

# City of Kalama

Incorporated 1890



Date: August 13, 2018  
To: Kalama City Council  
From: John Floyd, Mackenzie/Consulting Planner for City of Kalama  
Re: Zoning Code Text Amendments – Height and Institutional Design Standards

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## SUMMARY

The proposed amendments would amend the text of three chapters of the Kalama Zoning Ordinance: Chapter 17.19 (Residential Zoning Districts), 17.26 (Commercial Zoning), and 17.54 (Conditional Use Permits). The purpose of these changes is twofold. First, the amendments respond to zoning standards that have made portions of the existing school campus potentially nonconforming with maximum height standards and provide a path for continued expansion of the campus using similar building heights. Second, the amendments would establish flexibility with regard to certain design standards, where none exist presently. This project is timely because absent these changes, planned upgrades and expansion of the Kalama school campus could be delayed and/or reduced in scope.

On August 8, 2018 the Planning Commission held a public hearing to consider the text amendments. At that hearing public testimony was received in support of the proposed changes, and the Planning Commission voted 5-0 to recommend approval of the text amendments with nonsubstantive changes for purposes of clarity and cross-references.

Consistent with KMC 17.56.050, the City Council must receive public testimony, consider the August 8, 2018 recommendation to approve the proposed text amendments, and take final action on the proposal.

## POSSIBLE ACTIONS

1. Approve the Planning Commission recommendation, as proposed.
2. Approve the Planning Commission recommendation, with specified changes.
3. Deny the Planning Commission Recommendation.
4. Continue to a future date to obtain additional information or to consider information presented by staff or testifying parties.

## STAFF RECOMMENDATION

Staff recommends that the Council consider the proposed ordinance and Planning Commission recommendation, consider any testimony received, and approve the ordinance.

## **PUBLIC NOTICE**

As required in KMC 17.56.030, a notice of the hearing was published in the Daily News on Sunday, July 29, 2018.

## **SEPA**

A non-project action SEPA DNS was issued on August 2, 2018. The comment period for this SEPA ends on August 16, 2018.

## **PROPOSED CHANGES – BUILDING HEIGHT**

The Kalama Zoning Code includes maximum height limits for new construction. Presently, the only mechanism for the City to waive these height limits is through a variance procedure. In response, draft changes have been prepared that would grant the Hearings Examiner authority to allow a limited range of proposals to exceed maximum height limits, provided certain criteria were met. These criteria include:

- The proposed land use is listed as a conditional use in Section 17.60.020 (Use Table) and is one of four specified uses:
  - Schools, public or private.
  - Hospitals.
  - Places of worship, clubs, museums, galleries, lodges, fraternal institutions, and similar places of assembly not listed in Table 17.60.020 (Usage Table).
  - Theaters, movies and performing arts, not including drive-ins.
- The height exception is for reasons of topography, neighborhood compatibility, and/or operational and service delivery requirement unique to the proposed use.
- The application is consistent with conditional use approval criteria contained in KMC 17.54.050(A). These criteria pertain to neighborhood compatibility, avoiding or mitigation of potential hazards, and adequacy of public services, parking, and access.

As discussed at the August 8, 2018 Planning Commission hearing, the recommended list of eligible land uses was based on the following findings:

- All are presently listed as conditional uses in one or more zoning districts, as set forth in KMC 17.60 (Usage Table). The intent of the conditional use process is to ensure the public will have an opportunity to participate in the decision-making process, the decision will be made by an independent hearings examiner, and specific evidence will have to be presented regarding issues of neighborhood compatibility, service delivery, and other issues of public concern.
- All of the listed uses have unique programming and design needs that may require an exception to height standards to accommodate unique features inside or outside of the structure. These could include: indoor and outdoor athletic facilities, performance or projection space, and tiered seating.
- All are related to community service or community amenity land uses. There is a public interest in the efficient delivery of public services.
- All are non-residential in nature and are expected to be rare and of low frequency within the community. By keeping such exceptions rare, the code will continue to maintain the character of

the landforms and architecture of the community.

## **PROPOSED CHANGES – DESIGN STANDARDS**

In addition to maximum height limits, the Kalama Zoning Ordinance requires “institutional land uses”<sup>1</sup> in residential districts to comply with multifamily design standards, as set forth in KMC 17.18.060 and 17.18.070(I). These standards are proscriptive in nature, and regulate both site layout and building design element, such as the location of parking lots and the design of rooflines and building facades.

While intended to elevate the design of institutional buildings, these standards are inflexible in practice and structured with residential development in mind. The intent of the draft amendments is to provide flexibility to these standards provided certain criteria are met. These criteria include:

- The proposed land use is a conditional use in the zone. This ensures a public hearing will be held, and potentially affected service agencies and residents would be able to comment.
- The design alteration is for reasons of site topography, functional needs of the proposed use, and/or would reduce or avoid potential conflicts between residential and non-residential land uses.

In response to feedback provided by the Planning Commission at a workshop on July 25, 2018, additional language was added in the ordinance to permit multi-family projects to modify the parking lot location standards by voluntarily going through a conditional use process. Such a change was found desirable by some on the Planning Commission in response to the challenges of building multi-family housing on sloped lots.

## **COMPREHENSIVE PLAN**

The project advances several goals and policies outlined in the Comprehensive Plan. These include:

- *General Goal 1: Encourage a pattern of community development in concert with the land’s capability to support such development, to avoid hazard areas and preserve unique natural and scenic areas.*
- *General Goal 2: Preserve the natural and scenic amenities that define Kalama and provide a distinct and unique quality of life.*
- *Environmental Goal 8: Encourage economic enterprises that will support and enhance the community and will result in minimal environmental impact.*
- *Land Use Goal 1: Promote the health, safety and welfare of the residents of Kalama through the encouragement of sound growth and development of residential, commercial, industrial and recreation/open space areas.*
- *Land Use Goal 2: Promote new residential development that is appropriate in type and density considering existing land use patterns, capacities of public facilities, natural characteristics of the land and the general public interest.*
- *Land Use Goal 3: Actively plan and guide anticipated growth by seeking full utilization of existing land.*
- *Land use Goal 5: Maintain and enhance the sense of place and small-town atmosphere that helps to define Kalama and makes it a desirable place to live.*

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<sup>1</sup> For purposes of these standards, KMC 17.18.0070(I)(2) defines institutional and non-residential uses as including hospitals, medical clinics, congregate/elder care facilities, places of worship, community centers, fraternal lodges, schools, and similar non-residential land uses.

- Land Development Goal 1: Maintain and enhance the sense of place and small-town atmosphere that helps to define Kalama and makes it a desirable place to live.
- Land Development Goal 3: Encourage the orderly, efficient and beneficial development of lands within the city (including individual lots), while preventing an overload on existing infrastructure and services.
- Land Development Goal 4: Ensure that the subdivision of land will provide adequate light, air and privacy to each proposed lot given the anticipated use.
- Land Development Policy 4: Review and update as necessary the subdivision code and other standards to ensure that they allow for and promote innovative land development techniques.
- Capital Facilities Goal 6: Provide essential public facilities in a manner that protects investment in and maximizes the use of existing facilities and which promotes orderly, compact growth.
- Schools Policy 1: Cooperate with the Kalama School District in facilitating improvements and expansion of school facilities.
- Schools Policy 2: Develop schools and land adjacent to schools in a manner that minimizes the impact on each other.
- Transportation Policy 5: Require adequate off-street parking for future developments and discourage on-street parking in existing developments whenever feasible alternatives exist.
- Economic & Commercial Goal 1: Achieve a well-balanced, diversified economy to encourage a stable rate of economic growth and community prosperity.
- Economic & Commercial Goal 2: Provide adequate public facilities to support, complement and attract a stable rate of economic growth.
- Economic & Commercial Goal 3: Work to improve level of commercial and industrial and service activities in the city.
- Economic & Commercial Goal 5: Encourage the creation of family-wage jobs in and around Kalama.

