

17.10.130 Site plan review.

The purpose of a site plan review is to help ensure that new development activities do not adversely affect the public health, safety and welfare of residents of Kelso, and that new development activities are compatible with existing patterns of development and the provisions of the Kelso comprehensive plan.

A. A site plan review shall be required for all proposed development activities in the residential mixed density (RMD), residential multifamily (RMF), the commercial and industrial zones (NC, GC, RC, LI, and GI), and the open space (OPN) zones, unless waived in writing by the city.

1. In addition to a site plan review, proposed development activities located within ~~the downtown design~~ any overlay must also comply with the city of Kelso design standards.
2. Development activities subject to a site plan review shall be determined by the city and shall include new construction, modifications to existing uses or structures that increase the size of the building or the intensity of the use, and/or changes of use.
3. The site plan review shall include the whole site, including subsequent phases of development without regard to existing or proposed lot lines.
4. A site plan review permit is separate from and does not replace other required permits such as a conditional use permit or a shoreline substantial development permit. A site plan review may be combined and reviewed concurrently with other permits and approvals, as determined by the city.
5. The site plan review must be conducted prior to, or with the approval of the city concurrent with, the review of any required building permit or clearing and grading permit applications.

B. A site plan review application shall be submitted in a format prescribed by the city and may include, but is not limited to, the following on plans that are drawn to scale:

1. The location and dimension of the lot(s).
2. Existing topography and natural features.
3. Proposed grading and drainage facilities, including areas to be preserved or protected for the implementation of low impact development stormwater features in accord with the provisions of the Kelso Engineering Design Manual.
4. The footprint of existing and proposed structures, proposed building heights, proposed building setbacks, and the proposed uses.
5. The location of existing and proposed roads, access plans, parking facilities, loading areas, curbs, drains, paving, hydrants, sign and light pole locations, walls, fences, walks, approaches, and proposed landscaping plans.
6. The location of existing and proposed water, storm, and sanitary sewer lines and facilities.
7. The nature, location, dimensions of environmentally sensitive areas, shorelines, or floodplain areas and their associated buffers, if any, on or adjacent to the site.
8. All required technical reports prepared by experts with demonstrated qualifications in the area(s) of concern.
9. Any additional information deemed necessary by the city.

C. The city may approve a proposed site plan in whole or in part, with or without conditions, if all of the following findings of fact can be made in an affirmative manner:

1. The project is consistent with the Kelso comprehensive plan and meets the requirements and intent of the Kelso Municipal Code, including the type of land use and the intensity/density of the proposed development.
2. The physical location, size, and placement of the development on the site and the location of the proposed uses within the project minimize impacts to any critical resource or floodplain area to the greatest extent possible or are compatible with the character and intended development pattern of the surrounding properties.

3. The project makes adequate provisions for water supply, storm drainage, sanitary sewage disposal, emergency services, and environmental protection to ensure that the proposed project would not be detrimental to public health and safety.
4. Public access and circulation including non-motorized access, as appropriate, are adequate to and on the site.
5. Adequate setbacks and buffering have been provided. Any reduction to setbacks or buffer widths is the minimum necessary to allow for reasonable economic use of the lot and does not adversely impact the functional value of the critical resource area or adjoining land uses.
6. The physical location, size, and placement of proposed structures on the site and the location of proposed uses within the project are compatible with and relate harmoniously to the surrounding area.
7. The project adequately mitigates impacts identified through the SEPA review process, if required.
8. The project would not be detrimental to the public interest, health, safety, or general welfare.

D. Authorization of a site plan review shall be valid for one year after the effective date, and shall lapse at that time unless a building permit has been issued.

1. The city may extend the site plan review if it finds that the facts on which the site plan review is approved have not changed substantially. (Ord. 3889 § 3 (Exh. A), 2017)

17.18.030 Official zoning map.

The city shall establish and maintain an official zoning map consistent with the provisions of this title and the comprehensive plan. The city manager or his/her designee shall maintain and make available to the public the official zoning map. The following zoning districts and overlays are hereby established and shall be depicted in accordance with the provisions of the Kelso comprehensive plan:

- A. Residential Single-Family 5 Zone. The purpose of the residential single-family 5 (RSF-5) zone is to maintain neighborhoods where existing development patterns and the availability of infrastructure support smaller lots and higher density single-family residential development.
- B. Residential Single-Family 10 Zone. The purpose of the residential single-family 10 (RSF-10) zone is to promote the establishment of neighborhoods where existing development patterns, topography, or the limited availability of infrastructure warrant larger lots, and lower densities of single-family residential development.
- C. Residential Multifamily Zone. The purpose of the residential multifamily (RMF) zone is to provide areas for the highest density of residential development and to support mixed-use development.
- D. Residential Mixed Density Zone. The purpose of the residential mixed density (RMD) zone is to promote diverse housing options in new and existing neighborhoods, high quality design, reinvestment in existing buildings and properties, and the revitalization of existing residential neighborhoods.
- E. Neighborhood Commercial Zone. The purpose of the neighborhood commercial (NC) zone is to provide areas for neighborhood-scale commercial and service activities which are compatible with the character of the surrounding residential neighborhood.
- F. General Commercial Zone. The purpose of the general commercial (GC) zone is to support business activities and mixed-use developments designed primarily to serve the local community.
- G. Regional Commercial Zone. The purpose of the regional commercial (RC) zone is to accommodate larger-scale commercial retail stores, shopping centers, and freeway oriented commercial uses that are designed to serve the commercial needs of the city, the surrounding region, and travelers.
- H. Light Industrial Zone. The purpose of the light industrial (LI) zone is to provide opportunities for industrial activities involving manufacturing, processing, assembling, repairing, servicing or storage of goods or products as well as professional services and mixed-use development in a business park setting.
- I. General Industrial Zone. The purpose of the general industrial (GI) zone is to provide opportunities for industrial activities that require larger sites, access to the Columbia River, and/or a master planned industrial park.

J. Open Space Zone. The purpose of the open space (OPN) zone is to ensure that certain areas of the city be preserved for the most part in their undisturbed and/or natural state. Areas appropriate for the OPN zoning district are characterized by public and/or private land that is not suitable for or permanently protected from development. These areas may include, but are not limited to, forested areas; wetlands and associated buffers; creek, stream or river corridors; ravines; bluffs; landslide hazards and/or other geological hazardous areas; environmentally sensitive area tracts; dikes and other rights-of-way; dedicated open space; public parks; and conservation areas.

K. Airport Safety Overlay. The airport safety overlay is intended to regulate or control the various types of air space obstructions and other hazards that may interfere with the safety of aircraft operations near the Kelso-Longview Airport.

~~L. (removed) Downtown Design Review Overlay. The purpose of the downtown design review overlay is to establish design guidelines to protect, maintain and enhance the unique characteristics and diversity of the downtown area of the city.~~

M. Adult Oriented Business Overlay. The purpose of the adult oriented business overlay is to regulate the location, permitting and operation of sexually oriented businesses and marijuana retail businesses in order to promote the health, safety and welfare of all city of Kelso citizens and in order to preserve and protect the quality of, and the quality of life in and around, all city of Kelso neighborhoods through effective land use planning and reasonable regulation in light of the findings adopted by the city council and to regulate the display of adult materials by other commercial establishments.

N. West Main Pedestrian Overlay. The purpose of this overlay is to facilitate the implementation of the West Kelso subarea plan by providing standards unique to designated areas in West Kelso that support a high quality pedestrian oriented design element along West Main Street.

O. West Kelso Overlay. The purpose of this overlay is to facilitate the implementation of the West Kelso subarea plan by providing design standards unique to West Kelso to guide new multifamily development.

P. Recreational Marijuana Sales Overlay. The purpose of this overlay is to regulate the location, permitting and operation of retail marijuana sales businesses in order to promote the health, safety, and welfare of all city of Kelso citizens. (Ord. 3917 § 4 (Exh. B), 2018; Ord. 3889 § 3 (Exh. A), 2017)

17.22.100 Landscaping.

A. The purpose of this section is to improve the aesthetic quality of the built environment, encourage the retention and protection of existing vegetation, reduce the impacts of development on environmentally sensitive areas and the natural environment, enhance the value of current and future development, and increase privacy for residential zones by:

1. Providing for on-site landscaping in all multifamily and nonresidential developments;
2. Providing vegetated screening between single-family residential areas and adjoining land uses;
3. Providing visual relief of parking areas in the multifamily, commercial, and industrial zones;
4. Encouraging the retention of existing vegetation, tree stands and significant trees by incorporating them into the site design; and
5. Incorporating native vegetation, drought-resistant plant material, and low impact development stormwater features into landscaping, as appropriate.

B. A landscaping plan shall be required for all proposed development activities, including new construction, the expansion of existing structures, subdivisions, binding site plans, and master plans in accordance with the provisions of this section; provided, that:

1. The construction of a single-family residence, duplex, triplex, or fourplex is exempt from the provisions of this section.
2. In the event of a conflict between the requirements of the city's shoreline master program or the regulations to protect environmentally sensitive areas (critical areas), and the provisions of this section, the city may waive or modify the provisions of this section.

3. In the event of a conflict between the requirements of ~~the downtown design review overlay~~, the West Main pedestrian overlay, or the West Kelso multifamily design standards, and the provisions of this section, the city may waive or modify the provisions of this section.

4. The landscaping requirements and standards for parking lots may be found in the Kelso Engineering Design Manual.

5. The city may approve alternative methods or standards; provided, that they meet or exceed the required standards and are consistent with the intent of this section.

