



## **City of Port Orchard 2018 Zoning Code Update – Form Based Zoning Code**

### **Public Participation Program**

#### **City of Port Orchard Department of Community Development**

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## I. INTRODUCTION

In June 2016, the City of Port Orchard adopted an updated Comprehensive Plan, which was followed by the adoption of a new unified development code in June 2017. In February 2018, the City adopted architectural and site design standards. As the City continues to work toward implementing the goals and policies of the 2016 Comprehensive Plan, the City proposes to update several chapters of the zoning code. The chapters that the City proposes to update are as follows:

- 20.12 Definitions
- 20.30 Zoning Map
- 20.34 Zoning Districts
- 20.38 Overlay Districts
- 20.46 Designated Land Uses
- 20.54 Non-conforming Uses, Buildings, and Structures
- 20.58 Temporary Uses
- 20.60 Home Businesses
- 20.62 Mobile Home Regulations
- 20.64 Marijuana Related Uses
- 20.66 Vehicle Service and Repair Accessory to Residential Uses
- 20.100 Subdivision Design Standards
- 20.120 Development Standards – General Provisions
- 20.122 Common Development Standards
- 20.124 Development Standards – Parking and Circulation
- 20.128 Development Standards – Landscaping

Please note that some of these chapters will be renumbered and reorganized while others may be repealed in their entirety. In addition, some new chapters are proposed. An outline of the proposed zoning code (including only chapters being revised, renumber, or new chapters) follows:

### Subtitle I.

- 20.12 Definitions

### Subtitle III. Zoning Regulations

- 20.30 Introduction to Zoning Regulations
- 20.31 Zoning Map
- 20.32 Building Types
- 20.33 Greenbelt District
- 20.34 Residential Districts
- 20.35 Commercial and Mixed-Use Districts
- 20.36 Industrial Districts
- 20.37 Civic and Open Space Districts
- 20.38 Overlay Districts
- 20.39 Zoning and Land Use (including zoning tables and use provisions)
- 20.46 (Repeal – Chapter is renumbered as 20.39)
- 20.54 Non-conforming Uses, Buildings, and Structures
- 20.58 Temporary Uses

#### Subtitle IV Supplemental Zoning Regulations

- 20.62 Mobile Home Regulations
- 20.63 Small Cell Facility Standards

#### Subtitle V Division of Land

- 20.100 Subdivision Design Standards

#### Subtitle VI Development Standards and Regulations

- 20.120 Development Standards – General Provisions
- 20.122 Building Elements
- 20.124 Parking and Circulation
- 20.125 Lighting
- 20.128 Landscaping

The City seeks to move to a new “form-based” zoning code to replace the existing conventional zoning code, which emphasizes land use over building form. Conventional zoning emphasizes the separation of land uses (residential, commercial, etc) as the primary means of obtaining compatible physical forms (buildings) within a specific area. Form-based zoning focuses on standards that create desirable and compatible buildings within a specific area, with more emphasis on mass and scale, and less emphasis on use. A form-based zoning code addresses the multiple relationships between building facades and nearby public/pedestrian areas, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. The regulations in a form-based zoning code are intended to be presented in both pictorial diagrams and words, and are intended to provide a plan that designates the appropriate form and scale (and therefore, character) of development rather than only distinctions in land-use types. This is in contrast to conventional [zoning](#)'s focus on the micromanagement and segregation of land uses, and the control of development intensity through abstract and uncoordinated parameters (e.g., [floor area ratios](#), dwelling units per acre, [setbacks](#), parking ratios) to the neglect of an integrated built form.

The state’s Growth Management Act (GMA) requires early and continuous public participation in Comprehensive Plan and municipal code updates, as provided in RCW 36.70A.140:

*“Each county and city that is required or chooses to plan under RCW 36.70A.040 shall establish and broadly disseminate to the public a public participation program identifying procedures providing for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing such plans. The procedures shall provide for broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, communication programs, information services, and consideration of and response to public comments ...”*

The purpose of this document is to identify the City of Port Orchard's public participation objectives, approach, audiences, schedule, and opportunities for public participation. This document may be updated over time to reflect the needs of the Comprehensive Plan and municipal code update project and experiences in early outreach to ensure public participation is effective.

