenant, to which the City is a party, shall be recorded with the County Auditor stating that the temporary dwelling and any related improvements do not vest the property with any right to subdivide or convert the temporary dwelling to a permanent dwelling, except in conformance with the Kelso Municipal Code;
16. The temporary unit shall be removed within 90 days if the temporary unit is no longer occupied by the person(s) for which the permit was issued, or the permit has expired and was not renewed.

| ~~XV~~. All kennels (as described in Section 17.08.120) and veterinarian clinics (as described in Section 17.08.230) shall be provided with indoor sleeping areas, in order to minimize nighttime noise impacts to neighboring properties.

- 17.40.010 Purpose.
- 17.40.020 Lot area, density and yard requirements.
- 17.40.030 Height limitations.
- 17.40.040 Fences, hedges and walls.
- 17.40.050 Landscaping.
- 17.40.060 Parking.
- 17.40.065 Road approaches and curb cut standards.
- 17.40.070 Performance standards.
- 17.40.080 Zero lot line development.

17.40.010 Purpose.

The intent of this chapter is to establish the general standards for development within the city of Kelso. (Ord. 3699 § 1 (Att. B), 2009)

17.40.020 Lot area, density and yard requirements.

A. Table 17.40.020 establishes the lot area, density and yard requirements for development in the land use districts. Additional provisions in Chapter 17.20 and this chapter apply in addition to these standards.

**Table 17.40.020
Lot Area, Density and Yard Requirements**

| Zone Class | Min. Area (sq. ft.) | Max. Area (sq. ft.) | Maximum Residential Density (units/acre) | Min. Lot Width | Min. Lot Depth | Setback Standards | | | |
|------------|---------------------|---------------------|--|----------------|----------------|-------------------|---------------|------|------|
| | | | | | | Front | Street Side | Side | Rear |
| RSF-15 | 15,000 | | 2.9 | 80' | 100' | 20' | 7' | 5' | 10' |
| RSF-10 | 10,000 | 22,000 | 4.3 | 60' | 80' | 20' | 7' | 5' | 10' |
| RSF-5 | 5,000 | 11,000 | 8.7 | 50' | 60' | 20' | 7' | 5' | 10' |
| RMF | 5,000 | N/A | 32.3 | 50' | 60' | 20' | 7' | 5' | 10' |
| OPN | | | | | | | | | |
| CTC | None | None | Unrestricted, | None | None | 0 Min, 5' Max | 0 Min, 5' Max | 0 | 0 |
| CWK | None | None | Unrestricted, | None | None | 0 Min, 5' Max | 0 Min, 5' Max | 0 | 0 |
| CNH | None | None | Unrestricted, | None | None | 10' | 10' | 0 | 0 |
| CSR | None | None | Unrestricted, | None | None | 0 | 0 | 0 | 0 |
| CMR | None | None | Unrestricted, | None | None | 0 | 0 | 0 | 0 |
| LI | 20,000 | None | None | None | None | 20' | 20' | 0 | 0 |

| | | | | | | | | | |
|----|--------|------|------|------|------|-----|-----|---|---|
| GI | 20,000 | None | None | None | None | 20' | 20' | 0 | 0 |
|----|--------|------|------|------|------|-----|-----|---|---|

1. Upper floor residential uses are limited only by the physical constraints of the structure and required parking.

B. In applying the standards of Table 17.40.020 to the RSF zones the following standards apply:

1. The allowed density is intended to mean the net density where only the buildable portion of the property is used in the calculation, i.e., critical areas are excluded;
2. Where existing front yards of housing units directly abutting a lot are less than that required by Table 17.40.020, the front yard may be reduced to the average depth of the existing yards; provided, that such front yard shall not have a depth of less than ten feet;
3. Accessory buildings shall have a minimum setback of five feet from the rear and side property lines. Detached garage facilities for single-family residences may have a zero-foot setback from an alley, provided access is obtained from the alley;
4. In no case shall the entrance to the garage be closer than twenty feet from the right-of-way;
5. On through lots, yards abutting both streets shall provide the required front yard. Accessory buildings on through lots shall conform to the setbacks for principal buildings;
6. The maximum lot coverage for any single or multifamily residential lot is fifty percent. Lot coverage includes any impervious surface.

C. For single-family development, a minimum of six hundred square feet per lot and for multifamily development, a minimum of three hundred square feet per unit shall be available for the purposes of outdoor recreation of which no dimension shall be less than ten feet.

D. All corner building sites located in use districts that require a front and side yard shall maintain a clear triangle at the intersection of the street rights-of-way to assure traffic safety in accordance with Section 17.40.065B1.

E. All noncorner lots shall maintain a clear triangle at the intersection of driveways or access roads and the street rights-of-way to assure traffic safety in accordance with Section 17.40.065B2.

F. The following projections are permitted into required yards:

1. Cornices, eaves, roof overhangs, trellises, beams, joists, and other similar roof projections may extend or project into required yards according to the following chart:

| Type of Yard | Projection Allowed |
|---------------|----------------------|
| Front or rear | Maximum of five feet |

| | |
|-----------|---------------------|
| Side yard | Maximum of two feet |
|-----------|---------------------|

2. Outside stairs, platforms or landing places, if unroofed and unenclosed, may extend into required yards according to the following chart:

| Type of Yard | Projection Allowed |
|--------------|-----------------------|
| Front | Maximum of three feet |
| Side | Maximum of three feet |
| Rear | Maximum of five feet |

3. Ramps or other devices necessary for access for the disabled and elderly, which meet Washington State Rules and Regulations for Barrier Free Design, are permitted in all required setbacks.

4. Uncovered, unenclosed pedestrian bridges, necessary for access and less than five feet in width, are permitted in required setbacks.

5. Porches or balconies that are accessory to a residential use may project into required setbacks. Such porches and balconies shall be permitted within five feet of any lot line if they are thirty inches or greater above the adjacent grade.

6. Decks that are accessory to a residential use may project into required setbacks. Such decks may be attached to the principal building and shall be permitted up to any lot line if they abut a permitted fence or freestanding wall, and are at least three feet below the top of the fence or wall. The fence or wall shall be no higher than six feet above existing finish grade.

7. Underground structures are permitted in all setbacks.

8. Overhead and underground utilities are permitted in required yards. (Ord. 3699 § 1 (Att. B), 2009)

17.40.030 Height limitations.

Buildings and structures shall comply with the maximum height limits as specified in Table 17.40.030 based on the zoning of the subject parcel.