6. The city may approve variances from the standards in this section in accordance with the provisions of this title.

C. All landscaping plans shall conform to the following general provisions:

1. All plans must be prepared or approved by a landscape architect licensed by the state of Washington, a Washington certified nursery professional, or a Washington certified landscaper, unless waived by the city.

2. The landscaping plan shall be submitted in a format prescribed by the city and may include:

a. Property lines, easements, rights-of-way, and setbacks, streets and utilities within the subject property;

b. Environmentally sensitive areas, jurisdictional shoreline areas, and required buffers;

c. Existing and proposed grades of at least five-foot intervals;

d. Location of all existing and proposed buildings, structures and improvements within the property;

e. Existing and proposed stormwater management features including low impact development features;

f. Existing vegetation and significant trees to be retained; a plant list for all proposed new planting delineating quantities, common names and sizes;

g. A planting plan specifying:

i. Tree protection strategies;

ii. Vegetation clearing strategies;

iii. Topsoil protection and reuse strategies;

iv. Native soil amendment strategies;

v. Planting times and physical limits of construction;

vi. Areas that require temporary or permanent irrigation; and

vii. Low impact development facilities.

3. Significant trees and mature landscaping are encouraged to be retained. If not retained, they should be replaced.

a. The retention of significant trees may contribute to meeting the low impact development requirements in the Kelso Engineering Design Manual.

4. Areas not devoted to landscape required by this chapter, parking, structures and other site improvements are encouraged to be planted or remain in existing vegetation.

5. New plant materials shall include native species or nonnative species that have adapted to the climatic conditions of western Washington as adopted by the city.

6. New plant materials shall consist of drought-resistant species, except where site conditions within the required landscape areas assure adequate moisture for growth.

7. When the width of any landscape strip is twenty feet or greater, the required trees shall be staggered in two or more rows.
8. Existing vegetation may be used to augment new plantings to meet the standards of this chapter.
9. Grass may be used as a ground cover where existing or amended soil conditions assure adequate moisture for growth.
10. Stormwater facilities such as retention/detention ponds and swales should be landscaped with water tolerant, native plants.
11. Low impact development stormwater features may be located in required setbacks and landscaping areas and may contribute to meeting the landscaping requirements.
12. Irrigation systems shall be required in all new landscape areas to assure the proper establishment of and continued growth of landscaping, unless it can be demonstrated to the satisfaction of the city that irrigation is not required.

D. Performance Assurance.

1. All required landscaping shall be installed and inspected by the city prior to the issuance of the certificate of occupancy. The Washington landscape architect, Washington certified nursery professional or Washington certified landscaper shall submit a landscaping declaration to the city to verify installation in accordance with the approved plans.
2. The time limit for compliance may be extended to allow installation of landscaping during the next appropriate planting season as approved by the city; provided, that a performance assurance device, for a period of not more than one year, will adequately protect the interests of the city. The performance assurance device shall be for one hundred fifty percent of the cost of the work or improvements covered by the assurance device. In no case may the property owner delay performance for more than one year.
 - a. If the required landscaping is not installed prior to completion of the approved development activity a temporary certificate of occupancy shall be issued and the final certificate of occupancy shall not be issued until the required landscaping has been installed and inspected by the city.
3. The city may require that the project sponsor provide a performance bond or another form of financial guarantee to ensure that required landscaping is properly installed, will become established, and be adequately maintained for at least two years after planting. The form and type of the performance assurance device shall be determined by the city.
4. All required maintenance shall be maintained by the property owner on an ongoing basis. Failure to maintain landscaping may result in a code violation.
 - a. The property owner shall replace any unhealthy or dead plant materials in conformance with the approved planting plan.
 - b. Landscape areas shall be kept free of trash.
 - c. All plant material shall be managed by pruning so that plant growth does not conflict with public utilities, restrict pedestrian or vehicular access, or create a traffic hazard.

E. Landscaped Area Requirements. All development activities including new construction, the modification of existing structures, subdivisions, binding site plans, and master plans must provide at least the following amount of on-site landscaped areas (including required landscaping in parking lots), unless otherwise provided in this section:

1. Residential multifamily zone (RMF): thirty percent of the lot(s);
2. Commercial zones (NC, GC, RC) ~~(excluding the downtown design review overlay)~~: twenty percent of the lot(s); and
3. Industrial zones (LI, GI): fifteen percent of the lot(s).

F. On-Site Landscaping Requirements. A combination of deciduous and evergreen trees, shrubs, and ground covers shall be used for all planted areas, unless otherwise specified above. The selection plantings shall be based on local climate, exposure, water availability, and drainage conditions, and nonnative, invasive plants shall be prohibited.

