

15.12.020 Recreational vehicle use as temporary living quarters on an undeveloped lot—Conditions.

Unless otherwise authorized by this code, a recreational vehicle may be parked on an undeveloped lot (regardless of the number of lots owned) for a maximum of ninety cumulative days in any one calendar year. The above-described use may occur only under the following conditions:

- A. All zoning requirements must be met, and all recreational vehicles must be placed on the lot in accordance with R-1 zoning setback standards, and waterfront setback standards, if applicable.
- B. The recreational vehicle may only be used on property owned by the operator of the recreational vehicle, or by another person if the owner of the property has given written permission for such other person's use. Use by other persons shall count against the owner's ninety-day cumulative total. The time limits authorized by this chapter may not be increased by moving the recreational vehicle to a different lot during the same calendar year. No undeveloped lot may be leased or rented to another person.
- C. The operator must obtain a camping permit from the police department or other designated city officer prior to each placement. The mayor is empowered to establish rules and regulations governing the issuance of such permits and to provide for a permit fee sufficient to cover estimated expenses incurred.
- D. The recreational vehicle must be self-contained or hooked up to an approved sanitary system. Porta-potties do not meet this requirement.
- E. The camping permit must be posted at the street property line next to the driveway.
- F. Any time a recreational vehicle is parked on a lot after ten p.m., as permitted herein, it is presumed to be used as living quarters regardless of its occupancy, and each day shall be counted toward the maximum period authorized by this chapter.
- G. Up to two recreational vehicles may be used per undeveloped lot. Any recreational vehicles which exceed that number may be approved at the sole discretion of the mayor or designee, on a once-a-year basis, for a maximum period of seven days, provided the excess recreational vehicles meet R-1 zoning setback standards, and waterfront setback standards, if applicable. Upon a showing of exceptional circumstances, the mayor or designee shall also be empowered to extend the term of a camping permit.
- H. Tent camping will not be allowed, except in conjunction with a self-contained recreational vehicle, or a recreational vehicle hooked up to an approved sanitary system. Tents may not exceed one hundred square feet, and only one tent per recreational vehicle shall be allowed, not to exceed two tents per lot.
- I. Up to two recreational vehicles may be placed as noted above on private real property, not owned by the city, with or without a primary structure, for use as security quarters. This placement must be in conjunction with an approved special event. The mayor or designee must approve this placement.

J. The mayor or designee is authorized to allow the use of recreational vehicles on real property owned by the city, at his/her sole discretion.

(Ord. 940 § 1 (part), 2014; Ord. 691 § 1, 2000; Ord. 647 § 4 (part), 1998; Ord. 515 § 1, 1991; Ord. 510 § 1, 1990; Ord. 150 § 2, 1974)

15.12.025 Recreational vehicle use as temporary living quarters on a developed lot—Conditions.

The intent of this code is to manage the use of recreational vehicle camping on developed lots within the city limits zoned for residential (R-zones). Outdoor storage of recreational vehicles in association with a residential use is identified in Section [17.50.200](#). Unless otherwise authorized by this code, a recreational vehicle may only be used as temporary living quarters on a developed lot (regardless of the number of lots owned) for a maximum of ten consecutive days and thirty cumulative days in any one calendar year. The above-described use may occur only under the following conditions:

- A. All zoning requirements must be met, and all recreational vehicles must be placed on the lot in accordance with R-1 zoning setback standards, and waterfront setback standards, if applicable.
- B. The recreational vehicle may only be used on property owned by the operator of the recreational vehicle, or by another person if the owner of the property has given written permission for such other person's use. Use by other persons shall count against the owner's thirty-day cumulative total. The time limits authorized by this chapter may not be increased by moving the recreational vehicle to a different lot during the same calendar year.
- C. No recreational vehicle on a developed lot may be leased or rented to another person.
- D. The operator must obtain a camping permit from the police department or other designated city officer prior to each placement. The mayor is empowered to establish rules and regulations governing the issuance of such permits and to provide for a permit fee sufficient to cover estimated expenses incurred.
- E. The recreational vehicle must be self-contained or hooked up to an approved sanitary system. Porta-potties do not meet this requirement.
- F. During the time a recreational vehicle is being occupied as temporary living quarters, the camping permit must be posted at the street property line next to the driveway.
- G. Two recreational vehicles may be used per developed lot, at any one time regardless of zoning designation or multifamily complex. Additional recreational vehicles may be approved at the sole discretion of the mayor or designee, on a once-a-year basis, for a maximum period of ten days, provided the excess recreational vehicles meet R-1 zoning setback standards, and waterfront setback standards, if applicable. Upon a showing of exceptional circumstances, the mayor or designee shall also be empowered to extend the term of a camping permit.

H. Tent camping will not be allowed, except in conjunction with a self-contained recreational vehicle, or a recreational vehicle hooked up to an approved sanitary system. Tents may not exceed one hundred square feet, and only one tent per recreational vehicle shall be allowed.

I. A property owner may use a personal recreational vehicle on their property during emergency conditions as temporary living quarters for a maximum of thirty days without counting against the normal thirty days. All other conditions apply and a permit is required.

(Ord. 940 § 1 (part), 2014)

17.06.040 Clarification.

It is the intent of this title that all questions of interpretation and enforcement shall be first presented to the city planner, and that such questions shall be presented to the hearing examiner only on appeal from the decision of the city planner, and that recourse from the decisions of the hearing examiner shall be to the courts as provided by law. (Ord. 837 § 1 (part), 2008; Ord. 714 § 7, 2001; Ord. 611, 1997; Ord. 136 § 4.05, 1974)

17.06.050 Interpretation of permitted uses.

A. Permitted uses are allowed as a matter of right subject to compliance with all applicable general and use specific regulations and standards.

B. The listed “permitted uses” are intended as examples of permitted uses rather than an exhaustive list. Where a person applies for a use not specifically listed in the “permitted uses,” the city planner will determine whether the use applied for may be considered a permitted use. Such determination shall be based upon the written purpose of the zone, the similarity of the use applied for to the listed permitted, conditional and prohibited uses in the zone and the relevant provisions of the comprehensive plan. Appeals of such determination by the city planner or in his or her absence the public works director or designee may be made to the hearing examiner. See Chapter 17.58 for the appeal procedure and rules pertaining thereto.