Table 17.40.030

| Zone | Maximum Building Height, (feet) | Maximum Structure Height, (feet) |
|-----------------|---------------------------------|----------------------------------|
| RSF-15, -10, -5 | 35 ₂ | 35 ₃ |
| RMF | 35 ₁ | 35 ₃ |

| | | |
|-----|-----------------|-----------------|
| OPN | 35 | 35 ₃ |
| CTC | 60 ₃ | 35 ₃ |
| CWK | 45 ₃ | 45 ₃ |
| CNH | 35 ₇ | 35 ₃ |
| CSR | 60 | 35 ₃ |
| CMR | 60 ₃ | 35 ₃ |
| LI | 35 ₃ | 35 ₃ |
| GI | 35 ₃ | 35 ₃ |

1. Height of a building or structure shall be measured by the vertical distance above grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of the building. Chimney and vents shall not be included in building height. Grade is the computed average of the lowest and the highest points of elevation of the original surface of the ground, or existing paving or sidewalk within the area between the building and property line, or when the property line is more than five feet from the building, between the building and a line five feet from the building.

2. Building heights may be increased to a maximum of fifty feet for churches and schools through Type II review where, in addition to other standards of this title, the following are met:

- a. View opportunities from adjacent parcels are not substantially reduced;
- b. Fire flow available to the site is consistent with the minimum standards for the category and height of the structure as defined in the adopted fire code;
- c. No unstable slopes or soils are present on the building site; and
- d. Solar access of neighboring lots is not reduced.

3. The maximum structure height may be increased for structures through Type II administrative use procedures as follows:

- a. Provided view opportunities from adjacent parcels shall not be substantially reduced by the increased height of any structure and are not otherwise prohibited by the Airport Hazard Overlay (APO) zone;
- b. Noncommercial, nonparabolic antennas affixed to noncommercial communication towers that are no more than fifty feet in height above grade shall not require administrative review;
- c. One flagpole forty-five feet or less in height per parcel shall not require administrative review;

d. Utility poles fifty feet or less in height shall not require administrative review.

4. Building heights may be increased upon the issuance of a conditional use permit where, in addition to other standards of this title, the following are met:

- a. View opportunities from adjacent parcels are not substantially reduced;
- b. Fire flow available to the site is consistent with the minimum standards for the category and height of the structure as defined in the adopted fire code;
- c. No unstable slopes or soils are present on the building site; and
- d. Solar access of neighboring lots is not reduced.

5. Building height is subject to the following exceptions:

- a. When adjacent to a RSF zoning district, the maximum building height shall be thirty-five feet for a distance of thirty feet from the parcel line abutting the RSF zone.

6. Building height is subject to the following exceptions:

- a. When adjacent to a RSF zoning district, the maximum building height shall be thirty-five feet for a distance of thirty feet from the parcel line abutting the RSF zone.

7. Building height is subject to the following exceptions:

- a. When adjacent to a RSF zoning district, the maximum building height shall be thirty-five feet for a distance of thirty feet from the parcel line abutting the RSF zone.
- b. Building heights may be increased to a maximum of forty-five feet upon the issuance of a conditional use permit where, in addition to other standards of this title, the following are met:

- i. View opportunities from adjacent parcels are not substantially reduced;
- ii. Fire flow available to the site is consistent with the minimum standards for the category and height of the structure as defined in the adopted fire code; and
- iii. Solar access of neighboring lots is not reduced.

8. Building height is subject to the following exceptions:

- a. The height limits shall be increased to eighty-five feet where structured parking is provided under the building;

b. When adjacent to a RSF zoning district, the maximum building height shall be thirty feet for a distance of thirty feet from the parcel line abutting the RSF zone.

9. Building heights may be increased to a maximum of forty-five feet upon the issuance of a conditional use permit where, in addition to other standards of this title, the following are met:

- a. View opportunities from adjacent parcels are not substantially reduced;
- b. Fire flow available to the site is consistent with the minimum standards for the category and height of the structure as defined in the adopted fire code; and
- c. Solar access of neighboring lots is not reduced.

(Ord. 3699 § 1 (Att. B), 2009)

17.40.040 Fences, hedges and walls.

A. Fences, hedges and walls shall comply with the maximum height limits as specified in Table 17.40.040 based on the zoning of the subject parcel.

B. No sight-obscuring fence, hedge or wall over thirty-six inches higher than the grade of adjacent streets shall be permitted on corner lots in the yard area formed by a line from the lot corner at the street intersection along the front yard line fifteen feet and side yard line fifteen feet and a line connecting the two lot lines at the point fifteen feet from the intersection corner.

C. Height of fence, hedge or wall shall be measured from finished grade at the exterior side of the fence. No person may construct a berm upon which to build a fence, hedge or wall unless the total height of the berm plus the fence does not exceed the maximum height allowable for the fence if the berm were not present.

D. No fence, hedge or wall shall be allowed to contain barbed, razor or other types of wire designed to cause injury to persons or animals except within the LI and GI zones.

Table 17.40.040

| Zone Class | Maximum Height Front Setback | Maximum Height Rear and Side Setback |
|-------------------|-------------------------------------|---|
| RSF-15, -10, -5 | 3.5' (42 inches) | 6'8' |
| RMF | 3.5' (42 inches) | 6'8' |
| OPN | | 6' |
| CTC | 6' | 6'8' |

| | | |
|-----|----|------|
| CWK | 6' | 6'8' |
| CNH | 6' | 6'8' |
| CSR | 6' | 6'8' |
| CMR | 6' | 6'8' |
| LI | 8' | 8' |
| GI | 8' | 8' |

1. Fences, hedges or walls up to eight feet in side and rear yards may be approved administratively through Type II review.

(Ord. 3699 § 1 (Att. B), 2009)

17.40.050 Landscaping.

A. The purpose of this section is to preserve the landscape character of the community, link the city's natural amenities with landscape greenbelts along scenic roads, improve the aesthetic quality of the built environment, promote retention and protection of existing vegetation, reduce the impacts of development on wetlands, streams and the natural environment, enhance the value of current and future development and increase privacy for residential zones by:

1. Retaining existing vegetation, tree stands and significant trees by incorporating them into the site design.
2. Incorporating native vegetation and drought-resistant plant material into new landscape developments.
3. Providing vegetated screening between different intensities of residential uses.
4. Providing visual relief of parking areas in the neighborhood service centers (CNH), Kelso town center (CTC), west Kelso (CWK), light industrial (ILM) and multiple-family (RMF) districts.
5. Providing vegetated screening between residential and nonresidential areas.

B. Landscaping shall be required for all new development, except single-family residential building permits and as may be additionally required through conditional use review or in conjunction with subdivision requirements required within Title 16.

C. Perimeter landscape requirements shall be required. Table 17.40.050(B) indicates the type of perimeter landscaping required when the subject property directly abuts various zoning districts and land uses.

Table 17.40.050(B)

| Zone | Abutting Zoning or Land Use | Perimeter Buffer Type | Buffer Width |
|---|--|-----------------------|--------------|
| CNH, CSR and CMR Districts | Rights-of-way/roads | Filtered Screen | 5' |
| | RSF-15, -10, -5, RMF | Partial Screen | 5' |
| Light Manufacturing (ILM) Districts | Rights-of-way/roads | Filtered Screen | 10' |
| | Nonmanufacturing uses | Partial Screen | 10' |
| | Residential district | Filtered Screen | 20' |
| Areas Outside CTC, CWK, CNH and ILM Districts—Nonresidential Uses | Rights-of-way/roads | Filtered Screen | 10' |
| | RSF-15, -10, -5, RMF | Partial Screen | 10' |
| | Nonindustrial uses | Partial Screen | 10' |
| Town Center (CTC) District | Single-family residential (RSF) district | Partial Screen | 3' |
| Multifamily Residential (RMF) District | Rights-of-way/roads | Filtered Screen | 10' |
| | Single-family residential (RSF) district | Partial Screen | 5' |
| | Multifamily residential (RMF) district | Filtered Screen | 10' |
| West Kelso (CWK) District | Single-family residential (RSF) district | Partial Screen | 5' |
| General Industrial (IGM) | Commercial or light industrial | Partial Screen | 10' |
| | Residential | Filtered Screen | 20' |

1. A partial screen provides a moderate vegetated separation between uses and land use districts and shall meet the following standards:

- a. Minimum fifty percent evergreen trees ranging in height from four feet to six feet at the time of planting with at least fifty percent being six feet high; and
- b. Deciduous trees with a caliper of at least two inches at the time of planting; and
- c. At least twenty percent of the trees shall be native species and drought-resistant; and
- d. The number of trees is determined by dividing the length of the landscape perimeter by twenty feet; and

- e. Evergreen shrubs at least twenty-one inches in height at the time of planting, spaced no more than three feet on center, to achieve minimum four feet height at maturity; and
 - f. The number of shrubs is determined by dividing the length of the landscape perimeter by five feet; and
 - g. Living ground cover shall be planted and spaced to achieve total coverage within three years; and
 - h. Plants may be clustered within the landscape perimeter to screen structures and parking areas.
2. A filtered screen provides a light vegetated separation between uses and land use districts and allows visual access to developments.
- a. One hundred percent deciduous trees, two-inch caliper, spaced no more than thirty feet on center; and
 - b. Evergreen shrubs, minimum twenty-one inches in height at the time of planting, achieving a maximum height of three feet at maturity; and
 - c. Living ground cover shall be planted and spaced to achieve total coverage within three years.
3. Existing vegetation may be used in lieu of new plant material if not already being used to meet another requirement, except as otherwise provided in subsection D of this section (site interior retention of thirty percent of significant tree canopy).
4. A partial screen will be required to screen utilities located above ground from adjacent uses.
5. Perimeter landscaping shall be clustered in areas to screen structures, utility structures, loading areas, parking lots, trash enclosures, storage areas and mechanical equipment.
6. Earth berms in combination with shrubs and trees may be used to achieve the initial planting height requirement.
7. The department may approve the averaging of perimeter landscape widths to provide adequate screening if it meets the following criteria:
- a. The total required perimeter dimension square footage shall be achieved;
 - b. Plant material may be clustered to more effectively screen parking areas and structures;
 - c. Does not diminish the quality of the perimeter landscape;

d. When significant trees are being retained.

D. To preserve the forested character of the city in all development, except those within the town center (CTC) and west Kelso (CWK) districts shall comply with the standards of this section.

1. Significant trees and tree stands located in perimeter landscape areas and within a site's interior shall be preserved as follows:

a. Perimeter Landscape Areas.

i. Retain all significant trees and tree stands located in the perimeter landscape areas.

ii. Perimeter landscape widths may be averaged to save significant trees, but shall not be reduced less than the allowed minimum perimeter dimension.

b. Site Interior.

i. Retain thirty percent of the significant tree canopy on the site (which may include the perimeter landscape areas, critical areas and critical area buffers); or

ii. Retain fifteen percent of the total number of significant trees, excluding significant trees within the perimeter landscape areas, critical areas, and critical area buffers.

c. Areas devoted to driveways, curb cuts, and sight distance requirements, utilities and storm drainage facilities are exempt from this requirement provided there are no feasible alternatives for their location.

d. Significant trees and tree stands may be exempt from this requirement if it is determined by a qualified consultant, such as a landscape architect or arborist certified by the International Society of Arboriculture, that the vegetation is:

i. Damaged, diseased or standing dead trees; or

ii. Safety hazards due to potential root, trunk or primary limb failure, or exposure of mature trees which have grown in a closed, forested situation; or

iii. Notwithstanding subsections D1 di and ii of this section, at the discretion of the department, damaged, diseased or standing dead trees may be retained and counted toward the significant tree requirement if demonstrated that such trees will provide fish or wildlife habitat and are not classified as a danger.

e. If significant trees have been removed from a closed, forested situation, an adequate buffer of smaller trees shall be retained or planted on the fringe of such significant trees as

determined by a qualified consultant, such as a landscape architect or an arborist certified by the International Society of Arboriculture.

f. The landscape architect or arborist shall be certified by the city as a qualified consultant and paid for by the applicant.

2. Significant trees and tree stands shall be protected during construction consistent with the following standards:

a. No cutting of significant trees shall be allowed on a site until the planting and significant tree and tree stand retention plans have been approved by the department.

b. An area of prohibited disturbance, generally corresponding to the drip line of the significant trees and/or tree canopy of tree stands, shall be identified by the applicant and approved by the department before commencement of site plan preparation. A temporary four-foot-high chain link or four-foot-high plastic net fence shall delineate the area.

c. No impervious surfaces, fill, excavation, vehicle operations, compaction, removal of native soil or storage of construction materials shall be permitted within the area defined by such fencing.

d. A rock well shall be constructed if the grade level around the tree is to be raised more than one foot. The inside diameter of the well shall be equal to the diameter of the drip line of the tree or tree canopy of tree stands.

e. The grade level shall not be lowered within the larger of the two areas defined as follows:

i. The drip line of the tree, or the tree canopy of tree stands;

ii. As recommended by a consulting landscape architect or arborist certified by the International Society of Arboriculture.

f. Alternative protection methods may be used if determined by the department to provide equal or greater tree protection. Alternative protection methods must be recommended by a consulting landscape architect or arborist certified by the International Society of Arboriculture.

g. The landscape architect or arborist shall be certified by the city as a qualified consultant and paid for by the applicant.