## II. OBJECTIVES

The Zoning Code Update Public Participation Objectives include:

- Meet the public participation goals of the GMA.
- Implement the goals and policies of the 2016 Comprehensive Plan with an emphasis on the following goals and objectives:
  - Policy LU-1: Ensure that land use and zoning regulations maintain and enhance existing single-family residential neighborhoods, while encouraging that new development provide a mixed range of housing types.
  - Policy LU-3: Update and establish building and site design standards that support an attractive and functional built environment in all areas of the City.
  - Policy LU-25: Incorporate the following principles in planning for commercial areas:
    - Create lively and attractive places at a human scale.
    - Support a mix of retail, office, and residential uses in multistory structures.
    - Create transitions between commercial areas and surrounding residential neighborhoods.
    - Protect residential areas from excessive noise, exterior lighting, glare, visual nuisances, and other conditions that detract from the quality of the living environment.
    - Encourage multi-modal transportation options, especially during peak traffic periods.
    - Promote an intensity and density of land uses sufficient to support effective transit and pedestrian activity.
    - Promote a street pattern that provides through connections, pedestrian and vehicular access.
    - Establish urban and architectural design standards that support an attractive and functional pedestrian environment, such as block size limits and requiring street-facing windows and doors.
    - Encourage pedestrian travel to and within commercial areas by providing:
      - Safe and attractive walkways.
      - Close groupings of land uses.
      - Parking lot design that provides safe walking routes and pedestrian connections between adjacent properties.
      - Off-street surface parking to the backs or sides of buildings to maximize pedestrian access from the sidewalk(s).
  - Policy LU-28: In conjunction with the proposed Centers strategy, enhance downtown Port Orchard's role as the center of the South Kitsap region, reflecting the following principles in development standards and land use plans:
    - Encourage land uses that support transit centers and promote pedestrian activity.
    - Promote a mix of uses, including retail, office, and housing.
    - Encourage uses that will provide both daytime and evening activities.
    - Support civic, cultural, and entertainment activities.
    - Provide sufficient public open space and recreational opportunities.
    - Enhance, and provide access to, the waterfront.

- Develop enhanced design guidelines and design review requirements that promote attractive, pedestrian-scale development and redevelopment within the City's historic downtown area.

Policy CN-12: The City shall create and designate zoning that allows a mix of uses to accommodate concentrations of employment and housing. (Centers Goals 2,3,4; Economic Development and Housing Elements).

Policy CN-20: Adopt design standards for Gateways.

Policy CN-24: Create an aesthetically pleasing entryway to the City with the use of high-quality signs, artwork, and landscaping.

Policy HS-1 : Support the development of a variety of housing types, including apartments, townhomes, mixed-use (residential and other uses) and live-work development, small-lot and zero lot line single-family homes, and manufactured homes, as well as traditional single-family homes, through innovative planning, efficient and effective administration of land and building codes, and, where available, applicable financial assistance.

Policy HS-19: Consider commercial building design standards that establish and protect neighborhood character.

Policy ED-27: The City shall, through changes to the land use code, encourage mixed use developments within centers of local importance that will enhance the visual, economic, and environmental quality of these areas and improve the transition between commercial and residential districts.

Policy TR-81: Develop design guidelines and standards for street wise landscaping, sidewalks, and maintenance within new developments.

Policy TR-104: Restore/create unique neighborhood aesthetics via formation of distinctive streetscapes and traffic controlling devices.

Land Use Goal 7: Encourage the development of active, vibrant, and attractive destinations throughout the community.

Housing Goal 6: Formulate and implement innovative development regulations and design standards that maintain and strengthen neighborhood character.

Transportation Goal 18: Provide aesthetically pleasing streets.

