

## **Chapter 17.26** **OVERLAY ZONES**

### Sections:

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### **17.26.010 Purpose.**

The purpose of this chapter is to highlight the standards and conditions applicable to specific use types or locations of development activities within established overlay zones.

### **17.26.020 West Main pedestrian overlay.**

The purpose of the West Main pedestrian overlay is to support high-quality pedestrian oriented design elements along West Main Street in the West Kelso neighborhood. Active first floor nonresidential uses are required along the street while allowing for a mix of uses on the upper floors. Pedestrian oriented design elements include transparent first floor storefronts, overhead weather protection, building width and articulation requirements, pedestrian amenities, reduced off-street parking requirements, and zero or minimal building setbacks. The intent of this zone is to require pedestrian oriented design while allowing for creativity in the design of sites, buildings, and pedestrian space.

- A. Applicability. The boundaries of the West Main pedestrian overlay (WMPO) are centered on West Main Street between Cowlitz Way West and First Avenue in West Kelso as shown on the official zoning map.
1. The West Kelso subarea plan is a resource document that may be a helpful reference source when reviewing these standards. In the event of a conflict between these provisions and the subarea plan, these provisions shall prevail unless otherwise determined by the city.
  2. The city may approve alternative methods that meet or exceed these standards that are consistent with the provisions of the West Kelso subarea plan.
  3. Project sponsors are encouraged to schedule a preapplication meeting with department of community development staff to discuss the applicability of these standards.

B. Design Review Required.

1. The construction of any new building, the substantial alteration of the exterior appearance of any structure, or the installation of any sign in the West Main pedestrian overlay must comply with the standards of this section.
  - a. The substantial alteration of the exterior appearance of an existing structure includes the alteration, addition to or modification of the primary and/or secondary facade of the subject structure, which fundamentally alters the facade.
2. Minor alterations, emergency repairs, ordinary maintenance and repairs, interior remodeling or decorations, as determined by the city, are exempt from the requirements of this pedestrian overlay.

C. Proposed developments within the West Main pedestrian overlay shall be subject to the following standards:

1. Civic Spaces.
  - a. Sidewalks shall be designed to function as public open spaces bordered by buildings, in addition to facilitating pedestrian movement. Buildings shall be designed to enhance the pedestrian experience through the use of such features as building articulation (i.e., variations in building materials, surface texture, windows, doors, porches and other facade features), landscaping, lighting and signage without encumbering the efficient movement and parking of vehicles. ~~Where feasible, a project application should include relocation of overhead utilities underground.~~
  - b. Development at street intersections shall enhance intersections in ways that extend beyond functional needs through the location of building entries and the incorporation of building details, street lighting, landscaping and signage which respect and conform to the character of existing structures at the intersection.
  - b-c. Overhead utilities shall be relocated underground unless it is demonstrated that undergrounding of utilities is not practical and affirmed by the service provider.
2. Buildings. New construction shall preserve and continue the traditional block development pattern of the city by creating buildings that follow in scale and proportion the traditional modularity of existing block faces with buildings constructed to street property lines and main pedestrian access to the building is from the street. New development and redevelopment shall be designed

with the same scale and proportions as would be found within the traditional block pattern with buildings constructed to the property line and with pedestrian access from the street.

3. Architectural Elements and Materials.

- a. Building design elements, details and massing shall create a well-proportioned and unified building form and exhibit an overall architectural concept. Buildings shall exhibit form and features identifying the functions within the building. In general, the roofline or top of the structure shall be clearly distinguished from its facade walls.
- b. The design of new buildings shall incorporate architectural features, elements and details to achieve a good human scale.
- c. Building exteriors shall be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.
- d. Buildings shall avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable, they shall receive design treatment to increase pedestrian comfort and interest.
- e. A minimum of sixty percent of the first floor shall be transparent between thirty inches and twelve feet.
- f. Provide weather protection at least five feet deep along eighty percent of the facade facing the street.
- g. The primary building entrance shall be from West Main Street or Catlin Street for those properties that do not have street frontage on West Main Street.

