

DRAFT

ORDINANCE NO. *-16**

AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, AMENDING PORT ORCHARD MUNICIPAL CODE CHAPTERS 16.12, 16.13, 16.20, 16.30 and 16.40 TO ALLOW CERTAIN LAND USES ON THE GROUND FLOOR AND TO DELETE THE MINIMUM RESIDENTIAL UNIT SIZE WITHIN THE DOWNTOWN OVERLAY DISTRICT, REMOVE THE ADMINISTRATIVE NUISANCE ABATEMENT PROCESS FOR THE VIEW PROTECTION OVERLAY DISTRICT, AND MAKE OTHER MINOR CLARIFICATIONS AND CORRECTIONS.

WHEREAS, the City of Port Orchard has adopted local land use regulations as currently codified in POMC Title 16, Land Use Regulatory Code; and

WHEREAS, the City wishes to allow additional flexibility for mixed-use and commercial development within the Downtown Overlay District by allowing certain uses on the ground floor and deleting the minimum residential unit size; and

WHEREAS, the City wishes to delete the process established in Chapter 16.20.708, regarding the development of administrative guidelines for the abatement of view obstruction nuisances and disputes; and

WHEREAS, several items requiring minor corrections, changes and clarifications have been identified in the land use tables and associated codes in Chapter 16 POMC; and

WHEREAS, on August 8, 2016, the City provided required notice to the Department of Commerce regarding its intention to adopt revised development regulations;

WHEREAS, on August 12, 2016, the City’s SEPA official issued a determination of non-significance for the proposed changes and there have been no comments or appeals; and

THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, DO ORDAIN AS FOLLOWS:

SECTION 1. The City Council adopts all of the “Whereas” sections of this Ordinance as findings in support of this Ordinance.

SECTION 2. Port Orchard Municipal Code (POMC) Chapter 16.12, Zoning Map, is hereby amended to read as follows (new text is shown by underline; deletions of text are shown by

~~strickethrough~~); all other provisions of this section shall remain unchanged and in full force and effect:

16.12.010 Zones established.

The following zones are hereby established: Gb, R4.5, R8, R12, R20, Co, BP I, BP II, Eo, Mxd, Cf; and overlay zones of TRMT, VPOD, DOD central, DOD east and DOD west gateways. The location and boundaries of the various zones are such as are shown on the City's adopted zoning map, in Appendix A of the 2008 comprehensive plan maps and are codified in this title and made a part of this title. Changes in the boundaries of the zones, including application or amendment or interim zoning, shall be made by ordinance adopting or amending the zoning map.

SECTION 3. POMC section 16.20, Property-Specific Designations – Overlay Districts, is hereby amended to read as follows (new text is shown by underline; deletions of text are shown by ~~strickethrough~~); all other provisions of this section shall remain unchanged and in full force and effect:

16.20.200 Downtown overlay district (map designation -dod).

(1) Boundaries. The DOD consists of three subareas: the central DOD subarea, DOD west gateway subarea, and DOD east gateway subarea shall consist of all real property located within the area depicted on the comprehensive plan DOD map.

(2) Unless exempt pursuant to POMC 16.20.226, no city permit or approval shall be issued for, and no person shall start, any development that is subject to the design review process until the development has received design review approval.

(3) Purposes. The purposes of the DOD are to:

(a) Implement the land use goals and policies set forth in the comprehensive plan.

(b) Provide for the development of an integrated mixed use downtown district that contains office, service, retail, residential and recreational uses within close proximity to one another.

(c) Encourage imaginative site and building design and development while maintaining view corridors and a small town feel.

(d) Identify significant environmental impacts and ensure appropriate mitigation with attention to sustainable or low-impact development.

- (e) Encourage environmentally sustainable development.
- (f) Promote economic development and job creation in the city.
- (g) Encourage energy conservation in building design and layout.
- (h) Promote an integrated system of pedestrian-friendly walkways and parking areas.
- (i) Enhance the city's waterfront character while maintaining the maritime presence.
- (j) Encourage the development of buildings with ground floor retail and/or ~~with~~ office uses and residential uses ~~above~~.
- (k) Promote a walkable community by encouraging the development of public open spaces, waterfront access, and pedestrian-friendly walkways.
- (l) Locate and combine parking areas in order to minimize the number of points of access to and from Bay Street.
- (m) Encourage architectural and site designs that serve as gathering places in wet and dry conditions.
- (n) Promote greater public transportation availability within Port Orchard and across Sinclair Inlet during the evening hours to improve access to/from the DOD.