1. Deciduous trees shall have a caliper size of two inches or greater, or be at least ten feet tall at time of planting.
2. Evergreen trees shall be at least six feet tall at time of planting and have a low-branching habit with dense foliage.
3. Shrubs or perennials shall be planted from two-gallon containers or larger, and be at least twelve inches tall at time of planting. Perennials may be planted from one-gallon containers if two-gallon containers are not available.
4. Plant ground covers and bark mulch, chips, aggregate, or other nonplant ground covers are encouraged to be used around trees and shrubs in landscaped areas.

G. Perimeter Landscaping Buffer Requirements. In addition to the on-site landscaping requirements, all development activities including new construction, the modification of existing structures, subdivisions, binding site plans, and master plans in the multifamily residential zone (RMF), the commercial zones (NC, GC, RC) ~~(excluding the downtown design review overlay)~~ and the industrial zones (LI and GI) shall also provide an additional landscaped buffer along any property lines abutting a single-family residential zone (RSF-5/10 or RMD) in accordance with the following provisions:

1. A minimum width of twenty feet; and
2. The buffer shall contain at least one evergreen tree and ten shrubs which are predominantly evergreen, but may include some deciduous shrubs, distributed per twenty-five linear feet.
 - a. The evergreen trees shall be at least six feet at the time of planting;
 - b. Deciduous trees shall have a caliper of at least two inches at the time of planting;
 - c. At least twenty percent of the trees shall be native species and drought-resistant; and
 - d. Evergreen shrubs at least twenty-one inches in height at the time of planting, spaced no more than three feet on center, to achieve minimum four feet height at maturity. (Ord. 3889 § 3 (Exh. A), 2017)

17.22.110 Parking.

Project sponsors must make adequate provisions to meet the projected parking needs associated with all new development activities, including the construction of new buildings, the expansion of existing buildings, changes of use, and/or changes to the terms and conditions of occupancy such as enlarging, moving or increasing capacity by creating or adding dwelling units, commercial or industrial floor space, or seating facilities.

A. General Requirements.

1. Driveways, parking areas, and walkways shall be designed in accordance with the provisions of the Kelso Engineering Design Manual and shall accommodate pedestrians, motor vehicles and bicycles used by occupants or visitors of a building or use.
 - a. Please note that there are special parking requirements ~~in the downtown design review overlay (Section 17.22.180)~~, the West Main pedestrian overlay, and the West Kelso multifamily design standards.
2. No building permit shall be issued until the city has approved plans that demonstrate that all parking requirements can be met.
 - a. No final certificate of occupancy shall be issued until all required parking is in place in accordance with city standards and the conditions of permit approval.
3. 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.

4. Parking spaces serving residential dwelling units shall be located on the same lot with the building they serve, unless plans submitted for off-site or shared parking are approved by the city.

5. All required parking in the NC, GC, and RC zones shall be provided on site unless:

- a. A shared parking agreement has been approved by the city; or
- b. A voluntary in lieu of payment to provide the required parking in a public or cooperative parking facility has been approved by the city; and/or
- c. A determination has been made by the city that adequate on-street parking exists to reasonably serve the new development.

6. All parking in the LI and GI zones shall be provided on site.

7. 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 by the city, based on a finding that the reduction or waiver is necessary to preserve the historic character of the building or site. The applicant shall be required to show the need for a reduction or waiver and shall be the minimum necessary.

B. Spaces Required.

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

2. New residential developments shall provide the following off-street parking in accordance with the provisions of this section:

- a. Single-family: two approved parking spaces per unit;
- b. Multifamily: one and one-half approved parking spaces per unit; provided, that this may be reduced for projects of twenty or more units through a variance based on the results of a parking study documenting how parking requirements can be met on site;
- c. Mixed-use: one approved parking space per unit; and
- d. Accessory dwelling unit: one approved parking space per unit.

3. For all nonresidential uses or for special cases involving new residential developments, the required minimum parking amount shall be determined by the city. For determination by the city, the applicant shall supply:

- a. Documentation regarding actual parking demand for the proposed use; or
- b. Technical studies relating the parking need for the proposed use; or
- c. Required parking for the proposed use as determined by other comparable jurisdictions. (Ord. 3889 § 3 (Exh. A), 2017)

17.22.210 Signs.

A. Purpose. The purposes of this section are to:

1. To protect the public health, safety and welfare;
2. To minimize adverse visual safety factors to travelers on public roadways and private areas open to public vehicular traffic;
3. To provide for the safe construction, location, erection and maintenance of signs;
4. To maintain or improve the aesthetic quality of the city's residential, commercial and industrial environments;
5. To encourage the effective use of signs as a means of communication in the city;

6. To protect property values;
7. To provide aesthetic benefits to business districts and the community at large through consistency in style, placement, and scale of signs with buildings, natural settings and other signs;
8. To maintain the city's ability to attract sources of beneficial economic development and growth;
9. To minimize possible adverse effects of signs on abutting or adjacent public and private properties;
10. To prevent the proliferation of signs and sign clutter;
11. To provide for constitutionally protected forms of free speech and to comply with state and federal laws and court decisions; and
12. To provide for sign-related administration, permitting, fees payment, enforcement and appeal on a fair and consistent basis.