3. Significant Trees and Tree Stand Replacement. When the required number of significant trees or tree stands is not retained, they shall be replaced as determined by the department with:

a. An equal number of transplanted significant trees or tree canopy; or

b. New trees measuring one-and-one-half-inch caliper if deciduous and four feet high if evergreen, at a replacement rate of one-inch diameter for every one-inch diameter (measured diameter-breast-height) of the removed significant tree or trees within a tree stand. The replacement rate determines the number of replacement trees. The trees removed shall be replaced with trees of the same type, evergreen or deciduous. The replacement trees shall also be replaced in the same location as the trees removed.

i. Failure to replace or transplant trees will be enforced as provided in this code; provided, that any fine shall be no less than three times the value of the trees, as determined by the current standards of the International Society of Arboriculture.

ii. If unauthorized tree(s) or vegetation removal occurs within the public right-of-way, all permits in force on the subject property shall be suspended and no new permits issued until the tree(s) or vegetation has been replaced or all penalties have been satisfied.

c. Native shrubs and ground cover shall also be replaced when replacing tree stands due to unauthorized removal. Shrubs shall be one-gallon size planted four feet on center spacing, ground cover shall be one-gallon size planted three feet on center spacing. The shrubs and ground cover shall be planted within the limits of the previous tree stand canopy.

d. If the significant tree and tree stand retention requirements of this section create an unnecessary hardship, the applicant may request a modification.

4. The director may administratively approve a modification of the significant tree and tree stand requirements of this section if:

a. The modification is necessary because of special circumstances relating to the location of existing significant trees and tree stands which prevents compliance with this section; and

b. The special circumstances of the subject property make the strict enforcement of the provisions of this section an unnecessary hardship to the property owner; and

c. The special circumstances of the subject property are not the result of the actions of the applicant; and

d. The approving of the modification will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and land use district in which the subject property is located; and

e. The modification is consistent with the purpose and intent of this chapter; and

f. The site design incorporates the retention of other natural vegetation in consolidated locations, which promotes the natural vegetated character of the site.

E. Parking Lot Landscaping. Landscaping within parking lots shall comply with the standards of this section.

1. Within the neighborhood service center (CNH) district, light manufacturing (ILM) district and for all nonresidential uses outside of the town center (CTC) district shall provide the following landscaping within parking lots:

a. Parking lots located adjacent to public rights-of-way shall provide:

- i. Landscape islands shall be provided at each end of all parking aisles;
- ii. Trees within landscaped areas shall be provided at a rate of one tree for every four parking spaces with a minimum thirty percent evergreen trees;
- iii. Evergreen shrubs minimum eighteen-inch height at the time of planting, spaced no more than three feet on center, to provide a continuous hedge achieving a maximum height of three feet at maturity located adjacent to the rights-of-way (this may be achieved with the perimeter landscape); and
- iv. All landscaped areas shall be provided with evergreen ground cover planted and spaced to achieve total coverage within two years; and

b. Parking lots not located adjacent to public rights-of-way shall provide:

- i. Landscape islands shall be provided at each end of all parking aisles;
- ii. Trees within landscaped areas shall be provided at a rate of one tree for every eight parking spaces;
- iii. Evergreen shrubs minimum eighteen-inch height at the time of planting, spaced no more than three feet on center, to provide a continuous hedge achieving a maximum height of three feet at maturity located adjacent to the rights-of-way (this may be achieved with the perimeter landscape); and
- iv. All landscaped areas shall be provided with evergreen ground cover plants and/or shrubs planted and spaced to achieve total coverage within two years.

2. Within the town center (CTC), west Kelso (CWK) and multifamily (RMF) districts shall provide the following landscaping within parking lots:

a. Parking lots located adjacent to public rights-of-way and in front of or to the side of buildings shall provide:

- i. Landscape islands at each end of all parking aisles;
- ii. Trees within landscaped areas shall be provided at a rate of one tree for every two parking spaces when the parking lot is in front of the building and one tree for every four parking spaces when the parking lot is to the side of the building;
- iii. Evergreen shrubs minimum eighteen-inch height at the time of planting, spaced no more than three feet on center, to provide a continuous hedge achieving a maximum height of three feet at maturity located adjacent to the rights-of-way (this may be achieved with the perimeter landscape);
- iv. Deciduous trees minimum two-inch caliper, spaced no more than thirty feet on center, located along the public rights-of-way (this may be achieved with the perimeter landscape); and
- v. All landscaped areas shall be provided with evergreen ground cover planted and spaced to achieve total coverage within two years; and

b. Parking lots located behind building and not adjacent to the right-of-way shall provide:

- i. Landscape islands shall be provided at each end of all parking aisles;
- ii. Trees within landscaped areas shall be provided at a rate of one tree for every eight parking spaces;
- iii. All landscaped areas shall be provided with evergreen ground cover plants and/or shrubs planted and spaced to achieve total coverage within two years.

3. Parking lot landscaping shall comply with the following standards:

- a. Maintain shrubs at a maximum three feet height so views between vehicles and pedestrians will not be blocked.
- b. Trees shall be provided at a minimum two inch caliper for deciduous trees and six feet in height for evergreen trees.
- c. Landscaping in planting islands or strips shall have an area of at least one hundred square feet and with a narrow dimension of not less than five feet if wheel stops are provided to prevent vehicle overhang. A narrow dimension of not less than eight feet may be provided if the vehicle overhang area is included in the planting area.

- d. Provide permanent curbs or wheel stops to protect the plantings from vehicle overhang.
- e. Significant trees and tree stands may be used in lieu of new landscape requirements if they are in addition to the significant tree and tree stand retention requirements.
- f. Clustering of new plant material within parking lots may be approved or required by the department if the intent of this section is met.
- g. Trees within parking areas shall be of appropriate species for parking lots.

F. To encourage the use of native species and recommend planting conditions adaptive to Kelso, landscape designs shall conform to the following provisions:

1. Areas not devoted to landscape required by this chapter, parking, structures and other site improvements are encouraged to be planted or remain in existing vegetation.
2. New plant materials shall include native species or nonnative species that have adapted to the climatic conditions of western Washington.
3. New plant materials shall consist of drought-resistant species, except where site conditions within the required landscape areas assure adequate moisture for growth.
4. When the width of any landscape strip is twenty feet or greater, the required trees shall be staggered in two or more rows.
5. Existing vegetation may be used to augment new plantings to meet the standards of this chapter.
6. Grass may be used as a ground cover where existing or amended soil conditions assure adequate moisture for growth.
7. Ground cover areas shall contain at least two inches of composted organic mulch at finish grade to minimize evaporation. Mulch shall consist of materials such as composted yard waste, composted sawdust, and/or manure that are fully composted.
8. Existing soils may need to be augmented with fully composted organic material.

G. Performance Assurance.

1. Performance assurance is required to assure the city that the landscape, required by this section, is properly installed, will become established and be adequately maintained.
2. The required landscape shall be installed prior to the issuance of a temporary certificate of occupancy for the project. The Washington landscape architect, Washington certified nursery

professional or Washington certified landscaper shall submit a landscaping declaration to the department to verify installation in accordance with the approved plans.

3. The time limit for compliance may be extended to allow installation of landscaping during the next appropriate planting season as approved by the department if the director determines that a performance assurance device, for a period of not more than one year, will adequately protect the interests of the city. The performance assurance device shall be for one hundred fifty percent of the cost of the work or improvements covered by the assurance device. In no case may the property owner delay performance for more than one year.

