

## ORDINANCE NO. 1343

### AN ORDINANCE OF THE CITY OF KALAMA, WASHINGTON AMENDING SECTIONS OF THE KALAMA MUNICIPAL CODE CHAPTER 17 TO COMPLY WITH THE NEW CHAPTER 17.20 ESTATE LOT FLOATING ZONE

**WHEREAS**, the Kalama Planning Commission has drafted a new Kalama Municipal Code to be adopted as Chapter 17.20 Estate Lot Floating Zone which requires updates to connected code sections within KMC Chapter 17;

**WHEREAS**, the Kalama Planning Commission held a public hearing on September 11, 2014 to take testimony on the new code and the related code amendments and now recommend adoption by the Kalama City Council;

**NOW THEREFORE** the City Council of the City of Kalama do ordain:

**Section 1.** Kalama Municipal Code Chapter 17.04 is amended to read as follows:

17.04.010 Title. This title shall be known as the "City of Kalama Zoning Ordinance."

17.04.020 Purpose. This title is adopted in furtherance of the comprehensive plan of the city. It is declared that the regulations contained herein are necessary for the protection and preservation of the public health, safety, and general welfare, and are designed, among other things, to encourage the most appropriate use of land throughout the city; to promote the coordinated development and redevelopment of land, buildings, and structures within the city; to guide the orderly growth of the city; to maintain the economic stability of land use areas and the conservation and protection of building values; to provide adequate light, air, privacy, and access, to secure safety from fire and other dangers, and to prevent overcrowding of land and avoid undue concentration of population; to help facilitate adequate provision for transportation, water supply, sewerage, schools, parks, and other public requirements.

17.04.030 Application of regulations. No building or structure shall be erected and no existing building or structure shall be moved, altered, added to, or enlarged; nor shall any land, building, or structure be used for any purpose or in any manner other than as permitted by this title or amendments thereto, and in compliance with all other applicable regulations adopted by the city including Chapter 15.02, Critical Areas Protection.

17.04.040 Application review. Land use applications may be reviewed by the staff, Planning Commission, or City Council, as specified in applicable sections of KMC. For development applications in which the City Administrator or planner are identified as the approval authority, staff may refer the application to the planning commission for review and decision.

**Section 2.** Kalama Municipal Code Chapter 17.08 Definitions is amended to update and include the following definitions:

17.08.022 Accessory uses. “Accessory building” or “accessory use” means a subordinate use or subordinate building customarily incidental to and located upon the same lot occupied by the main use or building, excluding accessory dwelling units.

17.08.1088 Cottage industry. “Cottage industry” means a business located on the same lot as the operator’s residence which functions without altering the residential character of the neighborhood, and which does not create negative impacts on the public health, safety, and general welfare of adjacent property owners.

17.08.193 Key viewing areas. “Key viewing areas” means those portions of significant public roads, parks, or other vantage points from which the public views the ridgeline, as identified by staff at the time of a land use application. Examples include the Columbia River, Interstate 5, and Marine Park.

17.08.3098 Ridgeline. “Ridgeline” means the line that represents the place at which a landform, such as a cliff, bluff or ridge, meets the sky, as viewed from key viewing areas. In areas with thick, unbroken tree cover, the ridgeline is generally formed by the top of the vegetative canopy.

**Section 3.** Kalama Municipal Code Chapter 17.06.010 table is amended as follows:

17.16.010 Districts established.

In order to classify and regulate the use of land, buildings, and structures, the city is divided into the following use districts:

Description	Symbol	Typical Uses
Low density residential district	R-1	Single family dwellings and associated public and quasi-public uses.
High medium density residential district	R-2	Single family, two family, triplexes and associated public and quasi-public uses per section 17.22.020(B).
Medium High density residential district	R-3	Four-plexes, multi-family apartments, boarding houses, etc., and associated public and quasi-public uses per section 17.24.020(C).
Central business district	C-1	Retail activities, motels, service stations, etc.

Highway commercial	C-2	Regional commercial centers, automobile-oriented services, and manufacturing uses.
Mixed use zoning district	MU	Manufacturing, warehousing, distribution operations, office, commercial, and residential
Industrial district	I-1	Manufacturing, warehousing, and wholesale sales.
Recreational district	Rec.	Areas devoted to facilities and equipment for recreational purposes such as swimming, playgrounds, marinas, parks, and other similar uses.
Residential district for mobile homes	R-MH	Single family and associated public and quasi-public uses.
Single-family large lot	R-1(LL)	Single-family dwellings; agricultural and forestry activities and limited public and quasi-public uses per section 17.21.020(E). Large-lot estates are limited to the R-1 zone only.
Single-family estate lot	R-1(EL)	Single-family dwellings and accessory buildings; bed and breakfast inns; home occupations and cottage industries. Estate lots are limited to the R-1 zone only.
Single-family small lot	SF-SL	Single-family dwellings, and associated public and quasi-public uses per section 17.23.020 on small lot less than the standard lot size assigned the underlying residential zone, subject to site plan approval, allowable in all residential zones.

**Section 4.** Kalamazoo Municipal Code Chapter 17.18 – Table 17.18.040-1 is replaced with the following:

Standard	Zoning District			Floating Zones		
	R-1	R-2	R-3	Small Lot	Estate Zoning	Large Lot
<b>Code Reference</b>	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

Standard	Zoning District			Floating Zones		
	R-1	R-2	R-3	Small Lot	Estate Zoning	Large Lot
<b>Code Reference</b>	<b>17.18</b>	<b>17.18</b>	<b>17.18</b>	<b>17.23</b>	<b>17.20</b>	<b>17.21</b>
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 cul-de-sac	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 lots			N/A	N/A	N/A
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	35 feet	40 feet and no more than 4 stories	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

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
<b>Notes</b> N/A = not applicable <sup>1</sup> With the exception of substandard lots permitted through the lot-size averaging provisions of KMC 16.10.120 as part of a subdivision or the "greater conformity" provision set forth in KMC 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 KMC 16.10.040, and/or as part of a subdivision or small lot development pursuant to KMC 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 (17.60.020). <sup>5</sup> Maximum lot coverage for designated small lots (floating zone) is 50% per KMC 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.						

**Section 5.** Kalama Municipal Code Chapter 17.18.070(K) is amended to read as follows:

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 require a business license having first been issued in accordance with Title 5 KMC. 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;
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 500 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 they involve 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 be attached to the dwelling. A sign permit must be obtained from the city.

**Section 6.** Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

**Section 7.** This ordinance shall become effective five days after passage, approval, and publication as provided by law.

Passed by the City Council of the City of Kalama at a regular meeting held on the 15<sup>th</sup> of October, 2013

Attest:

\_\_\_\_\_  
Coni McMaster, Clerk/Treasurer

Approved as to form:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Mayor Pete Poulsen

Passed: \_\_\_\_\_

Published: \_\_\_\_\_

Effective: \_\_\_\_\_