(Ord. 858 § 1 (part), 2009; Ord. 837 § 1 (part), 2008; Ord. 714 § 8, 2001; Ord. 611, 1997; Ord. 136 § 4.06, 1974)

Chapter 17.16 R-1 ZONE—SINGLE-FAMILY RESIDENTIAL

Sections:

[17.16.010 Purpose.](#)

[17.16.020 Permitted uses.](#)

[17.16.030 Conditional uses.](#)

[17.16.040 Prohibited uses.](#)

[17.16.050 Density regulations.](#)**[17.16.060 General regulations.](#)****[17.16.070 Regulations for manufactured homes.](#)****17.16.010 Purpose.**

This district is intended for low-density, detached, single-family dwellings, in order to assure the maximum of light, air, open space, privacy, and the protection of property values. Other uses should only be allowed if they are compatible with these values and consistent with the overall public interest. (Ord. 837 § 1 (part), 2008; Ord. 793 § 2, 2005; Ord. 791 § 3, 2005; Ord. 136 § 3.06 (part), 1974)

17.16.020 Permitted uses.

Permitted uses shall be as follows:

- A. Single-family residences;
- B. Manufactured homes that conform to the requirements of Section [17.16.070](#);
- C. Home occupations, subject to Section [17.50.030](#);
- D. Camping, subject to Sections [15.12.020](#) and [15.12.025](#);
- E. Nonaccessory structures in compliance with the provisions of Section [17.50.115](#);
- F. Accessory structures as follows:
 - 1. Residential garages and carports, private workshops, boat docks, private greenhouses, and other uses of a similar and compatible nature, all subject to Section [17.50.110](#);
 - 2. Fences, walls and hedges subject to Sections [17.50.120](#) and [17.50.130](#);
 - 3. Off-street parking subject to Chapter [17.54](#).

(Ord. 940 § 2 (part), 2014; Ord. 837 § 1 (part), 2008; Ord. 791 § 4, 2005; Ord. 759 § 6, 2003; Ord. 136 § 3.06(a), 1974)

17.16.030 Conditional uses.

The following uses may be allowed in the R-1 zone upon approval of a conditional use permit in accordance with the provisions of Sections [17.52.040](#) through [17.52.080](#):

A. Public and semi-public uses as provided in Section [17.50.040](#).

B. Resource extraction as provided in Section [17.50.050](#).

(Ord. 837 § 1 (part), 2008; Ord. 318 § 1(E), 1981; Ord. 136 § 3.06(b), 1974)

17.16.040 Prohibited uses.

All uses not specifically listed as permitted or conditional uses in this district are prohibited uses; provided, that the city planner may determine that a proposed use is substantially similar to a listed permitted use and authorize the use in accordance with Section [17.06.050](#); provided further, that uses similar to listed conditional uses may be processed for consideration by the hearing examiner pursuant to Section 17.06.060. (Ord. 837 § 1 (part), 2008; Ord. 136 § 3.06(c), 1974)

17.16.050 Density regulations.

A. One single-family dwelling is allowed per established and recorded lot according to the plats existing as of August 1, 2003, or as legally created thereafter under the provisions of the city short plat and subdivision requirements.

B. Subdivisions, short plats, replats and/or boundary line adjustments shall have a minimum lot size of seven thousand two hundred square feet.

(Ord. 837 § 1 (part), 2008; Ord. 555 § 2, 1993; Ord. 136 § 3.06(d), 1974)

17.16.060 General regulations.

A. Minimum front yard depth in feet, twenty;

B. Minimum side yard depth in feet, five;

C. Minimum rear yard depth in feet, twenty-five;

D. For corner lots, minimum front depth in feet, twenty; on flanking street(s) minimum yard depth in feet, ten, excepting garages with vehicular entrances fronting on flanking streets shall have a minimum setback in feet, twenty; minimum yard depth from adjacent property in feet, five;

E. For irregularly shaped lots: lots that are not generally rectangular shall have yards that most nearly meet the requirements for rectangular lots as determined by the city planner or in his or absence the public works director or designee, but in no case shall the setback be less than five feet from any property line, nor less than twenty-five feet from the apparent rearmost point, nor less than twenty feet from the apparent frontmost point. Yards may be tapered to conform to the irregular lines of the lot;

F. Wood, or wood-style, insulated lap, or other nonmetallic-appearing siding is required on primary structures,

outbuildings, and accessory structures; and

G. All of the general regulations set forth in Chapters [17.50](#) and [17.54](#) of this title that do not specifically exclude this district.

(Ord. 1028 § 1, 2018; Ord. 858 § 1 (part), 2009; Ord. 837 § 1 (part), 2008; Ord. 759 § 7, 2003; Ord. 611, 1997; Ord. 343 § 1, 1982; Ord. 253, 1978; Ord. 136 § 3.06(e), 1974)

17.16.070 Regulations for manufactured homes.

Uses and regulations for manufactured homes are as follows:

- A. The manufactured home shall be a new manufactured home.
- B. The manufactured home shall be set upon a permanent foundation, as specified by the manufacturer, and the space from the bottom of the home to the ground must be enclosed by concrete or an approved concrete product which can be either load-bearing or decorative.
- C. The manufactured home shall comply with all local design standards applicable to all other homes within the neighborhood in which the manufactured home is to be located.
- D. The manufactured home shall be thermally equivalent to the State Energy Code.
- E. The exterior siding of all primary structures, outbuildings, and accessory or nonaccessory structures shall be similar in appearance to siding materials authorized and commonly used on conventional site-built single-family residences in the city.
- F. The manufactured home shall otherwise meet all other requirements for a designated manufactured home as defined in RCW 35.63.160.