4. The form and type of the performance assurance device shall be determined by the director.

H. Maintenance Assurance.

1. The property owner shall replace any unhealthy or dead plant materials in conformance with the approved planting plan.

2. A maintenance assurance device shall be required for a period of three years after acceptance by the city of the new planting or transplanting of vegetation to ensure proper installation, establishment, and maintenance.

3. The maintenance assurance device amount shall not be less than twenty percent of the cost of replacing materials covered by the assurance device.

4. The form and type of the maintenance assurance device shall be determined by the director.

I. Irrigation and Maintenance Requirements.

1. Irrigation systems shall be required in all new landscape areas to assure the proper establishment of and continued growth of landscaping.

2. Temporary irrigation systems are acceptable where soils conditions and plant selection will tolerate the local climate and soil conditions. Temporary systems may be removed after twenty-four months or two growing seasons, whichever occurs first; provided, that the plantings are established.

3. Irrigation water shall be applied with goals of avoiding runoff, low head drainage, overspray, or other similar conditions where water flows onto adjacent property, nonirrigated areas and impervious surfaces:

a. Considering soil type and infiltration rates; and

b. Using proper irrigation equipment and schedules, including features such as repeat cycles, to closely match application rates with infiltration rates; and

c. Considering special problems posed by irrigation on slopes and in median strips.

J. All new landscape plantings and significant trees and tree stands to be retained shall be maintained to preserve the city's forested character.

1. All landscaping, significant trees and tree stands shall be maintained for the life of the project.
2. All landscaped areas required by this chapter, significant trees and tree stands, except within critical areas or their protective buffers (defined in Title 18), should be maintained in a healthy growing condition.
3. Landscape areas shall be kept free of trash.
4. All plant material shall be managed by pruning so that plant growth does not conflict with public utilities, restrict pedestrian or vehicular access, or create a traffic hazard.

K. Where landscaping is required, a landscaping plan shall be required consistent with the requirements of this section.

1. All required planting and significant tree and tree stand retention plans shall be clearly legible with a title that includes the project name, owner's name, designer's name, date and scale. All items shall be labeled, and north shall be oriented towards the top or left of the plan.
2. All plans must be prepared or approved by a landscape architect licensed by the state of Washington, a Washington certified nursery professional or a Washington certified landscaper.
3. Planting Plan. A planting plan at a scale of no less than one inch equals thirty feet. The proposed landscape planting plan shall show the following:
 - a. Property lines, easements, rights-of-way, and setbacks, streets and utilities within the subject property; and
 - b. Existing and proposed grades of at least five-foot intervals; and
 - c. All new proposed construction and planting and any future construction and planting that is not included in the application; and
 - d. Location of all existing and proposed buildings, structures and improvements within the property; and
 - e. A plant list for all proposed new planting delineating quantities, scientific and common names and sizes. Names of plants are to follow current edition of the Hortus Third, A Concise Dictionary of Plants Cultivated in the U.S. and Canada; and sizes of plants are to

follow the current edition of the American Standard for Nursery Stock, American Association of Nurserymen (AAN). The planting plan shall specify the following:

- i. Tree protection strategies; and
- ii. Vegetation clearing strategies; and
- iii. Topsoil protection and reuse strategies; and
- iv. Native soil amendment strategies; and
- v. Planting times and physical limits of construction; and
- vi. Areas that require temporary or permanent irrigation.

4. Significant Tree and Tree Stand Retention Plan. The applicant shall submit a tree retention plan, concurrent with applicable permit application, whichever is reviewed and approved first. The tree retention plan may be combined with the planting plan and shall consist of:

- a. A tree survey or aerial photograph that represents current site conditions and identifies the location of all significant trees, tree stands and their associated canopies. For detailed site plans and grading applications, the tree survey may be conducted by a method that locates individual significant trees and tree stands, their size(s) and species. These trees shall be marked in the field at the time of permit or approval application and maintained through the construction period; and
- b. A development site plan identifying the significant trees and tree stands, as defined in subsection D of this section, which are proposed to be retained. (Ord. 3699 § 1 (Att. B), 2009)

17.40.060 Parking.

Parking facilities shall be provided for all development at the time of erecting new structures or at the time of enlarging, moving or increasing capacity by creating or adding dwelling units, commercial or industrial floor space or seating facilities.

A. General Requirements.

1. Driveways, parking areas, and walkways shall accommodate pedestrians, motor vehicles and bicycles used by occupants or visitors of a structure or use. Location is subject to review of the planning and engineering departments.
2. No building permit shall be issued until the applicant has submitted satisfactory plans demonstrating that required parking facilities will be provided and maintained. These plans must

be approved by the city in conjunction with a permit review process and approved by the community development director.

3. All driveways and other parking areas shall be hard surfaced with permanent materials such as asphalt, concrete or unit pavers, and shall be designed to dispose of surface water and pollutants from motor vehicles as provided in the city's code.

4. Unless otherwise approved by the city, only a single access to public right-of-way is allowed for an individual lot. Joint use of required access ways may be required at the discretion of the city.

5. With the exception of single-family and duplex buildings on individual lots accessing nonarterial streets, access and parking spaces shall be designed so that no backing movement by a vehicle shall be allowed onto a public right-of-way.

6. No parking space may block access to other parking spaces. Tandem parking may be approved for a single residence, individual dwelling units of a multifamily structure or in limited single-tenant office-type applications.

B. Spaces Required.

1. All parking lots shall comply with the minimum requirements for handicapped parking spaces, as required by Washington state regulations related to barrier-free facilities.

2. Table 17.40.060(B) establishes the required number of spaces based on the use. Parking lots may provide an additional ten percent of the established amount when necessary to avoid design issues. ~~Additional spaces above ten percent may be approved through administrative review.~~

**Table 17.40.060(B)
Vehicular Parking Requirements**

| | |
|--|--|
| Residential | 2 per unit |
| Accessory dwelling unit | 1 per unit |
| Dwelling unit in mixed use structure | 1 per unit |
| Retail, commercial and personal services less than 1,000 sf structure | 4 spaces and 1 per employee |
| Retail, commercial and personal services greater than 1,000 sf structure | 4 per 1,000 sf (Min) 6 per 1,000 sf (Max) |
| Industrial | 1 per employee 1 per 250 sf office |

| | |
|--|---|
| | 2 per 1,000 sf GFA |
| Restaurants | 16 per 1,000 sf GFA (Min) 22 per 1,000 sf GFA (Max) |
| Motels, hotels, bed and breakfast | 1 per accommodation 2 for owner/manager |
| Places of assembly including auditoriums, theaters and banquet rooms | 10 spaces/1,000 sf or 1 per 4 seats (Min) 2 per 4 seats (Max) |
| Elementary, middle or junior high schools | 1 per 50 students (Min) 3 per 50 students (Max) and 1 space per employee |
| High schools | 1 per 6 students (Min) 1 per 3 students (Max) plus 1 per employee |
| Governmental, health care and recreation facilities | As determined by director |
| Day care | 1 space per employee and 0.33 per capacity |

3. For uses not specified in Table 17.40.060(B) or for special cases, the required minimum parking amount shall be determined by the community development director. For determination by the director, the applicant shall supply:

- a. Documentation regarding actual parking demand for the proposed use; or
- b. Technical studies relating the parking need for the proposed use; or
- c. Required parking for the proposed use as determined by other comparable jurisdictions.

4. For the town center (CTC) zoning district retail, commercial and personal services shall provide a minimum of two and a maximum of three parking spaces for each one thousand square feet of floor area.

5. For the west Kelso (CWK) zoning district retail, commercial and personal services shall provide a minimum of three and a maximum of four parking spaces for each one thousand square feet of floor area.

6. Subject to approval as part of site plan review, the parking requirement in the town center (CTC) zoning district may be met by contributing into a public or cooperative commercial effort to create new parking in that zone. The amount of the contribution shall be equivalent to that necessary to provide the required number of parking spaces.

7. In the town center (CTC) zoning district, new parking spaces will not be required for additions to existing buildings that are less than twenty-five percent of the existing floor area and less than one thousand square feet. This exception to the parking requirement may be utilized only once

per property and does not apply to additions or remodeling for the purpose of adding residential units.

8. The required parking for two or more complementary uses may be reduced up to fifty percent when provided by a common parking lot. The reduction shall be authorized through the issuance of ~~a conditional use permit~~ an administrative variance.

9. Parking Exceptions for Historic Structures. When a change in use within a historic structure would necessitate additional off-street parking, the additional off-street parking may be reduced or waived through administrative review. The applicant shall be required to show the need for a reduction or waiver and shall be the minimum necessary.

10. Existing parking deficits of legally established uses assigned to existing structures shall be allowed to continue even if a change of use occurs; provided, that in the judgment of the community development director the new use would not necessitate more parking spaces than the previous use while meeting the parking and sighting requirements within that zoning designation.

~~11. All parking facilities, except those serving single family residences, shall contain bicycle parking facilities that allow secure locking of both the frame and wheels of a bicycle. One bicycle space shall be provided for every three parking spaces with a minimum of five spaces provided for each parking lot.~~

C. Location of Parking Facilities.

1. Parking in the town center (CTC) and west Kelso (CWK) zoning districts shall be located behind, to the side or under buildings. Parking shall not be located between a building and the front lot line, unless an applicant can demonstrate that locating parking between a building and the front lot line is the only feasible location.

2. Parking outside of the town center (CTC) and west Kelso (CWK) zoning districts is encouraged to be located behind, under or to the side of buildings.

3. Parking spaces serving dwelling units shall be located on the same lot with the building they serve, or, if approved by the director, within two hundred feet of dwelling unit if consolidated with other spaces on a remote lot.

4. Parking spaces serving nonresidential uses may be consolidated in a remote location as permitted by this title or through Type III review.

D. Design Standards

1. Parking lots shall be designed according to Table 17.40.060(D). Space depth shall be measured exclusive of access drives and aisles, and car overhangs.

Table 17.40.060(D)

| Parking Angle | Curb Length | Space Width | Space Depth | Aisle Width (paved surface) | Direction of Travel |
|---------------|-------------|-------------|-------------|--------------------------------|---------------------|
| 0 degrees | 20 feet | 8.5 | N/A | 24 feet | Two-way |
| 45 degrees | 12 feet | 8.5 feet | 18 feet | 13 feet | One-way |
| 45 degrees | 12 feet | 8.5 feet | 18 feet | 24 feet | Two-way |
| 60 degrees | 9.8 feet | 8.5 feet | 18 feet | 18 feet | One-way |
| 60 degrees | 9.8 feet | 8.5 feet | 18 feet | 24 feet | Two-way |
| 90 degrees | 8.5 feet | 8.5 feet | 18 feet | 24 feet | Two-way |

2. Parking lots shall have direct access to a street or road easement and shall provide unobstructed access driveways exclusive of the required parking areas.

3. Where parking spaces are designated, grades shall not exceed six percent. Driveways and driving lanes between separate groups of parking shall not exceed fourteen percent. Parking areas on sloping lots shall be laid out so that parked cars lie perpendicular to the slope. Where existing grades on property proposed for a parking lot exceed ten percent, the city may require a topographic survey to show existing and proposed grades. In no case shall grades be less than one-half of one percent.

4. All parking spaces and driving aisles serving adjacent parking spaces, except those serving single-family residences, shall not be located within required front, rear or side yards. This restriction does not include access aisles.

5. The administrative official, through administrative review, may approve reductions of up to fifty percent of the setback requirements and the limits on contiguous parking spaces if major trees are saved and incorporated in the design of circulation and parking. Any reduction approved shall be the minimum reduction necessary to save threatened significant trees.

6. Driveways and parking lots may be provided with lighting that is mounted on poles or building surfaces with lamp position not exceeding twenty feet in height. All light sources shall be hooded or shielded so that the lamp is not visible from adjacent properties or public rights-of-way.

7. Joint Use. The required parking for two or more complementary uses may be reduced up to fifty percent when provided by a common parking lot. All property owners involved shall submit a letter to the community development department agreeing to the joint use of the parking lot. The authorized reduction shall be based on hours of operation of both uses as well as the number of parking spaces required for each use.

8. Exceptions and Adjustments. In cases where an adjustment for a driveway to accommodate a substantial percentage of oversized vehicle traffic exists, the wider commercial driveway width may be approved by the city engineer. In this case the driveway should be sized to accommodate the largest vehicles. Where intersection openings are approved, the width shall be as determined by the city engineer. Upon conditions of approval by the city engineer, driveways on local access streets serving single-family homes may be up to thirty feet in width.

E. Circulation and Walkways in Multifamily and Nonresidential Development.

1. Parking lots and driveways shall provide well-defined, safe and efficient circulation for motor vehicles, bicycles and pedestrians.

2. Landscaped islands with raised curbs shall be used to define entrances from public rights-of-way, define pedestrian walkways from the public rights-of-way to all buildings, define ends of parking aisles and indicate the pattern of circulation.

3. Pedestrian walkways shall be provided around buildings to the extent necessary to assure safe access to the building from parking areas and the public right-of-way. Where appropriate, as determined by the approving body, pedestrian walkways may be required to assure safe access to adjacent properties.

4. Internal walkways shall be surfaced with nonskid hard surfaces, meet accessibility requirements and be designed to provide a minimum of five feet of unobstructed width. Where walkways cross vehicular driving lanes, the walkways shall be constructed of contrasting materials or with maintained painted markings. Walkways shall be curbed and raised six inches above adjacent vehicular surface grade, except where the walkway crosses vehicular driving lanes or is required to meet accessibility standards.

F. When a parking lot or vehicular circulation abuts side or rear yards, except when serving only single-family residences, a sight-obscuring fence or vegetation barrier in accordance with Section 17.40.050 shall be installed within adjacent yards. Fences shall be at least five but not more than six feet in height, and may be planted with climbing ivy or other evergreen vine. In commercial or mixed-use zones, this requirement may be waived as part of the final decision on the permit, upon written agreement from adjoining property owners.

G. Driveways and parking lots may be provided with lighting that is mounted on poles or building surfaces with lamp position not exceeding twenty feet in height. All light sources shall be hooded or shielded so that the lamp is not visible from adjacent properties or public rights-of-way.

H. All parking facilities, except those serving single-family residences, shall contain bicycle-parking facilities that allow secure locking of both the frame and wheels of a bicycle. One bicycle space shall be provided for every ten parking spaces with a minimum of two spaces provided for each parking lot.

I. Parking and loading areas within the LI and GI zones shall comply with the following additional standards:

1. On-street parking or staging of trucks, equipment or goods on public streets is prohibited.
2. Where practicable, primary vehicular access shall avoid streets or easements that primarily serve residential uses.
3. No new curb cuts shall be allowed onto public streets if it is possible for a development to share an access drive with an existing facility.
4. Entrances and exits to and from parking and loading facilities shall be clearly marked with appropriate directional signage where multiple access points are provided.
5. Internal circulation shall be designed for safety and efficiency by reducing conflicts between vehicular and pedestrian traffic, combining circulation and access areas where possible, providing adequate truck maneuvering, stacking, and loading areas and accommodating emergency vehicle access.
6. To reduce noise and visual conflicts with neighboring properties and public streets, loading facilities shall be located internal to the site or where conflict with neighboring properties will be reduced. Loading facilities shall not face nonindustrial properties.
7. Loading docks and doors facing a public street shall be offset from the access drive and shall be screened from the street.

J. Downtown Parking Improvement District. The establishment of a downtown parking improvement district shall exempt those property owners who wish to participate in the improvement district to create additional off-street parking in the downtown area. It is anticipated that the district will help maintain and enhance the unique characteristics and diversity of the downtown area of the city.

1. The boundaries of the downtown parking improvement district shall be indicated on the official zoning map.
2. Those parcels of land/businesses that may be located within the downtown parking improvement district shall be exempt from additional on-site parking requirements, as may be required elsewhere in this code. (Ord. 3699 § 1 (Att. B), 2009)

17.40.065 Road approaches and curb cut standards.

A. Road approaches and curb cuts shall be configured in accordance with the Kelso Engineering Design Manual (KEDM).

B. Sight Triangles for All Uses in All Zones. The corner areas of lots adjacent to street intersections as well as the corner areas adjacent to road approaches and other access easements shall be kept clear of all obstructions, as denoted below.

1. All corner building sites shall maintain a clear triangle at the intersection with the street rights-of-way to assure traffic safety. No building, structure, object or growth over thirty-six inches in height, measured from the mean grade of the intersecting street, shall be allowed within this triangle. The triangle shall be computed as follows: Starting at the apex of the intersecting street rights-of-way, measuring down the triangle legs thirty feet; the base of the triangle shall be found by drawing a straight line connecting the triangle legs. The land inside the triangle shall be regulated for visibility.

2. All other lots not identified as corner lots shall be considered as mid-lots for the purpose of sight line development and regulation. The mid-lot sight line setback area shall be computed as follows: Starting at the intersection of the driveway centerline and the fronting street lot line, measure fifteen feet in opposite directions. From these points draw a straight forty-five-degree line back to the driveway centerline. The land inside the triangle shall be regulated for visibility. No building, structure, object or growth over thirty-six inches in height, as measured from the mean grade of the fronting street, shall be allowed in this triangle. (Ord. 3699 § 1 (Att. B), 2009)

17.40.070 Performance standards.

The following performance standards apply to the principal and accessory uses, buildings and structures in addition to those that are specified for the particular use or district in which they are located.

A. Exterior Mechanical Equipment. Air conditioners, heating, cooling, ventilating, equipment, pumps, heaters and other similar mechanical equipment shall be visually screened from surrounding properties and streets and shall be so operated to not disturb the peace, quiet, and comfort of the neighboring land uses. Solar energy systems need not be screened.

B. Permanent swimming pools having a water depth of twelve inches or more shall meet the following standards:

1. A building permit is required.
2. Shall be surrounded by a fence at least six feet in height. Such fence shall be at least five feet from the edge of the pool. All gates shall be fitted with safety latches on the pool side of the fence only, and such latches shall be at least five feet above the ground.
3. Structures housing filter or heating equipment shall be located in conformity with the regulations pertaining to accessory buildings within which use district the swimming pool is located.

4. All electrical equipment and connections shall be attached and enclosed in a manner consistent with the currently adopted version of the National Electrical Code.

5. Private pools shall not be located forward of the front of any residence.

C. Accessory Structures. All accessory buildings shall be of a design, height and construction that is in harmony with the primary structure.

D. All nonresidential uses shall conform to the performance standards of this section. Any use, activity, or operation shall not violate existing state and federal environmental standards. It shall be the responsibility of the operator and/or the proprietor of any allowed use to provide such reasonable evidence and technical data as the director may require to demonstrate that the use or activity is or will be in compliance with the environmental performance standards. Failure of the director to require such information shall not be construed as relieving the operator and/or proprietor from compliance with the environmental performance standards of this code.

1. Noise.

a. No use in this district shall exceed the maximum environmental noise level, established by Chapter 173-60 WAC.

b. Noise levels of any sound source, when measured in the manner and locations prescribed in Chapter 173-60 WAC, shall not exceed the levels shown in the following table:

| EDNA of Noise Source | EDNA of Receiving Property | | |
|----------------------|----------------------------|---------|---------|
| | Class A | Class B | Class C |
| Class A—Residential | 55 dBA | 57 dBA | 60 dBA |
| Class B—Commercial | 57 dBA | 60 dBA | 65 dBA |
| Class C—Industrial | 60 dBA | 65 dBA | 70 dBA |

c. Between the hours of 10:00 p.m. and 7:00 a.m., the noise limitations of the foregoing table shall be reduced by ten dBA for receiving property within Class A EDNAs.

d. At any hour of the day or night, the applicable noise limitations in subsections D1a and b of this section may be exceeded for any receiving property by no more than:

i. Five dBA for a total of fifteen minutes in any one-hour period; or

ii. Ten dBA for a total of five minutes in any one-hour period; or

iii. Fifteen dBA for a total of one and one-half minutes in any one-hour period.

2. Light and Glare. Exterior lighting for all uses and signs shall be directed downward and otherwise arranged, shaded, screened, shielded, and of a design that results in the light being directed onto the site and of an intensity or brightness that does not reflect or cause glare onto any adjacent or nearby use or interfere with the safe operation of motor vehicles.
3. Ground Vibrations. No ground vibration other than that caused by highway vehicles or construction activity shall be permitted which is discernible, without instruments, at or beyond the property line for the use concerned.
4. Waste Storage and Disposal, Including Hazardous Waste. The storage or disposal of industrial waste shall be in compliance with the regulations and requirements of the Cowlitz County health district, the State Department of Ecology, and Chapter 70.105 RCW as amended, and this code.
5. Air Quality Emissions. No use in this district shall produce emissions of smoke, dust and/or odors beyond the property boundary that may unreasonably interfere with any other property owner's use and enjoyment of his/her property. In addition, all sources and emissions units are required to meet the emission and the ambient air quality standards specified in Chapter 173-400 WAC, and administered by the Southwest Washington Air Pollution Control Authority (SWAPCA), and shall apply to all air contaminants listed therein.
6. Ground and Soil Contamination. Materials used or produced in any manufacturing process shall be handled in such a manner as to prevent ground or soil pollution which destroys or endangers the support of natural vegetation or which may contaminate underground aquifers, or other natural drainage systems.
7. Electrical Interference. Provisions must be made for necessary shielding or other preventive measures against interference caused by mechanical, electrical, or nuclear equipment uses or processes with electrical apparatus in nearby buildings or use areas.
8. Fire and Explosive Hazards. The manufacture, use, processing or storage of flammable liquids or materials, liquids or gases that produce flammable or explosive vapors or gases shall be permitted in accordance with the regulations of the adopted International Fire Code and the International Building Code. A hazardous materials impact analysis, conforming to the requirements of the Cowlitz 2 Fire District, shall be required to determine potential off-site impacts and mitigation precautions.
9. Employee Break Area. All manufacturing uses located in either the ILM or IGM zones shall provide a covered outdoor area for employee breaks. The break area shall be ten square feet per shift employee or a minimum of one hundred square feet, whichever is greater.
10. Vending Machines/Newspaper Racks.

a. There shall be no exterior vending machines such as soft drink dispensers, ice cube freezers, and the like. Newspaper racks are acceptable if they are designed to be integrated with the design of the structure.

b. Trash receptacles shall be placed at the entrances to any building containing formula take-out food restaurants, and shall be maintained by those businesses. Exterior receptacles shall not exhibit logos, company colors/contours, or advertising.

E. Temporary Buildings Permitted. No temporary or mobile structure can remain on a commercially zoned site for more than thirty days, except temporary buildings approved in the administrative use process or temporary construction offices which can remain on a construction site for the term of the construction work or one year, whichever is shorter, if the applicant is not able to complete the construction within the time allotted, the applicant may submit a request for extension to the community development director or designee that in the judgment of the community development director or designee may be granted for a term of not to exceed one year unless extended as a conditional use to accommodate a longer construction period.

F. Recreational and Utility Vehicles. Recreational and utility vehicles are defined as travel trailers, folding tent trailers, motor homes, truck campers, horse trailers, boat trailers with or without boats, other recreation trailers, and utility trailers, boats, motorcycles, snowmobiles, and other motorized recreation vehicles. Recreation and utility vehicles may be parked in residential areas provided the following conditions are met:

1. Recreation and utility vehicles shall not intrude into the public right-of-way or obstruct sight visibility from adjacent driveways.
2. Recreational and utility vehicles shall not be parked in the front building setback unless there is not reasonable access to the building side or rear yards because of topography or other physical conditions on the site. ~~When permitted not, then no~~ more than one recreational or utility vehicle shall be parked in the front setback.
3. No more than three recreational ~~and/or~~ utility vehicles may be stored outside on any one lot or parcel.
4. Recreational utility vehicles shall be maintained in a clean, well-kept state which does not detract from the appearance of the surrounding area.
5. Recreational and utility vehicles equipped with liquefied petroleum gas containers shall meet the standards of the Interstate Commerce Commission. Valves or gas containers shall be closed when the vehicle is stored.
6. At no time shall parked or stored recreational or utility vehicles be occupied or used as a permanent or temporary dwelling unit except that guests who travel with a recreational vehicles

may reside in the vehicle on the host's premises on temporary basis not to exceed thirty days during any three-hundred-sixty-five-day period. (Ord. 3699 § 1 (Att. B), 2009)

17.40.080 Zero lot line development.

A. Purpose. Zero lot line development for single-family dwellings may be permitted in order to: promote efficient land use, permit a more energy efficient arrangement of structures, protect environmentally sensitive areas or provide more usable private or community open space.

B. Review Required. Zero lot line development in subdivisions and short subdivisions approved after the effective date of the ordinance codified in this title may be approved by Type II review. Zero lot line development may also be approved on lots created before the effective date of the ordinance codified in this title by Type III review. A detailed site plan shall be prepared for all zero lot line development applications.

C. Development Standards. All zero lot line developments shall comply with the standards of Table 17.40.020, the provisions of this title and the following requirements; provided, that where the standards included in this title conflict with the standards established in other sections of this title, the standards in this title shall apply:

1. Dwelling Unit Setbacks.

a. Interior Side Yard Setback Standard. The dwelling unit may be placed on one interior side property line (a zero setback). The setback standard from the other side property line shall be ten feet. No structures except for patios, pools, fences, walls and other similar elements are permitted within the required setback area.

b. Rear Yard Setback Standard. The rear yard setback standard is ten feet.

c. Front and Street-Side Setback Standards. Front and street-side setback standards shall be those shown on Table 17.40.020.

2. Attached Units. Units using common wall construction may be allowed as an alternative to the provisions in subsection C1 of this section, provided the setback for the property lines opposite the common wall shall be ten feet for both lots.

3. Accessory Building Setback. Accessory buildings and structures shall observe the setback requirements for the main dwelling unit.

4. Maximum Lot Coverage. The total lot coverage on a lot shall not exceed the district requirements established in Table 17.40.020.

5. Platting Requirements. Each dwelling shall be located on its own individual platted lot. The plat shall show the zero lot lines and the related easements.

6. Openings Prohibited on the Zero Lot Line Side. In order to maintain privacy, there shall be no windows, doors, air conditioning units or any other type of openings in the wall along the zero lot line, except when such a wall abuts permanent open spaces or a public or private right-of-way.

7. Maintenance and Drainage Easements. A perpetual maintenance, eave overhang and drainage easement at least five feet wide shall be provided on the lot adjacent to the zero lot line property line, which, with the exception of walls and/or fences, shall be kept clear of structures. This easement shall be shown on the plat and incorporated into each deed transferring title on the property. The wall shall be maintained in its original color and treatment unless otherwise agreed to in writing by the two affected lot owners. Eaves, but no other part of any structure, may protrude across a side lot line, and such protrusion shall not exceed eighteen inches. Water runoff from the dwelling placed on the lot is limited to the easement area. (Ord. 3699 § 1 (Att. B), 2009)

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