- Offer engaging opportunities to the Port Orchard community to participate in planning and comment on the future of the city.
- Provide objective information to assist the public in understanding issues and solutions.
- Provide opportunities for the public to provide feedback through all phases of the review.
- Use a variety of participation methods (such as meetings, media, social media, mailers, etc.) to offer all residents a variety of ways to participate.
- Make the review inclusive to people of all ages, races, cultures, and genders.
- Make the plan itself easily accessible to residents of the community.
- Ask new questions of the community in order to gain new insights about Port Orchard and choices about the Comprehensive Plan policies, regulations, and implementation strategies.
- Identify GMA requirements, policy trade-offs, and opportunities to voice unique conditions about Port Orchard.

### III. APPROACH

Port Orchard's Department of Community Development has been researching the zoning codes of neighboring jurisdictions and has been reviewing national models for the development of zoning regulations. In early 2018, the City learned of a model form-based zoning code developed using a US Department of Housing and Urban Development (HUD) grant for the Teton Valley area of Idaho. This model code was developed by a consultant, Code Studio, and has been dedicated for public use by HUD. Included with this model code was a user handbook that provides instructions to users for adaptation of the code to other locations.

This model code is available for review online: <http://tetonvalleycode.org/model-code/>

Due to the City's limited staff and financial resources, the City has chosen to adapt this model code for the City's use rather than trying to write its own code or to update its existing code, which has not produced the types of design outcomes that the City's leaders seek to provide for its residents.

Department of Community Development (DCD) staff will be responsible for drafting the code chapters using this model code and will coordinate with other City departments and legal counsel as necessary. DCD will handle the task of noticing public hearings and documenting and responding to public comments.

The City's existing zoning framework will be expanded to include additional categories for both residential and non-residential uses, as part of the City's efforts to provide more flexibility for various development types. Some zones are not changing significantly other than in name. For proposed zoning, the equivalent "before" and "after" zoning categories are shown below:

Current Zoning Category	Updated Zoning Category	Notes
Residential 4.5	R1	
Residential 8	R2	
Residential 12	R3	
Residential 20	R4	
	R5	The current zoning code does not have an equivalent category to R5. R5 is proposed to allow more intense multifamily development compared to what was previously allowed in the R20 zone.
Residential 8 MWD	R6	R8MWD/R6 zoning applies only within the McCormick Woods master plan area.

<b>Current Zoning Category</b>	<b>Updated Zoning Category</b>	<b>Notes</b>
Greenbelt	Greenbelt	
Business Professional	Business Professional Mixed Use	
	Residential Mixed Use	Currently there is no equivalent zoning designation.
	Neighborhood Mixed Use	Currently there is no equivalent zoning designation.
Mixed Use	Commercial Mixed Use	
Downtown Overlay District	Downtown Mixed Use	
Downtown Overlay District Gateway	Gateway Mixed Use	
General Commercial	Commercial Corridor	General Commercial will either become CC or CH, depending on location characteristics.
General Commercial	Commercial Heavy	General Commercial will either become CC or CH, depending on location characteristics.
	Industrial Flex	Currently there is no equivalent zoning designation.
Employment Industrial/Office	Light Industrial	
	Heavy Industrial	Currently there is no equivalent zoning designation.

#### **IV. AUDIENCES**

There are several audiences - individuals and agencies - that will participate in the Zoning Code Update, and each will become engaged in the process in different ways:

- General Public: Port Orchard residents, property owners, and business owners.
- Elected and Appointed Officials: City Councilmembers, Planning Commissioners, Design Review Board Members.
- Non-City Service Providers: Special districts such as Water and Sewer District, Fire District, Kitsap Transit, etc.
- Non-Governmental Organizations: Chamber of Commerce, Rotary Club of Port Orchard and other service clubs, the Port Orchard Bay Street Association (POBSA), Kitsap Alliance of Property Owners (KAPO), Futurewise, etc.
- State, Regional, and Other Local Governments: Puget Sound Regional Council, Kitsap County, Kitsap Regional Council, The Suquamish Tribe, the cities of Bremerton, Gig Harbor, Poulsbo and

Bainbridge Island, WSDOT, the Department of Commerce, the Department of Ecology, the Port of Bremerton, and the Department of Natural Resources.