(Ord. 837 § 1 (part), 2008; Ord. 793 § 3, 2005; Ord. 791 § 5, 2005)

**Chapter 17.50
MISCELLANEOUS PROVISIONS**

Sections:

[17.50.010 Purpose.](#)

[17.50.020 Temporary amusement and public assembly.](#)

[17.50.030 Home occupation.](#)

[17.50.040 Public and semi-public uses.](#)

[17.50.050 Resource extraction.](#)

[17.50.055 Transient rentals.](#)

[17.50.060 Plot plan review.](#)

[17.50.070 Animals.](#)

[17.50.090 Installation and maintenance of signs.](#)

[17.50.100 Clearing and grading.](#)

[17.50.110 Accessory structure standards.](#)

[17.50.115 Nonaccessory structures—Standards and application procedure.](#)

[17.50.120 Fences, walls and vegetation.](#)

[17.50.130 Visibility at intersection in residential districts.](#)

[17.50.140 Off-street loading.](#)

[17.50.150 Erection of more than one principal structure on a lot.](#)

[17.50.160 Structures to have access.](#)

[17.50.170 Exceptions to height regulations.](#)

[17.50.180 Habitation of temporary structures.](#)

[17.50.190 Special lot size provisions.](#)

17.50.200 Recreational vehicles—Definitions—Placement—Penalties.

17.50.210 Architectural features.

17.50.220 Airports and heliports.

17.50.250 Accessory dwelling units.

17.50.010 Purpose.

The regulations contained in this chapter are intended to provide for the control of certain special uses, structures, forms of development and lands. Specifically included are regulations pertaining to yards, buildings, waterfronts, home occupations, animals, temporary uses, public uses, landscaping, decoration, accessory structures, fences, loading, airports, accessory dwelling units and miscellaneous provisions. Where not specified, these regulations shall affect all zoning districts. (Ord. 837 § 1 (part), 2008: Ord. 136 § 6.01, 1974)

17.50.020 Temporary amusement and public assembly.

A. Amusements, entertainment and similar temporary activities involving a gathering of people outside of a building, on private property, shall comply with the regulations of this section.

B. Carnivals, circuses, amusement rides, revival tents or any similar amusement, entertainment, public assembly or activity which does not involve attendance for more than sixteen hours in any twenty-four-hour period may be permitted in the “B” districts subject to obtaining a permit from the city council. Such permit shall be for a maximum period of thirty days and shall be issued if evidence indicates that:

1. There will be no serious interference with the activities of nearby residents, if any.
2. Traffic circulation will not be unnecessarily impeded and there will be provisions for adequate on-site parking and a reasonable means of ingress and egress.
3. Sound and lighting will not be a nuisance to neighboring residents.
4. There will be adequate provisions for water supply and sanitary facilities.

(Ord. 837 § 1 (part), 2008: Ord. 136 § 6.02, 1974)

17.50.030 Home occupation.

Home occupations, including but not limited to sewing, music studio, art studio, home and health care product distributor, bookkeeping, fishing equipment storage and repair, rooming and board of not more than two persons, family home child care, etc., shall be subject to the following conditions:

A. The operation shall be conducted entirely within the confines of the operator’s residence or private garages. The only permitted outside activity related to a home occupation shall be children’s play space at a day care

facility.

- B. The operation shall regularly employ, at the residence, only individuals of the immediate family who reside within the residence.
- C. Only retail sales of a nature secondary to the home occupation shall be permitted on the premises.
- D. The area of use will not exceed thirty percent of the gross floor area of main building, exclusive of porches, decks, balconies and garages, or five hundred square feet, whichever is lesser.
- E. No external or internal alteration of the building will be permitted which affects the character of the building as a dwelling.
- F. No use shall require or involve the use of electrical or mechanical equipment that would change the fire rating of the structure.
- G. There shall be no outside storage of any kind related to the home occupation.
- H. There shall be no display or advertisement of product or products which is visible from the outside.
- I. The use may increase vehicular traffic flow and parking by no more than two additional vehicles at a time. All parking shall be on the property of the home occupation.
- J. No heavy equipment, such as, but not limited to, trucks over twelve thousand pounds gross vehicle weight, bulldozers, heavy equipment trailers, graders and backhoes shall be parked on the lot of the home occupation or any other residential lot except during construction or grading activity.
- K. No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazards, or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the district in question, under normal circumstances wherein no home occupation exists.
- L. Rooming and boarding as a home occupation must be conducted in accordance with the provisions of Section [17.50.055](#), Transient rentals.
- M. Child daycare as a home occupation shall be limited to and in compliance with the requirements for family home child care as licensed by the state.

(Ord. 837 § 1 (part), 2008; Ord. 361 § 2, 1983; Ord. 318 § 1(F), 1981; Ord. 136 § 6.03, 1974)

17.50.040 Public and semi-public uses.

- A. The following are conditional uses in any district: parks; playgrounds; cemeteries; golf courses; public and

private schools; churches; community centers; child care centers; fire stations; country clubs; utility substations; hospitals; clinics; transmission lines; treatment plants; airports; public offices; and similar public and semi-public uses.

B. In the business districts the following uses are permitted uses: libraries, police and fire stations, hospitals, clinics, public parking facilities and public offices.

(Ord. 837 § 1 (part), 2008: Ord. 780 § 1, 2004: Ord. 759 § 16, 2003: Ord. 136 § 6.04, 1974)

17.50.050 Resource extraction.

A. A conditional use permit shall be required for the removal of topsoil, sand, gravel or natural deposits below eighteen inches above the centerline of the adjacent road. Application for a conditional use permit shall include a map showing existing topography, access roads, property lines, an excavation or extraction plan, a restoration plan and final grading.

B. The application must contain sufficient evidence that the following criteria will be met before a conditional use permit for resource extraction may be granted:

1. There shall be a restoration plan which will return the site to as nearly its original contour, grade and vegetation as possible.
2. The operation will cause no nuisance or pollution.
3. There will be no damage to nearby public or private property and facilities.
4. A performance bond or insurance may be required as a condition to granting the conditional use permit covering resource extraction.

(Ord. 837 § 1 (part), 2008: Ord. 136 § 6.05, 1974)

17.50.055 Transient rentals.

A. Purpose. The purpose of the ordinance codified in this section by petition or initiative is to protect the character of the city's residential neighborhoods by prohibiting transient rental of dwellings and recreational vehicles therein. Use of dwellings for transient rental purposes has unmitigatable adverse impacts on surrounding residential uses and properties and is therefore prohibited except as provided for in these zoning regulations. It is found and determined that transient rental of dwellings has been permitted in the past and that the lawful use of property pursuant to the former Ocean Shores Municipal Code Sections [17.50.055](#), [17.16.050](#) and Ocean Shores Ordinances 419 (1986) and 518 (1991) may continue for a specified period subject to certain conditions contained in this section. These conditions include an amortization period of five years and the provision for individualized determinations that lawful investments specifically committed to transient occupancy have been made and may warrant a longer amortization period.

B. Prohibition of Transient Rental with Exceptions. No owner, person or entity shall occupy, use, operate, rent or lease nor offer or negotiate to use, lease or rent a dwelling in the R-1, R-2, R-3, R-4, R-5, R-6A, R-6B, R-6C, R-7, R-8 and R-9 zones for transient rental except: a dwelling holding a lawful conditional use permit for transient rental on the effective date of the ordinance codified in this section and which complies with the requirements of subsection (C) of this section.

C. Requirements for Continued Transient Rental.

1. No owner, person or entity shall rent, lease, operate, manage or maintain a dwelling in the R-1, R-2, R-3, R-4, R-5, R-6A, R-6B, R-6C, R-7, R-8 and R-9 zones for transient rental after the effective date of the ordinance codified in this section unless the dwelling had a valid and lawful transient rental conditional use permit on the effective date of said ordinance and meeting the following requirements:

a. Any person or entity who rented or leased a dwelling unit for transient rental by virtue of a conditional use permit issued pursuant to former Ocean Shores Municipal Code Sections [17.50.055](#) and [17.16.050](#) and Ocean Shores Ordinances 419 (1986) and 518 (1991) during the period between January 1, 1989, and the effective date of the ordinance codified in this section or who otherwise claims a nonconforming use status for transient rental must establish the nonconforming use status of their transient rental activity by filing a claim for nonconforming use status with the city planner or in his or her absence the public works director or designee within ninety days of the effective date of said ordinance.

b. Upon timely receipt of any such claim the Ocean Shores hearing examiner shall conduct a hearing, pursuant to Chapter 17.61, and determine whether grounds for the issuance of a nonconforming use permit have been proved by a preponderance of the evidence. Proceedings and appeal rights shall be as provided in Chapter 17.61 as amended.

2. Any transient rental nonconforming use permit issued pursuant to subsections (C)(1)(a) and (b) of this section shall have conditions no less stringent than the conditions under which the predecessor conditional use permit was issued and shall have a term ending five years from the effective date of the ordinance codified in this section and all transient rental of the dwelling shall be prohibited from and after the expiration of the five years unless hardship relief has been granted pursuant to subsection (C)(3) of this section.

3. A hardship provision is established for property owners who can prove that an investment made exclusively for the purpose and use of the dwelling as a transient rental can not be reasonably amortized and recovered over the five years allowed in subsection (C)(2) of this section. An application for hardship relief can only be made within the time and in the manner permitted for an application for a nonconforming use permit and shall be heard in conjunction with the hearing on the nonconforming use permit under the

same conditions, requirements and appeal rights as specified for the nonconforming use permit. The hearing examiner shall determine, based upon a preponderance of evidence presented of generally accepted accounting principles and other substantial evidence, whether an extension of the term of the nonconforming use permit is needed to permit a reasonable amortization and recovery of investments proved to have been made exclusively for the purpose and use of the dwelling as a transient rental, and the term of any extension needed to accomplish a reasonable amortization and recovery of the investment.

4. Any nonconforming use permit may be suspended temporarily or revoked upon findings by the hearing examiner, after a hearing and subject to appeal as any other ruling of the hearing examiner, that the subject property has become a nuisance to its neighbors, engenders an unreasonable amount of law enforcement activity, violates one or more of the conditions of its issuance, violates any one or more of the provisions of the zoning code or any one or more of the foregoing.

D. Any violation of the provisions of this transient rental section shall be enforced by the public works director or designee in the manner specified in Chapter 17.62; provided, that the penalty shall not be less than one hundred dollars plus fifty dollars per day of occupancy in violation of this section.

(Ord. 940 § 2 (part), 2014; Ord. 858 § 1 (part), 2009; Ord. 837 § 1 (part), 2008; Ord. 611, 1997; Ord. 555 §§ 5(A), (B) and (C), 1993)

17.50.060 Plot plan review.

Prior to the issuance of a building permit for any residential, commercial, industrial, public or semi-public building or use, a plan showing the location of any existing and proposed buildings and the layout, dimension and number of parking spaces shall be submitted to and must be approved by the city planner or in his or her absence the public works director or his designee before a permit may be issued. (Ord. 858 § 1 (part), 2009; Ord. 837 § 1 (part), 2008; Ord. 611, 1997; Ord. 136 § 6.06, 1974)

17.50.070 Animals.

No animals, livestock or poultry of any kind shall be raised, bred or kept within the corporate limits of the city, except dogs, cats, or other household pets may be kept, provided they are not kept, bred or maintained for any commercial purpose. (Ord. 837 § 1 (part), 2008; Ord. 343 § 2, 1982; Ord. 136 § 6.07, 1974)

17.50.090 Installation and maintenance of signs.

The installation and/or maintenance of signs in all districts shall be controlled by the provisions of Chapter 15.34. (Ord. 837 § 1 (part), 2008; Ord. 318 § 1(G), 1981)

17.50.100 Clearing and grading.

A. Clearing of vegetation and grading or re-grading of the land surface shall not be allowed except when conducted pursuant to, and in conformance with, a clearing and grading permit issued by the city.

1. At the time of clearing/grading permit application, a plan for landscaping shall be submitted to the city that clearly indicates the applicant's plan for meeting the landscaping and erosion prevention requirements of this section. Plan shall be to scale, indicate the location of structures and the location of all existing significant trees. If a portion of the property is to be left in its natural state and that natural state is left undisturbed that shall be so noted on the plan.

2. The clearing and grading permit shall be issued only upon approval of the landscaping plan as meeting these requirements and conditioned on implementation of the plan as approved.

B. Landscaping of Single-Family and Duplex Dwellings. The plan shall provide assurance that the following requirements are met:

1. The portion of the property not occupied by structures shall be left in its natural state or shall be aesthetically treated with plants, shrubs, trees or other forms of landscape materials. The plantings used will be those native to the area or those which are suited to survival in the climate and soil conditions of Ocean Shores. That portion of the property not occupied by structures shall have, at a minimum, ground cover adequate to control soil erosion and prevent the soil or sand from blowing or washing onto other properties or streets. The plan shall include management measures to prevent erosion on all areas of the site where soil is exposed during construction or grading with appropriate temporary means based on seasonal and site character considerations.

2. Retained existing vegetation may be used to meet all or portions of the landscaping requirements of this section. The retention of vegetation that promotes or preserves continuous overstory canopies, wildlife corridors and/or native vegetation adjacent to critical area buffers is especially encouraged.

3. Significant trees, which shall mean existing trees over eight inches in caliper (excluding alders and cottonwoods) as measured four feet above grade, shall be retained as follows:

- a. All significant trees located within areas designated for retention in a natural state which are not dead, dying, diseased, and do not pose a significant safety hazard shall be retained;

- b. At least ten percent by number of the significant trees on the subject property shall be retained. The city may approve modifications or require minor site plan alterations to achieve tree retention in compliance with this requirement. Where the location of the existing significant trees interferes with reasonable placement of the primary use structure, a landscaping plan may provide for the retention of fewer significant trees than required by this section only if the trees to be removed are replaced at a ratio of three to one.

4. Grading plans shall assure that the productive character of the soil is protected or restored on all areas of the site not occupied by buildings. Where significant trees are to be retained, an area equal to the drip

line of the tree plus three feet shall be preserved around the tree at original grade or the landscaping plan shall include provisions to otherwise properly protect the tree. Areas adjacent to retained natural areas shall either have a graded transition or structural means to assure adequate retention of soil to support the natural vegetation.

C. Landscaping of Other Sites and Uses. The plan shall provide assurance that the following requirements are met:

1. All new developments with parking lots holding fifteen cars or more shall provide landscaping of seven percent of the gross area designated for parking in the form of strips bordering the parking lot along adjacent properties or streets and/or islands or strips separating the tiers of parking spaces as appropriate to design and layout of the parking area. The plantings used will be those native to the area or those which are suited to survival in the climate and soil conditions of Ocean Shores.
2. Any portion of a property not proposed to be occupied by structures or pavement shall have, at a minimum, ground cover adequate to control soil erosion and prevent the sand from blowing or washing onto other properties or streets. The plan shall include management measures to prevent erosion on all areas of the site where soil is exposed during construction or grading with appropriate temporary means based on seasonal and site character considerations.
3. Any portion of the property not occupied by structures shall be left in its natural state or shall be aesthetically treated with plants, shrubs, trees or other forms of landscape materials.

D. All landscaped areas shall be continuously maintained and kept free of litter. Additional landscaping is permitted.

(Ord. 837 § 1 (part), 2008; Ord. 136 § 6.10, 1974)

17.50.110 Accessory structure standards.

- A. Accessory structures other than fences, walls and hedges, which are subject to Sections [17.50.120](#) and [17.50.130](#), are permitted on any lot only when there already exists on such lot a principal structure as defined by Section 17.04.441; provided, that temporary accessory structures are permitted when a building permit has been issued for a principal structure, but only for so long as such permit is in effect.
- B. All accessory structures, other than temporary accessory structures as permitted elsewhere in this section, shall comply with any and all applicable construction codes.
- C. Temporary accessory structures as provided for in subsection (A) of this section may only be used for storing tools, covering equipment and materials and uses directly incidental to the construction of the principal structure.

D. Accessory structures shall be no closer than five feet to the side or rear property lines.

(Ord. 837 § 1 (part), 2008; Ord. 263 § 1, 1978; Ord. 255 § 3, 1978; Ord. 136 § 6.11, 1974)

17.50.115 Nonaccessory structures – Standards and application procedure.

Owners of undeveloped real property as defined in Section 17.04.371 may erect one shed-type structure, and a fence on a vacant lot. Said nonaccessory structure may be erected pursuant to the following conditions:

A. The property owner shall complete a city of Ocean Shores nonaccessory structure application, which application shall include:

1. A completed nonaccessory building permit application with applicable fee as set by resolution; and
2. A proposed site plan; and
3. Drawings and/or photographs of the proposed shed-type structure and fence, including dimensions; and

B. Nonaccessory sheds may not exceed eighty square feet in area, and twelve feet in height; and

C. Nonaccessory sheds may have a permanent foundation which must be securely anchored in a tie-down fashion; and

D. Nonaccessory sheds may only have one window, and one door, and ventilation; and

E. The exterior wall surface of nonaccessory sheds shall be constructed of wood, vinyl, and/or resin; and

F. Nonaccessory sheds may not use electrical or plumbing fixtures and/or equipment, and may not hook up to electricity or plumbing; and

G. The roofs of all nonaccessory structures shall be constructed of metal, wood, or composition; and

H. Regardless of the actual zoning designation of the undeveloped real property, nonaccessory structures shall be subject to and conform with R-1 setbacks for accessory structures; five feet from side and rear property lines; and, if applicable, waterfront setbacks; and

I. Nonaccessory structures must comply with all federal, state, and local laws and regulations; and

J. Owners of undeveloped real property upon which a nonpermitted nonaccessory structure exists shall make application as provided in subsection (A) of this section; and

K. Violation of any of the provisions of this section shall result in summary abatement of any and all such

structures. In the event abatement by the city occurs, the property owner shall be held responsible for all costs of abatement.