4. Parking and Access.

- a. Entries shall be clearly identifiable and visible from the street.
- b. Siting shall minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety. Off-street parking areas on a commercial street front shall be minimized and where possible shall be located behind or under a building.

- c. Building sites shall locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible. When elements such as dumpsters, utility meters, mechanical units and service areas cannot be located away from the street front, they shall be situated and screened from view and shall not be located in the pedestrian right-of-way.
- d. Off-Street Parking and Access. The off-street parking standards contained herein supersede the parking requirements in Section 17.46.060 within the WMPO.
- i. One space per residential unit shall be provided unless reduced by the city based on a site-specific parking analysis or other information to support approval of a parking reduction.
  - ii. Shared parking may be approved between any properties within or adjacent to the WMPO. Project sponsors must submit for city review and approval a written agreement between the parties documenting the amount, location, and term of the shared parking. If the shared parking agreement is terminated, additional parking must be provided and approved by the city within thirty days.
  - iii. The city may approve a shared parking reduction for on- or off-site parking based on a site-specific parking analysis demonstrating that the combined land uses can be accommodated with reduced off-street parking based on different peak periods of usage. There is no limit to the potential shared parking reduction.
  - iv. Parking Access. Where feasible, access to parking lots shall be from side streets and not directly from West Main Street or Catlin Street within the WMPO. Shared access to abutting properties is encouraged.
  - v. Parking shall be located behind the building. If not feasible to locate the parking behind the building the parking shall be located to the side of the building and shall ~~be no wider than sixty-five feet at the street fronting on West Main Street~~not exceed the width of the street facing façade on West Main Street to ensure that the building remains the main component of the street frontage. Parking lots may front on side streets if located behind a building that fronts on West Main Street or Catlin Street within the WMPO.
  - vi. Existing parking deficits of legally established uses assigned to existing structures shall be allowed to continue even if a change of use occurs; provided, that in the judgment of the city the new use would not necessitate more parking spaces than the previous use.

- vii. Parking Exceptions for Historic Structures. When a change in use within a historic structure would necessitate additional off-street parking, the additional off-street parking may be reduced or waived through administrative review. The applicant shall be required to show the need for a reduction or waiver and shall be the minimum necessary.
- viii. New parking spaces will not be required for additions to existing buildings that are less than twenty-five percent of the existing floor area and less than one thousand square feet. This exception to the parking requirement may be utilized only once per property and does not apply to additions or remodeling for the purpose of adding residential units. (Ord. 3889 § 3 (Exh. A), 2017)

**17.26.030 West Kelso overlay.**

- A. The following design standards shall apply to all new multifamily developments in the West Kelso overlay.
  - 1. The West Kelso subarea plan is a resource document that may be helpful reference source when reviewing these standards. In the event of a conflict between these provisions and the subarea plan, these provisions shall prevail unless otherwise determined by the city.
  - 2. The city may approve alternative methods that meet or exceed these standards that are consistent with the provisions of the West Kelso subarea plan.
  - 3. Project sponsors are encouraged to schedule a preapplication meeting with department of community development staff to discuss the applicability of these standards.
- B. Site Design.
  - 1. Orient the building to the street or an internal courtyard that has direct physical access to the street.
    - a. The main entry shall face the street or internal courtyard.
    - b. Provide weather protection over building entries: five feet deep minimum for shared entries and thirty inches deep minimum for private entries.
    - c. Provide transparent windows facing the street (at least ten percent of the facade).
    - d. Provide a paved walkway between the building entry and the street.

2. Place parking to the side or rear of the building (no more than fifty percent of street/block frontage to be parking or vehicular access).
3. Provide landscaping (shrubs and trees) to screen foundation walls, soften the view of the building, and provide a transition between the street and building.
4. Provide at least one hundred fifty square feet per residential unit of usable open space for residents, including some or all of the following features:
  - a. Private balconies;
  - b. Shared internal courtyards and/or rear yard space, with easy access to the space from adjacent units and site amenities to encourage use (i.e., seating areas, BBQ grill, community gardening area, planters with sitting ledges);
  - c. Shared front porch area; and/or
  - d. Shared rooftop deck.
5. Locate and design service elements, utility meters, and mechanical equipment to minimize negative visual, noise, odor, and physical impacts to the street environment, adjacent (on- and off-site) residents or other uses, and pedestrian areas.