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Existing text in black font. Proposed changes are in **bold red font and underlined**.

**CHAPTER 17.18 - RESIDENTIAL ZONING DISTRICTS**

**Sections:**

17.18.010 - Purpose.

It is the City's intent that residential neighborhoods be developed and preserved against intrusions by incongruous land uses. These zone classifications are established in order to permit a variety of housing and population densities with minimum conflict. Protection is provided against hazards, objectionable influences, traffic and building congestion, undue strain on municipal services, and lack of light, air and privacy. Certain essential and compatible public service facilities and institutions are permitted in these districts.

The standards set forth herein are designed to comply with and implement the Kalama Comprehensive Plan. This chapter provides standards for residential land use and development and is based on the following principles:

- a. Promote the orderly expansion and improvement of neighborhoods;
- b. Make efficient use of land and public services;
- c. Designate land for the range of housing types and densities needed by the community, including owner-occupied and rental housing;
- d. Provide flexible lot standards that encourage compatibility between land uses and environmental constraints, efficiency in site design, and environmental compatibility;
- e. Provide for building and site design at an appropriate neighborhood scale, provide standards that are in character with the landforms and architecture existing in the community;
- f. Apply the minimum amount of regulation necessary to ensure compatibility with existing residences, schools, parks, transportation facilities, and neighborhood services;
- g. Reduce reliance on the automobile for neighborhood travel and provide options for walking, bicycling, and transit use; and
- h. Provide direct and convenient access to schools, parks and neighborhood services.

17.18.020 - Residential zoning districts.

There are three residential zoning districts established for the city, plus two floating residential zones. The principal zones are: R-1 single-family or low density residential; R-2 medium density residential; and R-3 multiple-family or high density residential. The R-3 high density residential zone is created in order to reduce possible use conflicts resulting from different housing types. The two floating zones titled "large-lot" and "small-lot" are not placed in any one specific location. A floating zone use is applicable anywhere within a designated principal zone; however, the proposed use must comply with

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the main objective of the underlying principal zone and applicable floating zone standards. Floating zone standards are addressed in separate chapters and supersede any contradictory standards contained in this chapter. Zoning districts are as set forth on the official zoning map of the city.

17.18.030 - Allowed uses by zone.

Table 17.60.020 includes a list of allowed uses by zone. "P" means permitted outright, "C" means a conditional use permit is required, and "X" means prohibited. If a particular use is not listed and is not deemed substantially similar to another listed use by the city, then the use is not permitted. Note that more specific development standards may apply to various uses as set forth in this chapter and this title.

17.18.040 - Density and dimensional standards.

**TABLE 17.08.040-1**

Standard	Zoning District			Floating Zones		
	R-1	R-2	R-3	Small Lot	Estate Zoning	Large Lot
Code Reference	17.18	17.18	17.18	17.23	17.20	17.21
Minimum lot size <sup>1</sup>	7,500 square feet	2,000 square feet for townhouse 5,000 square feet for single-family residence 6,000 square feet for duplex 7,500 square feet for other residential types		2,500-7,500 square feet	22,500 square feet	3 acres
Maximum Lot Size	N/A	N/A	N/A	N/A	2.99 Acres	N/A
Minimum lot frontage <sup>2</sup>	50 feet	50 feet, provided that townhouse lots shall have a minimum frontage of 20 feet	50 feet, provided that townhouse lots shall have a minimum frontage of 20 feet	12.5 feet	150 feet	N/A
Minimum lot frontage on a	In all zones, lot frontage on cul-de-sac lots may be reduced up to 25 percent of base standard (see above), with the exception of townhouse			N/A	N/A	N/A

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<b>Standard</b>	<b>Zoning District</b>			<b>Floating Zones</b>		
cul-de-sac	lots					
Front yard setback	20 feet	20 feet	20 feet	20 feet	50 feet	N/A
Front yard setback — alley access	10 feet	10 feet	10 feet	10 feet	N/A	N/A
Rear yard setback	15 feet	15 feet	15 feet	5 feet	50 feet	N/A
Side yard setback <sup>3</sup>	5 feet, plus 1 foot for every 5 feet of residence height above 20 feet	5 feet	5 feet	5 feet	50 Feet	N/A
Side yard (street) setback — corner lot, street flanking	10 feet on street side	15 feet on street side	15 feet on street side	5 feet	50 Feet	N/A
Maximum building height	35 feet <sup>6</sup>	35 feet <sup>6</sup>	40 feet and no more than 4 stories <sup>6</sup>	Underlying zoning district's standard applies	Building height shall not project above ridgeline or exceed R-1 height limits	Underlying zoning district's standard applies
Maximum accessory structure height <sup>4</sup>	20 feet	20 feet	20 feet	Underlying zoning district's standard applies		35 feet
Maximum lot coverage <sup>5</sup>	50%	65%	75%	Underlying zoning district's standard applies	25%	Underlying zoning district's standard applies

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**Notes:**

N/A = not applicable

<sup>1</sup> With the exception of substandard lots permitted through the lot-size averaging provisions of Section 16.10.120 as part of a subdivision or the "greater conformity" provision set forth in Section 16.14.050(F) for boundary line adjustments. Further, the standards set forth in Chapter 17.23 govern for those sites meeting the standards of the small lot single-family floating zone.

<sup>2</sup> With the exception of any flag lots or reduced frontage lots approved pursuant to Section 16.10.040, and/or as part of a subdivision or small lot development pursuant to Chapter 17.23.

<sup>3</sup> For single-family attached housing units (e.g., townhouses), the setback for the nonattached side of a dwelling unit (end units) shall be five feet.

<sup>4</sup> A 25-foot maximum height may be allowed subject to conditional use permit approval per the use table ([Section] 17.60.020).

<sup>5</sup> Maximum lot coverage for designated small lots (floating zone) is fifty percent per Section 17.23.050. Townhouse units/lots shall not be subject to the maximum lot coverage threshold; otherwise, all buildings including accessory buildings and structures, but excluding patios with open lattice or similar type roof construction, shall cover not more than the specified maximum lot coverage area.

**<sup>6</sup> Building heights in excess of these requirements may be approved through the conditional use process, using criteria set forth in 17.54.025.**

17.18.050 - Townhouse development standards.

Townhouse development shall adhere to the following standards:

- A. Each townhouse shall be located on its own legal lot of record that has been created through a land division process.
- B. No more than four townhouses shall be consecutively attached in the R-2 Zone. No more than eight townhouses shall be allowed in a single building/group in the R-3 Zone. Townhouse groupings shall be separated by not less than fifteen feet, inclusive of setback areas.
- C. Townhouse development shall be designed so that garage doors do not dominate the ground level street-facing facade and do not project beyond the front plane of the residence. This can be accomplished by incorporating alley access into site design and locating garage and parking areas to the rear or by including design elements such as front porches. In no case shall the garage doors comprise more than fifty percent of the street-facing facade of a townhouse or extend beyond the front building line.
- D. Townhouses with street-facing garages may have one driveway access located between the street and the primary building entrance for every two dwelling units, provided they meet the following criteria:
  1. Where two abutting townhouses have street-facing garages, they shall share one driveway access that does not exceed sixteen feet in width where it crosses the sidewalk and intersects the street;



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2. All primary building entrances shall be connected to a driveway and sidewalk by a pedestrian walkway that is not less than three feet wide; and
  3. The maximum allowable number of consecutively attached townhouses with garages facing the same street is six (three shared driveways).
- E. Building facade modulation or appropriate architectural treatment shall occur at least every thirty feet along the length of facades facing adjacent properties or a public street. Minimum modulation depth shall be three feet. The use of covered front porches, end wall windows, building offsets/modulation, dormers and other design techniques shall be included in the design, although there is not a specific architectural requirement.
- F. Additional conditions for townhouse developments including provisions for landscaping, recreation and open space, stormwater management, street and infrastructure improvements and other topic, may be required by the city as part of the platting process pursuant to Title 16 in accordance with applicable rules.