(Ord. 1017 § 2, 2018; Ord. 837 § 1 (part), 2008; Ord. 710 § 1, 2001; Ord. 692 § 2, 2000)

17.50.120 Fences, walls and vegetation.

A. In all districts, no fence, wall or vegetation, when used for screening, may exceed six feet in height with the following exceptions:

1. Fences, walls or hedges may exceed six feet when not built or placed on a required yard.
2. In the residential districts the planning director or in his absence the city manager or his designee may approve fences, walls or hedges higher than six feet within a required interior side yard or required rear yard, where the adjacent property is at a higher elevation and such extra fence height is necessary to obtain privacy.
3. Limitations on height shall not be deemed to prohibit safety or security fences of any height necessary for public playgrounds, public utilities, industries and other public installations.

B. No fence, wall or hedge shall contain barbed wire, electrical current or charge of electricity, broken glass or similar hazardous materials or devices except where livestock is to be contained by barbed or electrically charged wire, in which case the fence shall be located not closer than five feet from the property line. When an adjacent existing fence, wall or hedge on a property line dividing properties under separate ownerships establishes a barrier then such barbed wire fences may be placed on the property line with the mutual consent of the property owners. Fences enclosing storage areas in industrial districts may use barbed wire so long as such wire is located not less than six feet above grade.

C. The city planner may require redesign or relocation of a fence, wall or hedge if such is deemed to create a traffic hazard, even if such fence, wall or hedge does conform to other regulations.

(Ord. 837 § 1 (part), 2008; Ord. 611, 1997; Ord. 136 § 6.12, 1974)

17.50.130 Visibility at intersection in residential districts.

On any corner lot on any intersection where any of the corner lots of such intersection are in a residential district, nothing shall be erected, placed, planted or let to grow between two and one-half feet to ten feet above the centerline grade so as to materially prevent a motorist, whose head is located at a distance of sixty-five feet from the intersecting centerline, from seeing down the intersecting street in either direction for a distance of ninety feet from the centerline intersection. In a case where the street centerlines intersect at less than a ninety-degree angle then the sight distance shall be ninety feet plus one and one-half feet for every degree less than ninety degrees. (Ord. 837 § 1 (part), 2008; Ord. 136 § 6.13, 1974)

17.50.140 Off-street loading.

Sufficient off-street loading facilities will be provided at the time of construction or structural alteration of any business so as not to utilize any public right-of-way for loading or unloading purposes. (Ord. 837 § 1 (part), 2008: Ord. 136 § 6.14, 1974)

17.50.150 Erection of more than one principal structure on a lot.

With the exception of parcels zoned R-1, single-family residential, more than one structure housing a permitted or permissible principal use may be erected on a single lot; provided, that yard and area requirements shall be met for each structure and the total of all structures as though the structure(s) were on an individual lot. (Ord. 837 § 1 (part), 2008: Ord. 343 § 3, 1982: Ord. 136 § 6.15, 1974)

17.50.160 Structures to have access.

Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access by private street, and all structures shall be so located on lots so as to provide safe and convenient access for servicing, fire protection and required off-street parking. (Ord. 837 § 1 (part), 2008: Ord. 136 § 6.16, 1974)

17.50.170 Exceptions to height regulations.

The height limitations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy. (Ord. 837 § 1 (part), 2008: Ord. 136 § 6.17, 1974)

17.50.180 Habitation of temporary structures.

No structure of a temporary character, basement, tent, shack, garage, barn or any other outbuilding shall be used on any lot at any time as a permanent or seasonal residence except as provided for in Chapter 17.46 and Section [17.50.200](#). (Ord. 837 § 1 (part), 2008: Ord. 136 § 6.18, 1974)

17.50.190 Special lot size provisions.

For townhouses or row houses the minimum lot size and width requirements may be reduced subject to obtaining a conditional use permit or by a planned development, whichever is required by the zoning district. Lots shall include the land area within the exterior walls of the dwelling and may include additional open area. Lots shall have twenty feet of frontage on a public street or the intervening area between the lot and the street shall be in common ownership. The total area of all lots and contiguous areas in common ownership shall not be less than the total area which would have been used by standard development. The provisions of this section shall only apply where the total area of all lots and contiguous areas in common ownership is less than one acre. Townhouses or row house developments shall comply with the requirements of the subdivision ordinance codified in Title 16 of this code. (Ord. 837 § 1 (part), 2008: Ord. 136 § 6.20, 1974)

17.50.200 Recreational vehicles—Definitions—Placement—Penalties.

A. For the uses and purposes herein, a recreational vehicle is defined in Section 17.04.475.

B. Outdoor storage of recreational vehicles in association with a residential use is only allowed as provided herein; any other placement is declared to be a nuisance subject to abatement as provided by law.

1. Recreational vehicles must be at least ten feet from any property line adjacent to any street, public or otherwise, and may be stored only on property which has a permanent building thereon.
2. They may not be placed on any required yard; provided, however, that the hearing examiner shall be empowered to make exceptions when it appears:
 - a. That the lot owner has no other location on his lot to place his vehicle;
 - b. The lot owner is not attempting to place more than one such vehicle on his premises; and
 - c. A safety hazard would not result from the exception being made.
3. No recreational vehicles stored pursuant to this section may be used for permanent or seasonal living, sleeping or housekeeping purposes. Use of recreational vehicles for camping or temporary housing is allowed only in conformance with Chapter 15.12.
4. The recreational vehicle must be owned by and registered to a resident of the property on which it is stored.

C. Any violation of this section is declared to be a civil infraction. Each day the violation continues is a separate infraction.

D. The above provisions do not apply to a legally established storage business located in an appropriate zone for such use or otherwise lawfully existing.