B. Applicability.

1. This section applies to all signs within the city which are visible from any street, sidewalk, or public place, regardless of the type or nature.
2. This section is not intended to, and shall not be interpreted to, restrict speech on the basis of its content, viewpoint, or message. Any classification of signs in this section which purports to permit speech by reason of the type of sign, identity of the sign user or otherwise, shall be interpreted to allow commercial or noncommercial speech on the sign. No part of this section shall be construed to favor commercial speech over noncommercial speech. To the extent that any provision of this section is ambiguous, the term shall be interpreted not to regulate speech on the basis of the content of the message.

C. Sign Permit.

1. Permit Required. No person shall erect, alter, or relocate any sign requiring a permit under this section without first submitting a sign permit application and receiving approval of the sign permit from the city, in accordance with the provisions of this title, unless the sign is determined to be exempt and a permit is not required.
 - a. Some sign types may be regulated under other codes adopted by the city, which may contain additional permits that are subject to additional regulations.
 - b. Signs for which permits are not required shall nonetheless comply with all applicable provisions of this section.

D. Exemptions. The following signs are exempt from the permitting requirements of this section. The city recommends consulting with the city department of community development to confirm that a sign is exempt and a permit is not required before installing or displaying any of the following signs:

1. Changes to the face or copy of changeable copy signs, digital signs, and electronic messaging signs, provided such changes do not change the material appearance of the sign as originally permitted by the city;
2. Normal repair and maintenance of conforming and legal nonconforming signs;
3. Legal notices, postings, or similar sign placed by or required by a governmental agency carrying out its responsibility to protect the public health, safety, and general welfare;
4. Signs required by law, including the Americans with Disabilities Act;
5. Signs owned and maintained by a federal, state, or local government agency including but not limited to street and highway signs, signs necessary to protect the public health and safety, directional and wayfinding signs, and/or public information signs;
6. Approved interpretative signs and historic markers;

7. Stone or cement plaques and cornerstones with engraved or cast text or symbols and permanently embedded in the building's foundation or masonry and signs integral to a historic site or building;

8. Building address numbers;

9. National flags, or flags of political subdivisions;

10. Privately maintained traffic control signs on private roads or property;

11. Signs necessary to the expression of constitutionally protected forms of free speech as determined by the city attorney;

12. Newspaper and advertising circular dispensers located in the right-of-way (sidewalks); provided, that they do not obstruct pedestrians, impede access to buildings, or adversely affect the public safety, and they are well maintained at all times;

13. Signs attached to benches or furniture that are less than one square foot in area per bench;

14. Interior signs. Signs or displays located entirely inside of a building and located at least three feet from transparent door or windows;

15. Signs in a city recreational facility approved through a facility use agreement or comparable instrument, as determined by the city; and

16. Nonvisible signs. Signs and associated support structures not visible beyond the boundaries of the lot or parcel upon which they are located or from any public right-of-way.

E. Signs Prohibited in the City. No person shall erect, alter, maintain, or relocate any of the following signs in any zone in the city:

1. Signs that are dangerous or confusing to motorists on the public right-of-way, including any sign which by coloring, lighting, shape, wording or location resembles or conflicts with traffic control signs or devices or otherwise impedes the safe and efficient flow of traffic;

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

3. Flashing signs;

4. Signs attached to or placed on a vehicle or trailer parked on public or private property, stored or displayed conspicuously in a manner to attract the attention of the public; provided, however, that signs that are permanently painted or wrapped on the surface of the vehicle, or adhesive vinyl film affixed to the interior or exterior surface of a vehicle window, or signs magnetically attached to motor vehicles or rolling stock that are actively used in the daily conduct of business are not prohibited so long as such vehicles are operable and parked in a lawful or authorized manner;

5. Permanent signs on vacant lots or parcels. Signs may only be established as an accessory use to a principally permitted use;

6. Roof signs;

7. Awning signs;

8. Rotating, spinning, or motorized signs;

9. Inflatable signs;

10. Signs attached to towers or wireless communication support towers, except as required by law;

11. Signs attached to benches or furniture that are greater than one square foot in area per bench;

12. Signs attached to utility poles, fences, or trees;

13. Signs that are determined by the city attorney to meet the judicial standards for obscenity; and

14. Abandoned signs.

F. Nonconforming Signs. Legally installed signs that do not meet the provisions of this section shall be considered legal, nonconforming signs and may be continued; provided, that they are maintained in good repair in accordance with the following provisions. A nonconforming sign shall immediately lose its nonconforming designation if:

1. The sign is altered in structure or sign face area which tends to be or makes the sign less in compliance with the requirements of this section than it was before the alteration; or
2. The sign is relocated; or
3. The sign is replaced; or
4. Any new sign is erected or placed in connection with the enterprise using the nonconforming sign; or
5. The sign face and/or sign structure is not maintained in good repair so as to cause the potential for public harm or injury to life or property.

G. Maintenance and Safety.

1. All signs and components thereof must be maintained in good repair and in a safe, neat, clean and attractive condition. Maintenance of a sign shall include periodic cleaning, replacement of flickering, burned out or broken light bulbs or fixtures, repair or replacement of any faded, peeled, cracked or otherwise damaged or broken parts of a sign, and any other activity necessary to restore the sign so that it continues to comply with the requirements and contents of the sign permit issued for its installation and provisions of this section.

2. The provisions of this section shall not be construed as relieving or limiting in any way the responsibility or liability of any person, business or organization erecting, owning or operating a sign within the city of Kelso for personal injury or property damage resulting from the placement of a sign, or resulting from the negligence or willful acts of such person, business or organization, its agents, employees, contractors or workmen in the construction, maintenance, repair or removal of any sign erected in accordance with a permit issued hereunder. Nor shall it be construed as imposing on the city or its officers or employees any responsibility or liability by reason of the approval or disapproval of any signs, materials or devices under the provisions of this section.

3. No sign may be erected or displayed in a manner that may present a threat to public safety and required sight distances shall be maintained at all times.

H. Enforcement and Removal.

1. Any violations of this section such as the placement of prohibited signs on a property or the failure to maintain existing or new signage in good condition shall be subject to the code enforcement actions according to this section and Chapters [1.50](#) and [8.24](#).

2. In addition to the remedies in this section and Chapter [1.50](#), the city shall have the authority to require the repair, maintenance or removal of any sign or sign structure which has become dilapidated or represents a hazard to the safety, health or welfare of the public, at the cost of the sign and/or property owner.

3. Abandoned and Illegal Signs. Any abandoned or illegal sign is hereby declared to be a danger to the health, safety, and welfare of the citizens of Kelso. Any sign that is partially or wholly obscured by the growth of vegetation or weeds or by the presence of debris or litter also presents a danger to the health, safety and welfare of the citizens.

4. Abandoned or illegal signs are hereby deemed to be a public nuisance and shall be removed by the property owner within forty-five days after notice from the city. Any sign not removed following such notice may summarily be abated by the city in accordance with Chapters [1.50](#) and [8.24](#).

5. Legal, conforming structural supports for abandoned signs may remain, if installed with a blank sign face and supporting structures are maintained.

I. The following table shall be used to determine whether a particular type of sign may be permitted in a given zoning district.

1. Only those signs identified with a P (permitted) or a footnote (1), (2), (3), etc., may be approved; provided, that they comply with all provisions and the standards of this section. Those uses identified with an X or a blank cell are not permitted in that zone.

Type of Sign/Zoning District	RSF-5/10	RMD	RMF	NC	GC	RC	LI	GI	OPN
Freestanding signs	(1)	(1)	(1)		P (2)	P	P	P	
Freeway signs						P	P	P	
Portable signs				P	P	P	P	P	
Projecting signs				P	P	P			
Temporary signs	P	P	P	P	P	P	P	P	
Wall signs	P	P	P	P	P	P	P	P	

Footnotes:

1. Only on the site of schools, churches, or government offices in accordance with the provisions of this section.
2. Not allowed within ~~the downtown design review overlay or~~ the West Main Street pedestrian overlay.

J. General Standards Applicable to All Signs.

1. All signs shall comply with the standards specified in the tables and the written standards and regulations contained within this section.
2. All signs shall provide evidence of compliance with this section, the International Building Codes as adopted by the city, and all other applicable state and/or federal regulations concerning signs prior to installation and uses.
3. All signs except for temporary signs recognized by this section shall be permanently attached to the ground, to a building or another structure by direct attachment to a rigid wall, frame or structure.
4. The size of signs shall be determined by the city based upon a measurement of the area of the sign devoted to copy or electronic message boards.
5. Where a numerical height limit is imposed by this section, the height shall be measured from finished grade of the nearest public street to the top of the sign face or sign face enclosure.
6. Signs may not located in or extend into the public right-of-way unless specifically authorized or pursuant to a temporary use permit or special event permit.
7. No sign may be constructed or displayed in a manner that adversely affects the public safety or required sight distances, and sight triangles shall be maintained at all times.
8. Externally illuminated signs shall be illuminated only with steady, stationary, fully shielded light sources directed solely onto the sign without causing glare. Light shielding shall ensure that the lamp or light source is not visible beyond the premises and shall further ensure that the light is contained within the sign face.
9. It is important to note that some signs may also be subject to the provisions of state and federal laws, such as the Scenic Vistas Act (Chapter [47.42](#) RCW), the regulations of the Washington State Department of Transportation, and/or the regulations of the Washington State Liquor and Cannabis Board.
10. It shall be the responsibility of the applicant to be knowledgeable of and comply with the provisions of applicable local, state, and federal standards.

11. The city may require documentation of compliance with applicable state and local standards.

12. All signs must be accessory to the primary use of a lot.

K. Master Sign Plans. Property owners with multiple buildings, multiple tenants, mixed-use developments, and/or master planned developments are encouraged to submit a master sign plan for city review and approval.

1. A sign permit is not required for new signs designed, constructed, and installed in accordance with an approved master sign plan.

L. Sign Standards.

1. Wall Signs.

a. General Standards.

i. Wall signs must be attached or erected parallel to and not extending more than ten inches from the wall, facade, or face of any building to which it is attached and supported throughout its entire length with the exposed face of the sign parallel to the plane of the wall or facade.

ii. Wall signs may not extend above the parapet or eave line.

b. In the Single-Family Residential Zones (RSF-5, RSF-10, and RMD).

i. One nonilluminated wall sign, no larger than two square feet in area, may be attached to the front wall of a single-family residence.

ii. One wall sign per street frontage, no larger than thirty-two square feet, may be attached to schools, churches, or government offices.

c. In the Multifamily, Commercial, and Industrial Zones (RMF, NC, GC, RC, LI, and GI).

i. No more than two wall signs or one wall sign and one projecting sign per street frontage may be permitted;

ii. The total area of wall signs and projecting signs in the RMF and NC zones may not exceed thirty-two square feet per street frontage;

iii. The total area of wall signs and projecting signs in the GC and RC zones shall not exceed two hundred fifty square feet in area; and

iv. The total area of wall signs and projecting signs in the LI and GI zones shall not exceed three hundred fifty square feet in area.

d. If more than one business is located in a building or on a site, a wall sign may be shared or each business may have a wall sign; provided, that the total size of all signs does not exceed the size limitation. For example, if there are five businesses in a building in the GC zone, the businesses could share a two-hundred-fifty-square-foot wall sign or each business could have a fifty-square-foot wall sign.

2. Projecting Signs.

a. No more than one projecting sign may be permitted per street frontage.

b. Projecting signs may be two-sided and not exceed thirty-two square feet per side.

c. Projecting signs may encroach into the public right-of-way (sidewalks) up to four feet if vertical clearance of eight feet is maintained and provided that the sign is no closer than two feet from the edge of the road or curb.

d. The area of a projecting sign must be subtracted from the area allowed for a wall sign. For instance, a business in the GC zone may have up to two hundred fifty square feet of wall signs. If a business installs a

projecting sign that is eight square feet in size, that business may then only have two hundred forty-two square feet of wall signage.

3. Freestanding and Monument Signs.

- a. No more than one freestanding sign or one monument sign per street frontage may be permitted.
- b. Freestanding signs in the single-family residential zones (RSF-5, RSF-10, RMD) are permitted only on the site of schools, churches, or government offices; provided, that:
 - i. The maximum height is eight feet; and
 - ii. The freestanding sign may have two sides and the maximum area is thirty-two square feet per side.
- c. Freestanding signs in the RMF zone may be permitted; provided, that:
 - i. The maximum height is eight feet; and
 - ii. The freestanding sign may have two sides and the maximum area is thirty-two square feet per side.
- d. Freestanding signs in the GC and RC zones may be permitted; provided, that:
 - i. The maximum height is ten feet plus the distance of the sign base from the nearest property line, but no higher than twenty feet;
 - ii. The freestanding sign may have two sides and the maximum area is thirty-two square feet per side; and
 - iii. May include electronically changeable messages or digital signs in accordance with the provisions of this section.
- e. Freestanding signs in the LI and GI zones may be permitted; provided, that:
 - i. The maximum height is thirty-five feet;
 - ii. The freestanding sign may have two sides and the maximum area is one hundred twenty-five square feet per side;
 - iii. In the LI and GI zones the maximum height of freestanding signs is thirty-five feet; and
 - iv. May include electronically changeable messages or digital signs in accordance with the provisions of this section.
- f. Freestanding signs may not exceed the following size limitations:
 - i. In the RMF zone a freestanding sign may have two sides and shall not exceed thirty-two square feet per side.
 - ii. In the NC, GC, and RC zones a freestanding sign may have two sides and shall not exceed thirty-two square feet per side.
 - iii. In the LI and GI zones a freestanding sign may have two sides and shall not exceed one hundred twenty-five square feet per side.
- g. Monument signs may not exceed five feet in height, twenty feet in length, or one hundred square feet in area per side.
- h. If more than one business is located in a building or on a site a freestanding or monument sign may be shared; provided, that the total size of all signs does not exceed the size limitation. For example, if there are five businesses in a building in the GC zone, the businesses could share a thirty-two-square-foot freestanding sign.