17.18.060 - Multifamily development standards.

In addition to the standards required through site plan review or other chapters of this title, the following provisions shall apply to multifamily development consisting of more than four units in a single structure:

- A. Building Location and Orientation. Multifamily development shall be constructed consistent with the following requirements:
1. Parking lots shall be located to the side and/or behind buildings and shall not dominate the front-yard area. A five-foot landscaped buffer shall rim the perimeter of the parking lot and planting islands shall be included for lots with more than twenty spaces. **In addition to uses specified in 17.18.070.I(1), multi-family development may request deviation from this standard through a conditional use permit, utilizing the process and procedures set forth in Section 17.18.070.I(1).**
  2. Units adjacent to public or private streets shall have the primary building entrances located on the facade facing the street. A minimum of forty percent of front (i.e., street-facing) elevations and a minimum of twenty-five percent of side and rear building elevations shall meet this standard. "Percent of elevation" is measured as the horizontal plane (lineal feet) containing doors, porches, balconies, terraces and/or windows. The standard applies to each full and partial building story.
- B. Pedestrian Access and Circulation. Pedestrian access routes shall be provided from the public street(s) to all primary building entrances in the form of a continuous pathway of at least five feet in width.
- C. Building Modulation. **Building modulation shall be varied to break up the overall bulk and mass of buildings, avoid a monolithic presence, and provide visual interest.** Building facade modulation or appropriate architectural treatment shall occur at least every twenty-five feet along the length of facades facing adjacent properties or public street. Minimum modulation depth shall be two feet.

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- D. Roof Line Variation. Roof lines shall be varied to break up the overall bulk and mass of multifamily buildings. Roof line variation shall be accomplished by using one or more of the following methods: vertical or horizontal off-set ridge line, variations in roof pitch, or other technique shown to break up the overall bulk and mass of the building(s).
- E. Building Variation. Developments with multiple structures shall use appropriate architectural variations and use of colors to differentiate buildings within the development.
- F. Large multifamily complexes that have more than twenty-five units shall include an open space and recreational component into the site design, which comprises at least fifteen percent of the gross site area. This requirement can be accomplished through the use of landscaping, play areas and common open space, but may not include any required yard/setback areas.

17.18.070 - Supplementary standards.

- A. Access to Streets. Every use of land other than for agricultural purposes, and every building or structure other than an accessory building or structure, shall be established only on a lot which abuts a dedicated public street and shall be provided with direct access to a dedicated public street. Every single-family dwelling within the residential zones shall front upon a street dedicated for public use and accepted by the city council as a public street without any other building on the same lot intervening between such dwelling and the street upon which it fronts.
- B. Yards. Supplementary yard standards are as follows:
  - 1. No yard or other open space provided about any building or structure for the purpose of complying with the regulations of this title or amendments thereto, shall be considered as providing a required yard or open space or portion thereof, for any other building or structure.
  - 2. In any residential use district, if more than fifty percent of the lots in a block fronting on one side of the street developed with existing buildings, other than accessory buildings, have front yards less than are required for the district, a new dwelling on an interior lot may be provided with a front yard which is the average of the depths of the front yards of the buildings on the lots adjoining on either side of said interior lots; provided such a front yard shall not be less than fifteen feet, except as otherwise specifically authorized by this Chapter.
  - 3. Front yard. Porches, platforms, or terraces, which are open on three sides and the floors of which are not higher than the first floor or the building, may extend into the required front yard setback not more than six feet; steps may connect such porches, platforms or terraces to the surface of the front yard.
  - 4. Side yard. Roofs, eaves, cornices, belt courses and similar ornamentations may extend over a required side yard setback for a distance of not more than two feet.
  - 5. Rear yard. Eaves, cornices, steps, platforms, terraces, and porches which are open on three sides may extend into a required rear yard setback not more than ten feet.
- C. Accessory Buildings. Accessory buildings shall meet the following standards:

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1. Accessory buildings or detached garages may be located five feet from a side property line when located at least eight feet from the main dwelling, provided that on a corner lot the side yard adjoining the street shall not be less than ten feet in width.
  2. If access to a private garage is via a public alley the garage shall be set back a minimum of five feet from the rear lot line.
  3. Total area of accessory buildings located in a rear yard shall not exceed twenty-five percent of the area of said rear yard.
- D. Through Lots. Each street frontage of a through lot shall meet the front yard requirements of the use district in which it is located.
- E. Junk. In no use district shall there be a collection of junk, scrap, unlicensed cars or parts of cars, abandoned equipment, except where specific provisions are made concerning such items in a specific use district.
- F. Fences. Fences shall not exceed a height of six feet along side and rear yard areas and three feet along the front lot line, except where a greater height is needed to be sight-obscuring as required by this title. Height limitations shall not be deemed to prohibit open-type or wire-mesh fences or any height necessary for safety or security in conjunction with playgrounds, public utilities, and similar hazards to the public safety.
- G. Lighting. Artificial lighting on any lot, building, structure, or parking area shall be oriented away from adjacent residential properties. Outdoor lighting fixtures in excess of sixty-watts shall be shielded, hooded and oriented towards the ground. No lighting can blink, flash or be of unusually high intensity or brightness. The following lighting is exempt from these standards: seasonal decorative lighting, lighting at public athletic fields, lighting at approved temporary special events and emergency lighting. Street lighting shall meet the standards set forth in the public works standards.
- H. Public Utilities. Public utility buildings, telephone exchanges, sewage pumping stations, electrical distribution substations, reservoirs, service lines and similar utility facilities necessary for the operation of utilities by and within the city, shall comply with the following requirements:
1. If the installation is housed in a building, the building shall generally conform to surrounding buildings or the type of buildings that are likely to develop in the use district, provided that concrete, concrete-block and masonry structures are considered compatible with residential dwellings. Structures less than four feet tall and/or with a footprint less than one hundred square feet shall be exempt for this requirement.
  2. Aboveground facilities, other than towers and reservoirs, or housed installations that, because of particular requirements, cannot be economically made to conform to the architectural requirements of subsection A of this section, shall be surrounded by site-obscuring landscaping and/or fencing.
  3. An un-housed installation of a dangerous nature, such as an electrical distribution substation, shall be enclosed by a security fence at least eight feet in height.