(Ord. 837 § 1 (part), 2008; Ord. 714 § 15, 2001; Ord. 691 § 3, 2000; Ord. 149 §§ 1—3, 1974; Ord. 136 § 6.19, 1974)

17.50.210 Architectural features.

- A. No dwelling structure shall occupy more than forty percent of total lot area.
- B. All lots shall be seven thousand two hundred square feet minimum except lots as platted on date of adoption of the ordinance codified in this chapter.
- C. Provisions for off-street parking in all use districts shall be mandatory.
- D. No dwelling shall be permitted on any lot wherein the main floor area of the main structure, exclusive of open porches and garages, shall be less than the minimum floor space shown in the following schedule:

Division Number	Minimum in Square Feet
1, 2, 3, 4, 5, 5A, 6, 7, 8, 9	650
10, 11	800
12	650—excluding trailers and mobile homes.
14, 15, 16, 17, 21	800—on waterfront lots.
	650—all other lots.
17A, 18, 19, 19A, 20, 22, 23, 24, 24A	1,000—on waterfront lots.
	800—all other lots.

E. A more than one-story dwelling shall have a minimum main floor area of the main structure, exclusive of open porches and garages, as shown in the above schedule and in addition shall have at least a combined total floor area, exclusive of open porches and garages, of one thousand square feet.

F. Chimneys, cornices, canopies and eaves or similar architectural features and fire escapes, outside stairways, and decks may project into any required yard only to the extent permitted by the building code.

(Ord. 837 § 1 (part), 2008; Ord. 136 § 6.21, 1974)

17.50.220 Airports and heliports.

Airports and heliports shall require conditional use permits to locate anywhere in the city unless established by a plat or replat. At the time of application for a permit, the city council shall promulgate rules, by ordinance, to cover the height and type of buildings which may be built around the airport or heliport. Such rules shall define the distance and area around the airport or heliport which is subject to the rules, and further, the rules will specify the allowable uses of land as well as building height and type. When adopted, such rules will be incorporated into, and shall be considered a part of, this title. (Ord. 837 § 1 (part), 2008; Ord. 136 § 6.22, 1974)

17.50.250 Accessory dwelling units.

Accessory dwelling units (ADU) are permitted in association with a single-family residence in all residential districts subject to the following requirements:

- A. One ADU shall be allowed per residential lot in conjunction with any detached single-family structure.
- B. The ADU shall be permitted as a second dwelling unit added to, created within, or detached from the original

dwelling. The ADU shall be designed, oriented and constructed in a way that maintains, to the extent practical, the appearance of the primary structure as a single-family residence and the privacy of residents in adjoining dwellings. If located in an accessory structure, the accessory structure must comply with the requirements of Section [17.50.110](#).

C. The ADU shall have a gross floor area of no more than eight hundred square feet, and no more than the forty percent of the gross floor area of the primary residence whichever is less.

No more than one family shall be allowed to occupy an ADU. Occupancy of the accessory unit is limited to family members related by blood, marriage, or adoption to the occupant of the single-family residence that is the primary unit or persons providing nursing or in-home care to the occupant of the single-family residence that is the primary unit, in exchange for lodging.

(Ord. 837 § 1 (part), 2008)

17.52.040 Conditional uses.

The hearing examiner shall be the authority which grants or denies applications for conditional use permits. The granting of such permits 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.

(Ord. 837 § 1 (part), 2008; Ord. 714 § 18, 2001; Ord. 136 § 8.04, 1974)

17.52.080 Revocation and expiration.

A. The hearing examiner may revoke or modify any variance or conditional use permit. Such revocation or modification shall be made on any one or more of the following grounds:

1. That the approval was obtained by fraud;
2. That the permit or variance is being exercised contrary to the terms or conditions of such approval or in violation of any statute, resolution, code, law or regulation; or
3. That the use for which the approval was granted is being exercised so as to be detrimental to the public health, safety or welfare.

B. The hearing examiner may initiate proceedings to revoke a conditional use permit or variance. Individuals who are aggrieved may petition the hearing examiner which shall hold a public hearing and procedures concerning notice, report and appeals shall be the same as required by this title for the initial consideration thereof.

C. Any permit or variance becomes null and void if not exercised within the time specified in such permit or variance, or, if no date is specified, within one year from the effective date of approval. Permits or variances shall become null and void if the approved use has been abandoned or discontinued for one year or more.

(Ord. 837 § 1 (part), 2008; Ord. 741 § 5, 2002; Ord. 136 § 8.08, 1974)

Chapter 17.54 OFF-STREET PARKING

Sections:

[17.54.010 Policy.](#)

[17.54.020 Space and access.](#)

[17.54.030 Location.](#)

[17.54.040 Multi-level building.](#)

[17.54.050 Change of use, alteration, expansion or enlargement.](#)

[17.54.060 Uses not specified.](#)

[17.54.070 Joint use.](#)

[17.54.080 Plans shall be submitted.](#)

[17.54.090 Additional requirements.](#)

[17.54.100 Table of minimum standards.](#)

17.54.010 Policy.

In all districts there shall be provided at the time of erecting new structures, or at the time of enlarging, moving or increasing the capacity by creating or adding dwelling units, commercial or industrial floor space, or seating facilities, minimum off-street parking provisions with adequate provisions for ingress and egress to the street. (Ord. 837 § 1 (part), 2008; Ord. 136 § 6.23, 1974)

17.54.020 Space and access.

Each off-street parking space shall have a net area of not less than two hundred square feet exclusive of access or aisles, and shall be of usable shape and condition. If determined on a gross area basis, not less than three hundred square feet shall be allowed per vehicle. Single-family and duplex parking areas need not provide unobstructed ingress and egress for each space; however, all parking lots over six spaces must provide unobstructed ingress and egress for each space. (Ord. 837 § 1 (part), 2008; Ord. 136 § 6.24, 1974)

17.54.030 Location.

Off-street facilities shall be located as hereinafter specified.

A. For all dwelling structures except apartment houses with more than four dwelling units, off-street parking shall be located on the same parcel with the building they are required to serve.

- B. The minimum required parking serving a facility shall be located on the same side of the street as that facility.
- C. The minimum required parking serving a facility shall be located on property contiguous to the property on which that facility is located.
- D. Exceptions to the above may be made by the hearing examiner if appropriate.