C. Building Design.

1. Facade Articulation. Include articulation features at intervals that relate to the location/size of individual units within the building (or no more than every thirty feet) to break up the massing of the building and add visual interest and compatibility to the surrounding context. At least three of the following features shall be employed at intervals no greater than the unit interval or thirty feet (whichever is less).
  - a. Use of windows and/or entries;
  - b. Change in roofline (i.e., use of gables);
  - c. Change in building material, siding style, and/or window fenestration pattern;
  - d. Providing vertical building modulation of at least twelve inches in depth if tied to a change in roofline modulation or a change in building material, siding style, or color. Balconies may be used to qualify for this option if they are recessed or projected from the facade by at least

eighteen inches. Juliet balconies or other balconies that appear to be tacked on to the facade will not qualify for this option unless they employ high quality materials and effectively meet the intent of the standards;

- e. Vertical elements such as a trellis with plants, green wall, art element;
  - f. Other design techniques that effectively break up the massing at no more than thirty-foot intervals.
2. Window Design. Buildings shall employ techniques to recess or project individual windows on the facade at least two inches from the facade or incorporate window trim at least four inches in width that features color that contrasts with the base building color. (Ord. 3889 § 3 (Exh. A), 2017)

#### **17.26.040 Airport safety overlay.**

- A. Applicability. The boundaries of the airport overlay (AO) are shown on the official zoning map.
- 1. The Southwest Washington Regional Airport master plan, as adopted by the city, is a resource document that may be a helpful reference source when reviewing these standards. In the event of a conflict between these provisions and the master plan, these provisions shall prevail unless otherwise determined by the city.
  - 2. The city may approve alternative methods that meet or exceed these standards that are consistent with the provisions of the Southwest Washington Regional Airport master plan, as adopted by the city.
- B. The airport safety overlay applies to the area adjacent to and surrounding the Southwest Washington Regional Airport with any and all additions thereto and extensions thereof, and established as within the boundaries of the zone described as:
- 1. Horizontal Surface. A horizontal plane one hundred sixty-seven feet above mean sea level, the perimeter of which is constructed by swinging arcs of ten thousand feet radii from the center of each end of the ultimate primary surface (five hundred feet by five thousand seven hundred thirty feet) and connecting the adjacent arcs by lines tangent to those arcs.
  - 2. Conical Surface. A horizontal plane extending from one hundred sixty-seven feet above mean sea level at a slope of twenty to one a distance of four thousand feet from the outer perimeter of the horizontal surface to an elevation of three hundred sixty-seven feet above mean sea level, the perimeter of which is constructed by swinging arcs of fourteen thousand feet radii from the center

of each end of the ultimate primary surface (five hundred feet by five thousand seven hundred thirty feet) and connecting the adjacent arcs by lines tangent to those arcs.

3. Approach Surfaces. A horizontal plane longitudinally centered on the extended runway centerline commencing at the end of the primary surface of Runway End 11, and extending for a horizontal distance of five thousand one hundred feet at a slope of thirty-four to one to a final width of two thousand thirty feet at the interception of the horizontal surface; and a horizontal plane longitudinally centered on the extended runway centerline commencing at the end of the primary surface of Runway End 29, and extending for a horizontal distance of three thousand feet at a slope of twenty to one to a final width of one thousand feet at the interception of the horizontal surface.
4. Transitional Surfaces. These surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of twenty to one from the sides of the primary surface and from the sides of the approach surfaces until intersecting the horizontal surface.

C. In the airport overlay the following shall be subject to special regulations or controls:

1. The height of structures and objects of natural growth;
2. Conditions or activities that may cause electronic interference with air navigation communication systems;
3. Lights that may interfere with the airport lighting system;
4. Conditions or activities that produce levels of smoke, dust or glare that would interfere with the safety of airport operations;
5. Conditions or activities that would create congregations of birds, which would create a hazard for operating aircraft.