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4. All buildings, installations and fences shall observe the yard requirements for buildings in the district in which they are located when possible as determined by the director, but may be sited within setback areas.
5. Reservoirs, towers and other irregular large shaped structures shall be located and designed so as to minimize their impacts to the surrounding uses as much as possible.
- I. Institutional and Non-Residential Development Standards. In order to address impacts and compatibility issues between residential and non-residential development, non-residential uses and institutional uses not addressed elsewhere in this chapter shall comply with the following provisions:
  1. The multifamily design standards set forth in Section 17.18.060 shall apply to new institutional and non-residential buildings. **For uses requiring a conditional use permit, the Hearings Examiner shall have the authority to relax the requirements of 17.18.060.A and C, where it can be demonstrated that strict adherence to this section is impractical for one or more of the following reasons:**
    - a. Site topography;**
    - b. The standard conflicts with functional needs unique to the proposed institutional or non-residential use; and/or**
    - c. Strict adherence would create or increase potential conflicts between residential and non-residential land uses.**
  2. For the purposes of this subsection, institutional and non-residential development shall include hospitals, medical clinics congregate/elder care facilities, churches, community centers, fraternal lodges, schools and similar non-residential/institutional uses.
  3. Those uses that require a conditional use permit are also required to meet all applicable criteria set forth in Chapter 17.54 KMC.
  4. Those uses that require a conditional use permit are also required to meet all applicable criteria set forth in Chapter 17.54 KMC.
- J. Building Height Measurement. The "height of a building" shall be determined per the definition set forth in Chapter 17.08 KMC.
- K. Home occupations, cottage industries, and other similar operations similar in nature may be operated as an accessory use to a dwelling unit. Home occupations and cottage industries shall not be permitted without a business license having first been issued in accordance with Title 5. All home occupations and cottage industries shall comply with all applicable ordinances of the city, and shall be consistent with the following provisions:
  1. Home occupations and cottage industries (whether located in the principal residence or accessory buildings) are restricted to not more than shall not exceed thirty percent of the primary dwelling's usable floor area of the dwelling in which they are located. The principal use of the dwelling must shall remain residential;

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2. A detached accessory building may be used for home occupations, provided that the total area devoted to the home occupation cannot exceed thirty percent of the useable floor area of the principal dwelling unit. Further, the total area devoted to a home occupation use in either the principal dwelling unit or an accessory building (or a combination thereof) shall not exceed thirty percent of the useable floor area of the principal residence. No more than five hundred square feet of an accessory structure may be utilized for a home occupation or cottage industry;
  3. Only persons residing in the dwelling may be engaged in the home occupation. The owner of a cottage industry shall reside in the dwelling but may employ up to three outside employees;
  4. The conduct of any home occupation or cottage industry, including, but not limited to the storage of goods and equipment, shall not reduce or render unusable required off-street parking;
  5. On-site retail sale of goods not produced, processed, or fabricated on the premises is prohibited, unless the sale of items is incidental to a permitted home occupation (e.g., a barber shop that sells hair-care products, etc.). No goods or merchandise shall be displayed such that they are visible from public rights-of-way or adjacent properties;
  6. Home occupations or cottage industries shall not be permitted where it involves the construction of features and exterior modifications not customarily found in a dwelling and residential neighborhood as determined by the city;
  7. No stock in trade or merchandise is to be kept on the premises other than inventory and incidental supplies which are necessary for the conduct of the home occupation or cottage industry. Outdoor storage that is visible from a public right-of-way or adjacent properties, that exceeds what is customary for a residence, is prohibited for the business shall be screened from adjacent properties and streets. The required screening may consist of any combination of earth mounds, berms, ground forms, fences, landscaping (plant materials), or landscaped fixtures (such as timbers);
  8. No noise, dust, odors, noxious fumes or vibrations resulting from a home occupation or cottage industry shall exceed that which is normally produced in a single-family dwelling. Mechanical or electronic equipment incidental to the conduct of a home occupation or cottage industry may be used provided such use does not create visible or audible interference in radio, television or telecommunication receivers or transmitters, or cause fluctuations in line voltage off the premises. Home occupations and cottage industries shall not interfere with the delivery of utilities or other services to the area; and
  9. One sign is permitted to advertise the home occupation or cottage industry, however, such sign shall be no larger than two square feet in area, non-illuminated, and must shall be attached to the dwelling. A sign permit must shall be obtained from the city.
- L. Construction Standards for Manufactured Homes. Manufactured homes may be sited in any land use zone where single-family homes are permitted and shall:

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1. Have the foundation and anchoring per the manufacturer's specifications and be placed on a permanent foundation, unless otherwise authorized within manufactured home parks;
  2. Have skirting of concrete, brick, tile, or stone masonry units installed per the International Building Code (IBC);
  3. Have steps that are permanent; and
  4. Used manufactured homes must comply with Section 14.12.120 KMC.
- M. Off-Street Parking. Off-street parking shall be provided in accordance with the requirements of Chapter 17.44 KMC.

**Chapter 17.26 - COMMERCIAL ZONING**

**Sections:**

17.26.010 - Purpose.

- A. Zones. This chapter describes the authorized uses and development standards for the commercial zones of Kalama: C-1, central business district (CBD); C-2, highway commercial district (HWC); professional service overlay zone (NPS); sexually oriented business overlay zone (SOB); and neighborhood commercial floating zone (NCF). The commercial zones provide a variety of economic opportunities while integrating new development with the existing community. The intent is to protect the integrity of the historic downtown, promote the establishment of new commercial enterprises that will bring services and jobs to the community, maintain and develop an urban environment that is visually pleasing and functionally efficient, encourage pedestrian-oriented development and redevelopment, and minimize any undesirable impacts of these uses on other nearby uses and zoning districts. Each zone will provide for uses that will complement and not compete with other commercial districts.

17.26.020 - Commercial zoning districts.

- A. C-1: Central Business District (CBD). This district provides for a wide range of retail and professional business uses and services with a focus on providing a pedestrian-friendly experience, promoting efficient use of land use and urban services, sustaining the city's identity by preserving the historical character of the community, encouraging mixed-uses which promote development and revitalization, and enhancing the livability by providing formal and informal gathering places and areas for socialization.
- B. C-2: Highway Commercial District (HWC). This district provides for commercial activities which are dependent upon or require access by automobiles and trucks, require outdoor storage or display areas as well as off-street parking and loading areas and are not compatible with basic retail and professional business activities.
- C. Professional/Service Overlay Zone (PSO). This overlay of the residential area adjacent to the central business district is to provide for professional offices and service businesses which have little or no environmental impact, require minimal city services and generate little

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vehicle traffic. This zoning provides a buffered area of commercial transition from the central business district while acting to preserve and protect existing residential architecture and nearby residential zones.

- D. Sexually Oriented Business Overlay Zone (SOB). This overlay zone is established to provide an area for sexually oriented businesses requiring additional standards not common to general commercial activities. To mitigate the adverse impacts caused by such facilities and to maintain compatibility with other land uses and services permitted within the city. All uses must be approved by a conditional use permit.
- E. Neighborhood Commercial Floating Zone (NCF). This is a floating zone to allow for the placement of convenient retail sales and services within residential areas. Location may be limited and consolidated. All uses must be approved by a conditional use permit.

**17.26.030 - Allowed uses by zone.**

KMC Section 17.60.020 includes the list of allowed uses by zone. "P" means permitted outright, "C" means a conditional use permit is required, and "X" means prohibited. If a particular use is not listed and is not deemed substantially similar to another listed use by the city, then the use is prohibited. A use deemed to be prohibited may be appealed, subject to the provisions of 17.12.050. Note that more specific development standards may apply to various uses as set forth in this chapter and this title.