## V. ROLE OF DECISION MAKERS

**City Council:** The City Council will provide policy guidance and is the final decision maker for the Zoning Code update. Council members will be notified of public workshops and are invited to participate early on in the planning process. All public workshops will be noticed appropriately so that all Council members are able to fully participate in these events in the event of a quorum. The Council will receive periodic briefings on the update and will review the Planning Commission recommendations on the Zoning Code update. The Council may hold a public hearing on the final draft Zoning Code prior to taking final action.

**Planning Commission:** The Planning Commission will provide policy recommendations for the Zoning Code Update and ensure that the public is involved throughout the process. The Planning Commission will review the draft update on a chapter by chapter basis, providing opportunities for public comments while providing feedback and recommendations to the administration. All public workshops will be noticed appropriately so that all Planning Commission members are able to fully participate in these events in the event of a quorum. The Planning Commission will hold (a) public hearing (s) on the proposed zoning code update prior to making its final recommendation to the City Council in the fall of 2018.

**Administration:** The Mayor and City Staff will lead the work on the developing the zoning code update. They will facilitate public meetings and present draft materials to the Planning Commission and City Council for review. They will revise documents as needed and provide all materials to Planning Commissioners and City Council members in a timely manner.

## VI. ROLE OF THE PUBLIC

The Zoning Code is written for and with review and comment from the public. It contains their preferences, ideas, and objectives as derived from the Comprehensive Plan. During the zoning code update it is important to retain the public's interest by making citizen participation as accessible as possible. However, the process is driven largely by the previously adopted 2016 Comprehensive Plan and its goals and policies, which were adopted after more than 2 years of public outreach. While the Comprehensive Plan contains broad goals and policies, the zoning code is a highly technical document that requires significant input from the City's professional staff and legal team. With that said, there are many discretionary decisions that will need to be made such as determining which uses and building types are appropriate to a zone or how particular zones should be applied on a zoning map. Public input that will be used in making these decisions will be requested and obtained through advertising, outreach, and stakeholder involvement.

Goal 11 of the GMA requires citizen participation and coordination: *"Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts."* The Washington State Department of Commerce lists benefits of including citizens in the process:



- Enhances the quality of planning by incorporating a wide variety of information and perspectives.
- Allows communities to make decisions based on shared values.
- Engage citizens in the ownership of local land use challenges and solutions.
- Educates and empowers citizens.
- Supports swift and efficient project implementation.
- Ensures that good plans remain relevant over time.
- Fosters a sense of community, and trust in government.

## VII. METHODS AND TOOLS

Techniques for public participation vary in scale, technology, structure, and timing. The primary means of participation will be the public hearings before the Planning Commission, where the draft zoning code will be considered in pieces prior to holding a final hearing on the final draft zoning code. Because not all interested citizens can attend public hearings, it is essential to provide alternate means of communication. The following tools will be employed to achieve widespread and ongoing citizen involvement:

- Public presentations before the Planning Commission
  - In addition, the Planning Commission may choose to host an open house.
- Public presentations before the City Council Land Use Committee
- Meetings with stakeholder groups
- Online surveys to gather public input on issues of a highly discretionary nature.
- Online posts of draft materials for public review.
- Public notices seeking written comments (including outreach through social media)
- Public hearings
  - The Planning Commission will conduct public hearings proposed changes to the zoning regulations prior to making a recommendation to the City Council. Written and oral testimony will be accepted at public hearings.
  - The City Council may conduct an additional public hearing on the final draft zoning code prior to adoption.
- SEPA
  - The City's environmental review process will include opportunities for the public to provide comments on the proposed plan and its possible adverse environmental impacts.
- Interested Parties List
  - The City will build and maintain an interested parties notification list and will provide notice to interested parties when opportunities to participate in public workshops or to provide testimony exist.
- Direct Mailing
  - Direct mailing notices will be provided where substantive changes in zoning designation are proposed. The Table in section III helps to illustrate whether a change is primarily in name vs. a substantive change. If new zone is listed on the same line as the old zone in the table in Section III, notice will not be provided. If the new zone is on a different line from the old zone, then notice will be mailed. For instance, if a property's zoning is changing from R4.5 to R1, notice will not be provided, but if a property's zoning is