D. Specifically, the following controls shall apply:

1. No building, pipe, chimney, steeple, stand, platform, pole, wire or erected manmade structures or object of natural growth, or obstruction of any kind or nature whatsoever, shall be built, placed, hung or permitted to grow or allowed to be built, placed or hung which shall at any point or part thereof exceed the height limits as determined by applying the geometry as set forth in the horizontal and conical approach and transitional surfaces as stated in this section.

2. No searchlights, beacon lights or other glaring lights that can be seen from overhead shall be used, maintained or operated within one-half mile of the airport as measured in all compass directions from the respective outer edge of airport property.
3. No use shall locate within the airport zone that will generate electromagnetic radiation that will cause interference between overhead aircraft and the ground control tower.
4. Any land use or activity that produces smoke or haze to a degree that would interfere with normal aircraft operations shall not locate within the airport zone.
5. Any land use or activity that may produce bird strike hazards in the air spaces identified in this section is prohibited.
6. No structure or obstruction shall be rebuilt, repaired or replaced where such repairing, rebuilding or replacement constitutes a major or extensive alteration of any structure or obstruction, except in compliance with the provisions of this title. (Ord. 3889 § 3 (Exh. A), 2017)

**17.26.050 Adult oriented business overlay.**

Sexually oriented businesses and marijuana retail businesses may ~~only~~ locate within the adult oriented business overlay.

A. Sexually Oriented Business Restrictions.

1. For the reasons stated in the recitals in the ordinance codified in this chapter, a person shall not use any property or premises for a sexually oriented business within the city except and only subject to all regulations, conditions, and within such geographical locations as are enumerated in the ordinance codified in this chapter.
2. No sexually oriented business shall locate within a distance of six hundred feet of an existing youth oriented business or activity. Such distance shall be measured in a straight line from the nearest property line of the existing youth-oriented business to the nearest property line of the site upon which the proposed sexually oriented business proposes to locate.
3. Regulated Uses. The following sexually oriented businesses and marijuana retail businesses as defined in this title are subject to the provisions and regulations contained in this chapter:
  - a. Adult arcade;
  - b. Adult bookstore, adult novelty store or adult video store;

- c. Adult cabaret;
  - d. Adult motion picture theater;
  - e. Adult theater;
  - f. Nude/semi-nude model studio;
  - g. Adult motels/hotels; and
  - h. Marijuana retailer [\(see Chapter 17.58 Marijuana State Licensed Facilities\)](#).
4. Adult Bookstores Not Incorporating Arcade Uses—Requirements. Adult bookstores, adult novelty stores or adult video stores not including or incorporating into the business conduct those activities described in the definition of adult arcade may locate or continue to operate within commercial zones of the city, as well as the adult oriented business overlay; provided, however, such businesses locating within a commercial zone shall be subject to the following additional requirements: No building or structure used for an adult bookstore, adult novelty store or adult video store as defined in this title shall locate closer than one thousand two hundred feet from any other building or structure used for such purpose, nor shall such a business locate within six hundred feet of an existing church or school building, as measured in all compass directions from the exterior wall of the existing building to the closest property line of the subject building.
5. Building Facades. All sexually oriented business building facades, exteriors, and exits must be indistinguishable from surrounding buildings; illustrations depicting partially or totally nude males and/or females shall not be posted or painted on any exterior wall of a building used for a sexually oriented business, or on any door or apparatus attached to such building.
6. Parking and Lighting Regulations for Sexually Oriented Businesses. On-site parking shall be required and regulated in accordance with the general requirements of this title, and in addition shall meet the following requirements:
- a. All on-site parking areas and premises entries of sexually oriented businesses shall be illuminated from dusk until one hour past closing hours 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-premises exterior lighting plan shall be presented to the city for approval prior to the operation of any sexually oriented business.

- b. All parking must be visible from the fronting street. 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 a fence, wall or other device as approved by the city.
  
- c. Number of Permitted Uses Per Structure. There shall be no more than one sexually oriented business operating in the same building, structure or portion thereof. (Ord. 3889 § 3 (Exh. A), 2017)

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