- A. Conditional Uses. All conditional uses shall be subject to the procedures in Kalama Municipal Code Chapter 17.54 (or as hereafter amended) and shall meet the following criteria:
  - 1. Adverse impacts, as defined in Title 17, must be mitigated through special design or project limitations as needed to protect other properties in the vicinity of the proposed use and to protect the public interest;
  - 2. The proposed use must not detract from the intended use of the zone in which the property is located;
  - 3. If the conditional use is changed from one non-conforming use to another, the relative effects of the size, parking, traffic, light, glare, noise, odor and similar elements of the proposed use must be less detrimental to the intent of the zone and to property in the zone and vicinity than the existing nonconforming use; and
  - 4. Certain activities such as gambling, sexually oriented businesses, or an activity requesting placement under the neighborhood commercial floating zone must apply for a conditional use permit and meet the standards set for that activity as specified in Section 17.26.150 of this chapter.
- B. Nonconforming Uses and Structures. Continuation of nonconforming uses shall conform to code requirements and these additional standards:
  - 1. Continuation of uses.
    - a. A structure containing a nonconforming use may be structurally altered as long as a nonconforming structure or use is not expanded.

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- b. A conforming business use or building with a non-conforming outdoor storage area may be extended, structurally altered or expanded if the outdoor storage area is not expanded; and provided further, that the outdoor storage area is screened and landscaped according to the standards in this chapter.
2. Changes from nonconforming uses.
- a. A structure occupied by a nonconforming use may be converted to a conforming use even if in a non-conforming structure.
  - b. A nonconforming use may be converted by conditional use authorization to a use not otherwise permitted in the zone, according to the provisions of the conditional use subsection

17.26.040 - Density and dimensional standards.

Unless otherwise noted in this Title, dimensional requirements within commercial districts shall be in accordance with Table 17.26.040-1.

- A. Permanent Buildings Required. All buildings shall be installed on and attached to a permanent foundation and permanently attached to sewer, water and electrical utilities. The foundation and all building elements must comply with all city building code standards.
- B. Temporary Buildings Permitted. No temporary or mobile structure can remain on a commercially zoned site for more than sixty days, except temporary buildings approved in the conditional 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, unless extended as a conditional use to accommodate a longer construction period.
- C. Professional/Service and Sexually Oriented Business Overlay Zones. These zones must meet all requirements for lot size, lot frontage, setbacks, building height and lot coverage of the zone on which it is overlaid.
- D. Neighborhood Commercial Floating Zone. This zone must meet all requirements for the lot size, setbacks, building height and lot coverage of the zone on which it is located.

Table 17.26.040-1 Density and dimensional standard

Zoning Standard	Central Business District	Highway Commercial
Minimum lot size (square feet) Development must conform to lot width, depth, yard setback and coverage standards.	No Limitation	5,000 sq. ft.
Minimum Setbacks* (feet): Front Side Rear  *Measured from the nearest wall or corner to the	No limitations <sup>1</sup> No limitations <sup>2</sup> No limitations <sup>3</sup>	15 ft No limitations <sup>4</sup> No



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appropriate property line.		limitations <sup>5</sup>
Minimum Lot Frontage on Public Street Non-Residential Uses	20 ft	20 ft
Maximum Building Height Building height transition required when abutting to any residential district	3 Stories or 45 ft <sup>6</sup> No	3½ Stories or 35 <sup>6</sup> Yes
Lot Coverage* (Provided the applicable setbacks are observed) *Measured by Foundation plane as % of site area.	No Limitations	No Limitations
Build-To Line (feet): New Buildings Only: At least one primary building entrance shall be built no farther from the street of the physical address's right-of-way than the build-to line; except where a greater setback is required for a Planned Street Improvement, then the build-to line increases proportionately.	0 ft  May be increased when pedestrian amenities are provided between a primary building entrance and street	60 ft

<sup>1</sup> Except to provide room for a sidewalk in conformance with city standards.

<sup>2</sup> In cases where a side yard of a property zoned in the CBD zone abuts any residential zone, the side yard setback shall be that required by the residential zone.

<sup>3</sup> In cases where a rear yard of a property zoned in the CBD zone abuts any residential zone and there is no alley between the CBD- zoned lot and the residential zone, the rear setback shall be that required by the residential zone.

<sup>4</sup> In cases where a side yard of a property zoned in the HWC zone abuts any residential zone, the side yard setback shall be a minimum fifteen feet and shall be increased one foot for each foot the HWC use building height is increased over twenty-five feet.

<sup>5</sup> In cases where a rear yard of a property zoned in the HWC zone abuts any residential zone, the rear setback shall be that required by the residential zone.

**<sup>6</sup> Building heights in excess of these requirements may be approved through the conditional use process, using criteria set forth in 17.54.025.**

17.26.100 - Design standards.

This section establishes design standards for site improvements, landscaping, and architectural improvements to be used as the criteria for the preparation, review and action on applications. Approval of projects shall be based upon the appropriateness of a project's design and its relationship to its surroundings, as reflected in the language and direction contained in these standards. The following design standards shall serve as the criteria for the submittal, approval and construction of all reviewable building and planning projects:

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- A. Central Business District. These standards are supplemented and further defined or explained by that document entitled "Design Standards for the City of Kalama," as currently enacted or as hereafter amended from time to time by the city council, a copy of which shall be maintained in the office of the city clerk for use and examination by the public.
1. Site Planning.
    - a. Limit the depth of front setbacks to encourage pedestrian activity and strengthen the sense of enclosure along commercial streets.
    - b. Conform building height to applicable zoning standards in KMC 17.26.040. Align building height to the predominant height of other buildings along the same block.
    - c. Ensure that building massing, height, and scale provide sensitive transition when adjoining residential zoning districts.
    - d. Design the project to encourage human activity along the street. Provide for clear pedestrian access to the building.
    - e. Locate off-street parking to the rear of the building.
    - f. Treat a corner site as an opportunity for visual focus, if applicable.
    - g. Consolidate trash dumpsters, mechanical equipment, and utilities to the rear of the building and screen to preserve and enhance the pedestrian environment.
  2. Existing Building Design Standards. These standards relate to any building that has been issued an occupancy permit or has been legally occupied. These standards shall be applied to all facades bordering public streets.
    - a. Applicability.
      - i. Exterior modifications to an existing building may occur in incremental phases, not to exceed four years to completion, or in one complete stage. Initial modification must begin within one hundred eighty days of permit being issued. Incremental phasing of modifications must be consistent with an overall plan for the building's rehabilitation. Private parcels shall be required to implement these improvements identified in this section for:
        - (1) Structural alteration or change other than incidental repairs that would prolong the life of the supporting members of a building, such as bearing walls, columns, beams, girders, or foundations;
        - (2) The expansion of any building or development exceeding twenty percent of the existing floor or site area, or any one thousand square foot addition or increase of impervious surface coverage thereto, whichever is lesser.
      - ii. The following activities are exempt from the requirements of this section:
        - (1) Routine or emergency repair or maintenance of public or private buildings, structures, landscaping or utilities,

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- (2) Interior remodeling,
  - (3) Official historically designated structures,
  - (4) Changes of signs.
- b. Required Standards:
- i. Design new additions to existing buildings and new infill construction to be compatible with the standards of this section.
  - ii. Existing windows shall incorporate design elements which gives appeal to the window, such as a window hood, transom, bulkhead, or bay.
  - iii. Multi-story building shall organize facade into a three-part horizontal division, including a base, middle and a cap in the architecture.
  - iv. Materials specifically prohibited include vinyl siding, exposed plywood products, corrugated metal and exposed concrete masonry/cinderblock. Painting of these materials does not meet the requirement above.
  - v. Building materials shall be selected for their sense of permanence. Recycled or renewed products should be utilized where practical. Preferred materials include natural stone, brick, wood, architectural grade metal, architectural grade composite materials, and stucco.
  - vi. Preserve distinctive original features, finishes, and examples of skilled craftsmanship. Repair or duplicate deteriorated architectural features, where applicable.
  - vii. Select exterior color schemes that fall within a traditional commercial range and are respectful of the surrounding neighborhood. Consider the building as a whole as well as details that need emphasis. Softer muted colors establish a uniform background. In general, use one color on similar elements such as window frames to show that they are all part of the same facade. Reserve brighter colors for small special accents to emphasize entryways and to highlight special structural ornamentation.
- b. Discretionary Standards. Architectural detailing should be utilized to provide visual interest and individual character. Of the twelve discretionary standards listed below, at least five standards must be incorporated into the design of the revitalized existing building.
- i. Relief panels,
  - ii. Cornice work,
  - iii. Balconies,
  - iv. Alcoves/recessed entryway,
  - v. Shade panels/shutters,
  - vi. Rain protection/awnings,

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- vii. Multiple color palettes consisting of a base, primary trim, and accent,
  - viii. Staggered wall sections.
  - ix. Roof terraces and/or gardens are encouraged to soften the building and add visual interest and vitality to the street.
  - x. Detailed and ornate hardware.
  - xi. Provide special emphasis to corner entrances through the use of architecture elements, if building is flanked by two streets.
  - xii. Detail the building with, any of the following, diverse materials and forms:
    - (1) Brick work with pattern articulation, simple corbelling and accent materials;
    - (2) Stone columns, windows, and accent combined with brick;
    - (3) Cement work that has embossed ornamentation, architectural accent or structural column division;
    - (4) Ceramic and terra-cotta (pattern/relief molded), tile ornamentation or decorative panels.
3. New Building Design Standards. These standards relate to any building that has never been issued an occupancy permit. The standards listed below shall be applied to enhance Kalama's historic downtown character and promote commerce:
- a. Required Standards:
    - i. Roof mounted mechanical equipment must be hidden from street-view by parapet. If parapets do not provide adequate screening, screening walls or enclosures installed as an integral part of the architectural design must be used.
    - ii. Organize commercial building facades with three-part horizontal division and vertical column division. A three-part horizontal division must include a base, middle and a cap in the architecture.
    - iii. Windows:
      - (1) Base floor windows must be transparent. Tinted, reflective, completely painted or completely covered windows are prohibited.
      - (2) Windows constructed on the upper stories of the building must be twice as tall as they are wide.
    - iv. Modulate, or break up, blank street-facing walls over twenty feet in width with recesses, columns, bands, windows or textural treatment.
    - v. Primary doors must be comprised of fifty percent or more window area.
    - vi. Select exterior color schemes that fall within a traditional commercial range and are respectful of the surrounding neighborhood. Consider the building as a whole as well as details that need emphasis. Softer muted colors establish

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a uniform background. In general, use one color on similar elements such as window frames to show that they are all part of the same facade. Reserve brighter colors for small special accents to emphasize entryways and to highlight special structural ornamentation.

- vii. Integrate all commercial signage with the architectural design of the building.
  - viii. Exterior security bars are prohibited from street-flanking facade windows. If interior security bars are used, they shall be hidden during business hours.
  - ix. Materials specifically prohibited include vinyl siding, exposed plywood products, corrugated metal and exposed concrete masonry/cinderblock. Painting of these materials does not meet the requirement above.
- b. Discretionary Standards. Of the twelve standards listed below, at least six standards must be incorporated into the design of the new building.
- i. Relief panels,
  - ii. Cornice work,
  - iii. Balconies,
  - iv. Alcoves/recessed entryway,
  - v. Shade panels/shutters,
  - vi. Rain protection/awnings,
  - vii. Multiple color palettes consisting of a base, primary trim, and accent,
  - viii. Staggered wall sections.
  - ix. Roof terraces and/or gardens are encouraged to soften the building and add visual interest and vitality to the street.
  - x. Detailed and ornate hardware.
  - xi. Provide special emphasis to corner entrances through the use of architecture elements, if building is flanked by two streets.
  - xii. Detail the building with, any of the following, diverse materials and forms:
    - (1) Brick work with pattern articulation, simple corbelling and accent materials;
    - (2) Stone columns, windows, and accent combined with brick;
    - (3) Cement work that has embossed ornamentation, architectural accent or structural column division;
    - (4) Ceramic and terra-cotta (pattern/ relief molded), tile ornamentation or decorative panels.
4. Landscaping, when principal structure is setback from any lot line.

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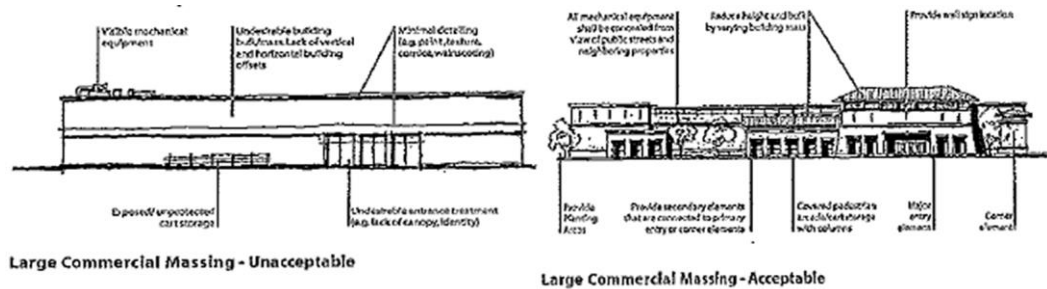
- a. Use landscaping along the street frontages to integrate the commercial development with the community.
- b. In areas visible to the general public, provide site landscaping of appropriate scale in relationship to the building.
- c. Provide for the enhancement of off-street parking lots with landscaping.
- d. Select plant materials that are suitable to the site and to Kalama's climate zone.

**B. Highway Commercial District.**

1. For new construction or expansion to an existing building for the purpose of creating a highway oriented commercial business as defined in this section, the applicant must submit to the city, site development plans, landscaping, parking and lighting plans, proposed building elevation drawings and other information needed by the city building and planning department to review for conformance with this chapter and other associated city codes.

a. Where buildings with greater than ten thousand square feet of enclosed ground-floor space are proposed, they shall provide articulated facades on all street-facing elevations. This criterion is met when an elevation contains at least one of the following features for every forty feet of building (horizontal length): windows; primary entrances; weather protection (awnings, canopies, arbors, trellises), building offsets; projections; changes in elevation or horizontal direction; sheltering roofs; terraces; a distinct pattern of divisions in surface materials; ornamentation; screening trees; small-scale lighting (e.g., wall-mounted lighting, or up-lighting); and/or similar features as generally shown in Figure 17.26.100-1. [Note: Figure 17.26.100-1 should not be interpreted as a required architectural style.]

b. Figure 17.26.100-1



2. Gambling Oriented Business Standards—Regulated Gambling Uses. The following gambling oriented businesses as defined in this section are subject to the provisions and regulations contained in this chapter and section.

a. Definitions.

- i. Mini-casinos with up to five tables, limited to card games.