changing from R4.5 to R3, notice will be provided. Likewise, for Commercial zones, a property changing from General Commercial to Commercial Corridor or Commercial Heavy will not require a direct mailing notice, but a property changing from General Commercial to Neighborhood Mixed Use will require a direct mailing notice because the new limitations on development would be significant.

- Utility Bill Notification
  - The City will include an announcement of the zoning code update with a link to additional information in utility bills (water, sewer, stormwater) mailed to City residents, businesses, and property owners.

### **XIII. SCHEDULE AND OPPORTUNITIES FOR PUBLIC PARTICIPATION**

**May 1, 2018:** Planning Commission review of Public Participation Program.

**May 7, 2018:** Land Use Committee review and recommendation on Public Participation Program.

**May 8, 2018:** City Council consideration and adoption of Public Participation Program.

**May 14, 2018:** City issues Survey #1 seeking input from public on zoning issues.

**May 14, 2018:** Staff presentation to Economic Development Committee concerning Zoning code update.

**May 31, 2018:** Survey results released.

**June 4, 2018:** Land Use Committee standing discussion item.

**June 5, 2018:** Regular Planning Commission Meeting (public comment opportunity): Introduction of draft chapters as follows:

- 20.30 Introduction
- 20.31 Zones and Zoning Map (chapter, not actual map review)
- 20.32 Building Types
- 20.33 Greenbelt District
- 20.34 Residential Districts
- 20.35 Commercial and Mixed-Use Districts
- 20.36 Industrial Districts
- 20.37 Civic and Open Space Districts
- 20.38 Overlay Districts
- 20.39 Zoning and Land Use (including zoning tables and use provisions)

**July 2, 2018:** Land Use Committee standing discussion item.

**July 2018** Planning Commission meeting (Date TBD due to 4<sup>th</sup> of July): Public hearing on items presented at June 5, 2018 meeting. Introduction to the following:

- 20.54 Non-conforming Uses, Buildings, and Structures
- 20.58 Temporary Uses
- 20.120 Development Standards – General Provisions
- 20.122 Building Elements
- 20.124 Parking and Circulation
- 20.125 Lighting
- 20.128 Landscaping

**August 6, 2018:** Land Use Committee standing discussion Item.

**August 7, 2018** Planning Commission meeting: Public hearing on items introduced at July 2018 meeting. Introduction to remaining zoning code changes and draft zoning map.

**August 10, 2018:** SEPA Notice Published, SEPA Comment Period Begins

**September 4, 2018** Planning Commission hearing on complete draft zoning ordinance. Possible recommendation on draft ordinance.

**September 18, 2018:** Begin City Council review of zoning ordinance at work study meeting.

**October 2, 2018** Planning Commission Meeting: If needed for continued hearing and/or for final recommendation to City Council.

**October 16, 2018:** Possible discussion of draft ordinance at work study meeting.

**October 23, 2018:** Possible public hearing and action by the City Council (tentative, this date may occur earlier or later depending on progress at the Planning Commission).

## **IX. CONCLUSION**

An opportunity to provide public comment on this Public Participation Program was provided on May 1, 2018 at the regular meeting the Port Orchard Planning Commission. At this meeting, the Planning Commission recommended that the City Council approve the program. The Port Orchard City Council adopted the program at its regular meeting on May 8, 2018. This program may be updated administratively as conditions change or additional resources to support outreach activities become available. A current copy of the program shall be available for viewing at the front counter of the Department of Community Development and on the City's website.