(Ord. 837 § 1 (part), 2008; Ord. 764 § 4, 2003; Ord. 136 § 6.25, 1974)

17.54.040 Multi-level building.

Each floor of a building will be evaluated separately for determining parking requirements. Basements and storage areas will not be considered, except when basements contain bedrooms, work areas or sales areas.

(Ord. 837 § 1 (part), 2008; Ord. 136 § 6.26, 1974)

17.54.050 Change of use, alteration, expansion or enlargement.

Whenever a building is enlarged or altered, or whenever the use of a building or property changes, off-street parking shall be provided for such expansion, enlargement or change in use in accordance with the requirements of the title; provided, however, that no additional off-street parking space need be provided where the number of parking spaces required for such expansion, enlargement or change in use since the effective date of the ordinance codified in this title is the same as the parking spaces specified in this title. (Ord. 837 § 1 (part), 2008; Ord. 136 § 6.27, 1974)

17.54.060 Uses not specified.

In the case of a use not specifically mentioned in Section [17.54.100](#), the requirements for off-street parking facilities shall be determined by the city planner. Such determination shall be based upon the requirements for the most comparable use listed. (Ord. 837 § 1 (part), 2008; Ord. 611, 1997; Ord. 136 § 6.28, 1974)

17.54.070 Joint use.

The city planner may authorize the joint use of parking facilities under the following conditions:

- A. Owners of two or more buildings or lots may agree to utilize jointly the same parking space, subject to such conditions as may be imposed by the city planner including but not limited to the following:
 - 1. Satisfactory legal evidence shall be presented in the form of deeds, leases or contracts to establish ownership.
 - 2. Evidence shall be presented that there is no substantial conflict in the principal operating hours of the building or uses for which joint off-street parking is proposed. Subsections (B) through (F) of this section shall be used as guidelines for such evidence.

3. The agreement to utilize jointly the same parking space shall be in writing and narrate the evidence provided under subsections (A)(1) and (2) of this section, shall be signed by the owners, and filed with the city planner.

B. Subject to subsection (A) of this section, up to fifty percent of the parking facilities required by this title for a theater, bowling alley, dance hall, bar or restaurant may be supplied by the off-street parking facilities provided by certain other types of buildings or uses herein referred to as “daytime” uses in subsection (E) of this section.

C. Subject to subsection (A) of this section, up to fifty percent of the off-street parking facilities required for any building or use specified in subsection (E) of this section, “daytime uses,” may be supplied by the parking facilities provided by uses herein referred to as “nighttime uses” in subsection (F) of this section.

D. Subject to subsection (A) of this section, up to one hundred percent of the parking facilities required for a church or for an auditorium incidental to a public or parochial school may be supplied by the off-street parking facilities provided by uses herein referred to as “daytime uses” in subsection (E) of this section.

E. For the purpose of this section, the following and similar uses are considered as primary daytime uses: banks, offices, retail, personal service shops, household equipment or furniture stores, clothing or shoe repair shops, manufacturing or wholesale buildings and similar uses.

F. For the purpose of this section, the following and similar uses are considered as primary nighttime or Sunday uses: auditorium incidental to a public or parochial school, churches, bowling alleys, dance halls, theaters, bars or restaurants.

(Ord. 837 § 1 (part), 2008; Ord. 611, 1997; Ord. 136 § 6.29, 1974)

17.54.080 Plans shall be submitted.

A. Every tract or lot hereafter used as a public or private parking area, having a capacity of six or more vehicles, shall be developed and maintained in accordance with the requirements and standards of this title.

B. The plan of the proposed parking area shall be submitted to the city planner for approval at the time of the application for the building for which the parking area is required. The plan shall clearly indicate the proposed development, including location, size, shape, design, curb cuts, lighting and other features and appurtenances required.

(Ord. 837 § 1 (part), 2008; Ord. 611, 1997; Ord. 136 § 6.30, 1974)

17.54.090 Additional requirements.

In addition to the basic standards and requirements established by other sections of this title, the planning director or in his absence the city manager or his designee may make such other requirements or restrictions as shall be deemed necessary in the interests of safety, health and general welfare of the city, including but not

limited to lighting, joint development of parking facilities, entrances and exits and accessory uses. Further, performance bonds may be required in such cases where the planning director or in his absence the city manager or his designee determines that such shall be necessary to guarantee proper completion of improvements within the time periods specified. (Ord. 837 § 1 (part), 2008; Ord. 611, 1997; Ord. 136 § 6.31, 1974)

17.54.100 Table of minimum standards.

Minimum off-street parking standards shall be as follows:

- A. All residential:
 - 1. Single-family detached, one space per bedroom and a minimum of two spaces per single-family dwelling unit,
 - 2. Multiple-family, one and one-half spaces for each unit, room or suite,
 - 3. Single-family trailer or mobile home, one space per bedroom and a minimum of two spaces per single-family dwelling unit;
- B. All transient facilities, one space for each unit, room or suite;
- C. All nonretail professional or business services with on-premises service, two spaces per professional employee or partner, and one additional space per nonprofessional employee;
- D. All nonretail professional and business services with off-premises delivery of service only, one space for each employee or partner;
- E. Retail outlet other than food and drugstore, one space per five hundred square feet of gross floor area;
- F. Retail outlet (principally food and drug), one space for each two hundred fifty square feet of gross floor area;
- G. Shopping centers and combined retail complexes, one space for each two hundred fifty square feet of gross floor area;
- H. All industrial, warehouses, etc., one space per employee based on maximum number of employees during the heaviest working shift;
- I. All amusement places, churches, eating places, taverns, theaters, etc., one space per three persons of legal or practical occupancy plus one for every employee;
- J. All other uses not specified above and not similar to any of the above categories, one space for every two persons of legal or practical occupancy plus one space for every employee.

(Ord. 837 § 1 (part), 2008: Ord. 520 § 1, 1991; Ord. 345, 1982: Ord. 136 § 6.32, 1974)