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- ii. Major-casinos with up to fifteen tables or the limit of the Washington State gambling commission, plus all gambling apparatuses, such as, slot machines, roulette wheels, etc.
  - b. Location.
    - i. Gambling establishments shall locate only within zones as identified in Chapter 17.60.
    - ii. The location of any licensed gambling activity is prohibited within one thousand feet of the location of any other such gambling activity, or located on the same arterial street as any other such gambling activity.
  - c. Building Facade. All gambling oriented building facades, exteriors and exits must be indistinguishable from any commercial building, such as those located within the central business district of Kalama.
  - d. Signs. Signs shall be permitted as allowed in accordance with Chapter 17.38 of the Kalama Municipal Code.
  - e. Parking and Lighting Regulations. On-site parking shall be required as per Sections 17.44.020 and 17.44.040 of the Kalama Municipal Code.
  - f. Number and Types of Permitted Uses Per Structure. There shall be no sexually oriented business operating in the building, structure, or portion thereof in which a gambling oriented business is currently operating.
- C. Professional/Service Overlay Zone. Activities placed in the professional/service overlay zones must meet the following standards for location, parking, noise, use, business hours, and pedestrian and vehicle traffic:
  - 1. Location and Hours of Operation. Professional services identified on Table 17.60.020 as permitted shall locate within the professional services overlay zone as identified on the official zoning map of the city. Businesses locating in the professional services overlay area are limited to hours open to the public between 7:00 a.m. and 9:00 p.m.
  - 2. Dimensional Standards. Shall meet all requirements for lot size, setbacks, building height, and lot coverage of the underlying zone.
  - 3. Construction Standards. New construction or remodeling shall be residential in character to blend with the historical characteristics predominate to the existing neighborhood.
  - 4. Parking. Adequate parking for occupants, employees, visitors, customers, and patrons shall be provided. A minimum of two parking spaces are required for any professional service site. Any on-street parking spaces immediately adjacent to a use may be counted toward fulfilling that use's parking requirements. The conduct of any home occupation, including, but not limited to the storage of goods and equipment, shall not reduce or render unusable required off-street parking.
  - 5. Lighting. Lighting shall comply with the requirements of Section 17.26.070.

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6. Screening/Landscaping and Yard Maintenance. All professional service sites shall be maintained in a neat and orderly manner. No nonfunctional vehicles, machinery, appliances, steel drums, boxes, crates, pallets, and related equipment and materials shall not be openly stored in side and rear yards.
  7. Signs. Signs shall be limited in size to one square foot. Vision clearance areas shall be maintained at all intersections, driveways, and alleys with no sign placed within fifteen feet of any intersection. Signs shall not obstruct the view from any other neighboring property. Except with the exceptions herein signs shall be permitted as allowed in accordance with Chapter 17.38 of the Kalama Municipal Code.
  8. Environment. No noise, dust, odors, noxious fumes or vibrations resulting from a home occupation shall exceed that which is normally produced in a single-family dwelling. Mechanical or electronic equipment incidental to the conduct of a home occupation may be used provided such use does not create visible or audible interference in radio, television or telecommunication receivers or transmitters, or cause fluctuations in line voltage off the premises. Home occupations shall not interfere with the delivery of utilities or other services to the area.
- D. Sexually Oriented Business Overlay Zone. The following sexually oriented businesses as defined in this section are subject to the provisions and regulations contained in this chapter and section:
1. Definitions.
    - a. Adult arcades mean 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 specific sexual activities or specified anatomical areas.
    - b. Adult bookstores, novelty stores and/or video stores means a commercial establishment which has a significant or substantial portion of its stock-in-trade or a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior business or advertising to the sale or rental for any form of consideration, or any one or more of the following:
      - i. 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
      - ii. 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 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



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business purposes is offering for sale or rental, for some form of consideration, the specified materials which depict or describe specified sexual activities or specified anatomical areas. 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, adult novelty store or 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 which are characterized by the exposure of specified sexual activities or specified anatomical areas; 3) films, motion pictures, video cassettes, slides, or other photographic reproduction which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- d. Adult motels/hotels mean a hotel, motel or similar commercial establishment which:
- e. 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 sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
- f. Offers a sleeping room for rent for a period of time that is less than twenty hours; or
- g. Allows a tenant or occupant of a sleeping room to sub rent the room for a period of time that is less than twenty hours.
- h. Adult motion picture theaters mean a commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions characterized by the depiction or description of specified sexual activities or specified anatomical areas are regularly shown for any form of consideration.
- i. Adult theaters mean a concert hall, theater, auditorium, or similar commercial establishment which, for any form of consideration, regularly features persons who appear nude or semi-nude, or live performances which are characterized by exposure of specified sexual activities or specified anatomical areas.
- j. Nude/semi-nude model studios mean a 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.
- k. Specified anatomical areas mean specified anatomical areas shall mean and include any of the following: 1) less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point

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immediately above the top of areola; 2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

- l. Specified sexual activities mean specified sexual activities shall mean and include any of the following: 1) the fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts; 2) sex acts, actual or simulated including intercourse, oral copulation or sodomy; 3) masturbation, actual or simulated; 4) human genitals in a state of sexual stimulation, arousal or tumescence; 5) excretory functions as part of or in connection with any of the activities set forth in subdivisions 1 through 4 of this subsection.
    - m. Youth oriented business or activity: a business utilizing a permanent building or facility where children under the age of eighteen years are invited onto the premises in conjunction with such business activity and at least fifty percent of the business revenue is generated from their patronage.
  
- 2. Location. Sexually oriented business establishments as defined in this chapter shall locate only within the sexually oriented business overlay zone within such geographical areas of the city as identified on the official zoning map of the city. Provided, however, that even within the overlay zone, a sexually oriented business shall not locate within a distance of six hundred feet of an existing youth-oriented business or activity, provided, that the youth-oriented business or activity was operating prior to the proposed location of the sexually oriented business. No structure used for an adult book store, adult novelty store or adult video store or any form of adult sexually oriented business shall locate closer than one thousand feet from any other structure or building used for such purpose nor shall such business locate closer than one thousand two hundred feet to an existing church, park, or school property. The distances set forth in this section shall be measured in all compass directions, in a straight line, from the exterior wall of the existing building to the closest property line of the subject building.
  
- 3. Building Facade of Sexually Oriented Businesses. All sexually oriented business building facades, exteriors and exits must be indistinguishable from any commercial building, such as those located within the central business district of Kalama. Illustrations depicting partially or totally nude humans shall not be posted, painted or depicted in any manner on any exterior wall, door or apparatus attached to or associated with such building.
  
- 4. Plans Required—New Construction or Expansion. For new construction or expansion to an existing building for the purpose of a sexually oriented business as defined in this section, the applicant must submit to the city, site development plans, landscaping, parking and lighting plans, proposed building elevation drawings and other information needed by the city building and planning department to review for conformance with this chapter and other associated city codes.
  
- 5. Parking and Lighting Regulations.
  - a. Parking. On-site parking shall be required as per Chapter 17.44 of the Kalama Municipal Code, and in addition shall meet the following:

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- i. All on-site parking areas and premise entries of sexually oriented businesses shall be illuminated from dusk until one hour past closing hour of operation with a lighting system which provides an average maintained horizontal illumination of one foot-candle of light on the parking surface and/or walkways. An on-site exterior lighting plan shall be presented to the city police department for approval prior to the operation of any sexually oriented business.
    - ii. All parking for sexually oriented businesses must be located to the front of the building. Parking and pedestrian access to the exterior rear of the building shall be denied to any persons other than employees and public officials during the performance of their respective duties and tasks by means of fencing approved by the city police and public works departments.
  6. Number and types of permitted uses per structure for sexually oriented businesses. There shall be no more than one sexually oriented business operation in the same building, structure or portion thereof. In addition, there shall be no other non-sexually oriented business operating in the same building, structure, or portion thereof in which a sexually oriented business is currently operating.
  7. Signs. Signs shall be permitted as allowed in accordance with Chapter 17.38 of the Kalama Municipal Code.
  8. Nonconforming uses. Any sexually oriented business lawfully operating on the effective date of this chapter, that as a result of this chapter is in violation of location, structural, uses, or parking or lighting requirements of this section, shall be deemed a nonconforming use. Such nonconforming use shall be permitted to continue at its existing location and in its existing building for a period not to exceed ninety days, unless sooner terminated for any reason, or voluntarily discontinued for a period of three continuous months. Nonconforming uses shall not be increased, extended or altered except if such alterations are to a conforming use.
- E. Neighborhood Commercial Floating Zone.
1. Location, size and/or consolidation of site shall first be approved by the planning commission at an open meeting with the applicant. Recommendations of the planning commission will be submitted with the conditional use permit application.
  2. Outdoor sales and display areas shall be limited to forty percent of the lot area or one thousand five hundred square feet, whichever is less.
  3. On-site parking and loading is required as per parking standards in Chapter 17.44 of this code.
  4. The number of drive-in lanes and curb cuts shall be limited to one drive-in lane and curb cut per business, Except for service stations, which shall be allowed a maximum of four drive-in lanes and curb cuts per business.
  5. All outdoor advertising signs placed on stand-alone poles shall be blackened-out on side facing adjacent residentially zoned property.

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6. All outdoor advertising shall be limited to on-site business only (the sign owner cannot rent sign space or erect a sign for a business not located on the immediate property).
7. In the neighborhood commercial zone, only one business structure per lot shall be permitted.

**Chapter 17.54 - CONDITIONAL USE PERMITS**

**Sections:**

17.54.010 - Purpose.

It is recognized that there are special uses which, because of their unique characteristics, cannot be properly classified in any particular zoning district without consideration in each case of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. These uses are called conditional uses. It is the intent and policy of the city that such uses be dealt with in such a way that shall not allow a deterioration of the intent of the district in which the application is intended nor shall there be a grant of any special privilege not available to other properties of the same district.

17.54.020 - Application.

Only a property owner or his designee may file an application for a conditional use permit from the hearing examiner. It shall be presented to the city clerk-treasurer along with a filing fee as established by resolution of the city council. The filing fee shall not be refundable. A site plan will be attached to the application showing the existing property and surrounding area land uses and the uses that the applicant proposes for the subject property. The application together with the site plan shall be forwarded to the city planner. The city planner shall hold a preapplication conference with the applicant prior to the acceptance of the actual application or any fees.

**17.54.025 Conditional Uses and Height.**

**Where it can be demonstrated that for reasons of topography, operational and service delivery requirements unique to the proposed use, and/or neighborhood compatibility, the Hearing Examiner shall have authority to allow the height of buildings or other structures associated with the following conditional uses to exceed the height limit set forth in the zoning district in which such uses are located; provided such height is consistent with the criteria contained in subsection 17.54.050.A.**

- A. Schools, public or private.**
- B. Hospitals.**
- C. Places of worship, clubs, museums, galleries, lodges, fraternal institutions, and similar places of assembly not listed in Table 17.60.020**
- D. Theaters, movies and performing arts, not including drive-ins.**

17.54.030 - Investigation, report, and public hearing.

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The city planner shall make an investigation of the application and shall prepare a written report to the hearing examiner with a copy of the report forwarded to the applicant at least five working days prior to the hearing date. The hearing examiner shall establish a date, time, and place for the public hearing, not to exceed forty-five days after acceptance of the application and ensure that all public notices and postings are made in conformance with the requirements of this chapter.

17.54.040 - Notices and public hearing.

Before a request for a conditional use permit is acted upon by the hearing examiner it shall first be considered at a public hearing. Notice of the public hearing shall be given as specified in either subsections A and B of this section.

- A. By sending copies of the notice by mail not less than seven days prior to the date of hearing to all property owners whose property abuts, touches, or adjoins, or is directly across a street or an alley from the property involved, using for this purpose the names and addresses of owners as shown upon the records of the county assessor's office. Failure to send notice to a person shall not invalidate any proceedings in connection with the application for a conditional use.
- B. The site shall be posted and removed by and at the cost of the applicant with signs "Notice of Pending Land Use Action." The signs shall be no less in size than eighteen inches by twenty-four inches on color laminated or equally weather resistant material with printing no smaller than one-half inch. The text containing the type of activity and date and time of the hearing shall be at least three-fourths inch in size.
- C. By such additional advertisement as may be deemed necessary through the radio or press at the discretion of the hearing examiner.

17.54.050 - Evaluation criteria.

- A. In order to grant any conditional use, the hearing examiner must find that the establishment, maintenance or operation of the use applied for will not, under the circumstances of the particular case, be significantly detrimental to the health, safety, or general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the city. In making such a determination the examiner shall be guided by the following considerations and standards;
  - 1. The use applied is either listed in the conditional uses allowed in the district or significantly similar to one or more of the listed uses and does not expand any nonconforming use.
  - 2. That the use will not be detrimental to the character and use of adjoining buildings or those in the vicinity.
  - 3. The use will not create a hazard in the immediate area either for the residences, people or vehicular traffic.
  - 4. All required public facilities (i.e. water, sanitary sewer, drainage and streets) have adequate capacity to serve the proposed use.

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5. Adequate ingress and egress will be available for fire and other emergency equipment.
  6. Adequate off street parking will be provided to prevent congestion of public streets.
- B. The hearing examiner may impose reasonable conditions to insure that the use, if granted, will meet the criteria set forth above, limit the term of the use, and require such bonds or other security devices as may be reasonably necessary to insure continued compliance with the conditions of the use permit. These conditions may include, but are not limited to the following:
1. Increased or reduced setbacks, lot size or lot dimensions.
  2. Additional design features necessary to minimize impacts of the conditional use which could include landscaping, fencing, additional off-street parking etc.
  3. Limitations on building height, lot coverage, signs, or lighting.
  4. Restrictions on hours, days, place and manner of operations.
  5. Requirements under which any future enlargement or alteration of the use shall be reviewed by the city and new conditions imposed.
- C. The hearing examiner shall render a decision as required in Kalama Municipal Code Section 2.34.130 and notify the applicant of that decision within five days after the public hearing. The decision of the hearing examiner shall be final unless appealed as outlined in Kalama Municipal Code Section 2.34.150.
- D. A conditional use permit shall become void one year after approval, or after such greater or lesser time as may be specified as a condition of approval unless, within that time, the required building construction, alteration, or enlargement has been commenced and diligently pursued, or if no such construction, alteration or enlargement is required, the permitted activity is being regularly conducted on the premises. The hearing examiner may extend the permit for a period of one year.

**17.54.060 - Revocation of conditional use permit.**

The Kalama city council may revoke a conditional use permit upon receiving written findings outlining violations of a conditional use permit as issued by the hearing examiner. The city clerk-treasurer shall notify the original applicant of the city's intention to hold a public hearing for the purpose of revoking the conditional use permit for violations of standards and conditions imposed. The applicant shall be given full opportunity to show just cause of any violations or show city error in violation determination.

**17.54.070 - Frequency of and time limitations.**

The original applicant can resubmit, only one time, the unamended application within one year after rejection by the examiner for no additional fee.

**17.54.080 - Conditional use permits—Fee.**

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A conditional use permit application fee seventy-five dollars is established to cover the administrative expenses incurred by the city in the processing of the application, due at the time of application.

17.54.090 - Reimbursements.

In addition to the application fee, the applicant for a conditional use permit will be responsible for the reimbursement to the city all actual costs associated with the application including but not limited to the publication costs, and the costs for the processing of the permit. At the applicant's expense the site is required to be posted with a sign as described in Section 17.54.040(B). These cost reimbursements are due prior to the issuance of the conditional use permit.