4. Freeway Signs.

- a. Freeway signs may only be permitted on lots abutting Interstate 5 and must be located within a one-thousand-foot radius of the interstate entry/exit point.
- b. Freeway signs may not exceed one hundred feet in height.
- c. Freeway signs may have two sides and may not exceed one hundred twenty-five square feet per side.
- d. May include electronically changeable messages or digital signs in accordance with the provisions of this section.

5. Digital Signs. A digital sign is not a separately allowed sign type. The purpose of this section is to regulate the manner in which digital sign technology can be applied to sign types that are otherwise allowed in this section. It is not intended to allow more signs or larger signs than otherwise permitted in this section.

a. All digital signs shall conform to the following standards:

- i. Maximum luminance: fifty nits during nighttime hours;
- ii. No motion except for the instantaneous change of messages; and
- iii. A minimum hold between messages of at least eight seconds.

b. Programming. To ensure that EMCs are programmed and continue to operate according to local standards, EMCs shall be designed for local on-site control and programming. The applicant shall provide a written certificate from the sign manufacturer that the nighttime light intensity has been factory preset not to exceed allowable levels under this section, and that this setting is protected from end-user modification by password-protected software or other method that ensures compliance.

M. Portable and temporary signs that meet the following criteria, as determined by the city, do not require a permit. Portable or temporary signs that do not meet the following criteria must receive a permit or be removed. Businesses are encouraged to consult with the department of community development before they incur any expense to confirm that their proposed sign meets the following criteria and that a permit is not required.

1. Portable Signs.

- a. Design and Materials. Must be designed with durable materials, otherwise they will be regulated as temporary signs. Portable signs must be designed to withstand wind and may include a heavy weighted base for pole-mounted signs, and a heavy weight suspended between the opposing faces of a sandwich board sign.
- b. Size and Height. Sandwich board signs: maximum of four feet in height, maximum of three feet in width. (Note: sandwich board sign height is measured in the flat standing position, rather than in open standing position.) Pole-mounted signs: maximum of five feet in height, two feet in width.
- c. Number. Not more than one portable sign may be displayed per business, per tenant space.
- d. Location. Must be located no further than ten feet from the primary building of the business, or, if there is only one business or tenant space on the site, it may be located not farther than ten feet from the site's driveway entrance. No portable sign may be located on the city right-of-way (which includes the sidewalk), without a street right-of-way use permit.
- e. Display Hours. Portable signs, including temporary portable signs, may be displayed during business or operating hours only.
- f. Type. Portable signs may not be changeable copy signs or illuminated in any manner.

2. Temporary Signs. Nothing in this section shall preclude the city from approving temporary signs in conjunction with a special use or event permit.

a. Materials. Temporary signs may only be made of nondurable materials, including but not limited to paper, corrugated board, flexible, bendable, or foldable plastics, foam core board, vinyl canvas or vinyl mesh products of less than twenty-ounce fabric, vinyl canvas and vinyl mesh products without polymeric plasticizers and signs painted or drawn with water soluble paints or chalks. Signs made of any other material shall be considered permanent and subject to the permanent sign regulations of this section.

b. Temporary signs may not be changeable copy signs or illuminated in any manner.

c. Public Safety. No temporary sign shall obstruct required sight distances or adversely affect public safety. Signs shall not be placed in a manner that obstructs pedestrians or impedes access to driveways, sidewalks or buildings.

d. City Property. Temporary signs on city-owned property, excluding the city right-of-way, are prohibited except in conjunction with an approved special event permit.

e. City Right-of-Way. Temporary signs are prohibited in the roadway. Temporary freestanding signs on stakes are allowed within the right-of-way outside the roadway and are limited to four square feet and three feet in height. All other signs are prohibited unless allowed in conjunction with a special event permit, temporary use permit or a right-of-way permit.

f. Signs on Private Property in RSF, RMD, and RMF Zones. Temporary freestanding stake signs shall not exceed four square feet in size and three feet in height.

g. Signs on Private Property in NC, GC, RC, LI, and GI Zones. Temporary freestanding stake signs are limited to four square feet and five feet in height. Temporary portable sandwich board signs are limited to twelve square feet in total area and five feet in height. Portable sandwich board signs are allowed only during business hours and as an accessory use to a principally permitted use.

h. Removal. Temporary signs must be removed within ten days after the event or activity. In addition, temporary signs shall be removed if the sign is in need of repair, worn, dilapidated or creates a public nuisance. (Ord. 3889 § 3 (Exh. A), 2017)