16.20.201 DOD – Permitted uses.

All uses listed below are permitted uses. No other uses shall be permitted in the central DOD, unless said use is accessory to the principal permitted use or uses. Uses within the east and west gateways may include uses allowed within the underlying zone or any of the central DOD uses.

- (1) On lots that do not abut Bay Street the following are permitted uses:
 - (a) Single-family attached dwellings.
 - (b) Multifamily dwellings ~~on or above the second floor~~, including but not limited to condominiums.
 - (c) Amusement/entertainment including but not limited to theaters, bowling, amusement arcades; but excluding adult entertainment.
 - (d) Barbers and beauticians.
 - (e) Bed and breakfasts.
 - (f) Boat dealers; provided no inventory shall be allowed on site.
 - (g) Conference centers.
 - (h) Daycare.
 - (i) Dock.
 - (j) Commercial recreation.
 - (k) General business services.

- (l) Health services, including offices, patient clinics, and medical/dental laboratories.
 - (m) Hotels and motels.
 - (n) Library.
 - (o) Liquor and wine stores.
 - (p) Marinas and marine supply.
 - (q) Museums.
 - (r) Parks.
 - (s) Parking lots and parking structures.
 - (t) Post office.
 - (u) Professional offices and services, including financial, accounting, and legal.
 - (v) Public agency offices.
 - (w) Retail sales and services listed as permitted uses in a commercial or mixed use zone in land use Tables 16.30.030 through 16.30.100, except for marijuana retailers, motor vehicle dealers, auto supply stores, gas stations, boat dealers, adult entertainment, and fuel dealers.
 - (x) Trails.
 - (y) Water transportation facilities.
- (2) On lots that abut Bay Street the following are permitted uses:
- (a) Single-family attached dwellings ~~on or above the second floor.~~
 - (b) Multifamily dwellings ~~on or above the second floor,~~ including but not limited to condominiums.
 - (c) Amusement/entertainment including but not limited to theaters, bowling, amusement arcades; but excluding adult entertainment.
 - (d) Barbers and beauticians.
 - (e) Bed and breakfasts ~~on or above the second floor.~~
 - (f) Boat dealers; provided no inventory shall be allowed on site.
 - (g) Conference centers.
 - (h) Daycares ~~on or above the second floor.~~
 - (i) Dock.
 - (j) Commercial recreation.
 - (k) General business services as defined in SIC 7389, except bail bonds shall only be allowed on or above the second floor.
 - (l) Health services, including offices, patient clinics, and medical/dental laboratories ~~on or above the second floor.~~
 - (m) Hotels and motels.
 - (n) Library.
 - (o) Liquor and wine stores.

- (p) Marinas and marine supply.
- (q) Museums.
- (r) Parks.
- (s) Parking lots and parking structures.
- (t) Post office.
- (u) Professional offices and services, including financial, accounting, and legal ~~on or above the second floor.~~
- (v) Public agency offices ~~on or above the second floor.~~
- (w) Retail sales and services listed as permitted uses in a commercial or mixed use zone in land use Tables 16.30.030 through 16.30.100, except for marijuana retailers, motor vehicle dealers, auto supply stores, gas stations, boat dealers, adult entertainment, and fuel dealers.
- (x) Trails.
- (y) Water transportation facilities.
- (z) Tattoo parlors shall only be allowed on or above the second floor.

~~**16.20.208 DOD Minimum residential dwelling unit size.**~~

~~The minimum residential dwelling unit size shall be 600 square feet.~~

SECTION 6. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of constitutionality of any other section, sentence, clause or phrase of this ordinance.

SECTION 7. This ordinance shall be in full force and effect 5 days after publication of this ordinance, as required by law. A summary of this Ordinance may be published in lieu of the entire ordinance, as authorized by State Law.

PASSED by the City Council of the City of Port Orchard, APPROVED by the Mayor and attested by the City Clerk in authentication of such passage this **th day of ** 2016.

Robert Putansuu, Mayor

ATTEST:

Brandy Rinearson, CMC, City Clerk

APPROVED AS TO FORM:

Sponsored by:

Sharon Cates, City Attorney

****, Councilmember

Attachment: 2016 City Zoning Map

PUBLISHED:
EFFECTIVE:

