

## Chapter 20.38

### OVERLAY DISTRICTS

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#### **20.38.600 Downtown Height Overlay District (DHOD)**

A Downtown Height Overlay District (DHOD) is hereby established with boundaries as shown on Figure 1.

#### **20.38.610 DHOD Intent**

The intent of the Downtown Height Overlay District (DHOD) is to protect scenic views on north facing slopes in the vicinity of Sinclair Inlet and Downtown, protect property values, provide access to light, ensure that the scale of development in downtown Port Orchard does not negatively impact the historic character of the community, and otherwise protect the general health, safety, and welfare of the community. The intent of the DHOD is to be achieved by establishing height limits for buildings and by establishing a method of measuring buildings that is different than the methods used elsewhere in this title to recognize the generally sloping characteristics of the overlay district.

#### **20.38.620 DHOD Applicability**

No new building or modification of an existing building may be permitted in the DHOD unless it complies with the height limits established in this chapter.

### 20.38.630 DHOD Conflicts

Where the requirements of this chapter conflict with another chapter, the more restrictive requirement shall control.

### 20.38.640 DHOD Height Limits

(1) DHOD Height Zones Established. Within the DHOD as shown on the Zoning Map, there are three different DHOD height zones with height limits established as follows:

- (a) DHOD 3: 38 feet – 3 Stories
- (b) DHOD 4: 48 feet – 4 Stories
- (c) DHOD 5: 58 feet – 5 Stories

(2) DHOD Height Bonus: A ten-foot (one story) height bonus not to exceed 20,000 feet in area may be granted to exceed the applicable maximum height provided in 20.38.640 (a) (1) if the applicant agrees to construct and operate (or lease to an operator) a grocery store in the same building for which the bonus is sought, with the grocery store space measuring at least 10,000 square feet in area. In addition to the 20,000-square foot bonus limit, the area of this additional ten feet of building height shall not exceed 95% of the area of the floor immediately below this bonus height (floor). Any height bonus shall require a development agreement between the developer and the City that provides assurances to the City guaranteeing that the ground floor commercial space will be developed and operated as a grocery store upon project completion.

(3) DHOD Height Zone Map. The height zones described in this section shall be applied as reflected on the DHOD Height Zone Map as shown in figure 1.



Figure 1: DHOD Height Zone Map

### 20.38.650 DHOD Height Measurement

- (1) Building heights shall be measured one of two ways based on whether the parcel to be developed abuts Bay Street or whether it does not abut Bay Street.
  - a. Building heights for lots abutting Bay Street shall be measured from the average grade of the property line that abuts Bay Street rather than from the grade plane as defined in POMC 20.12 (see “building height” and “grade plane.”)
  - b. Building heights for lots not abutting bay street shall be measured in accordance with the definition of building height as found in POMC 20.12.

### 20.38.660 DHOD Variances

Property owners may seek variances from the building height standards imposed under the DHOD pursuant to POMC 20.28 Variances.

### 20.38.670 DHOD Map Amendments

Property owners seeking to modify the boundaries of the DHOD or the DHOD Height Zone Map in Section 20.38.640(3) (Figure 1) may do so by a site-specific rezone pursuant to POMC 20.42, Site-Specific Rezones.

### 20.38.700 Self Storage Overlay District (SSOD)

A Self Storage Overlay District (SSOD) is hereby established with boundaries as shown on Figure 2.

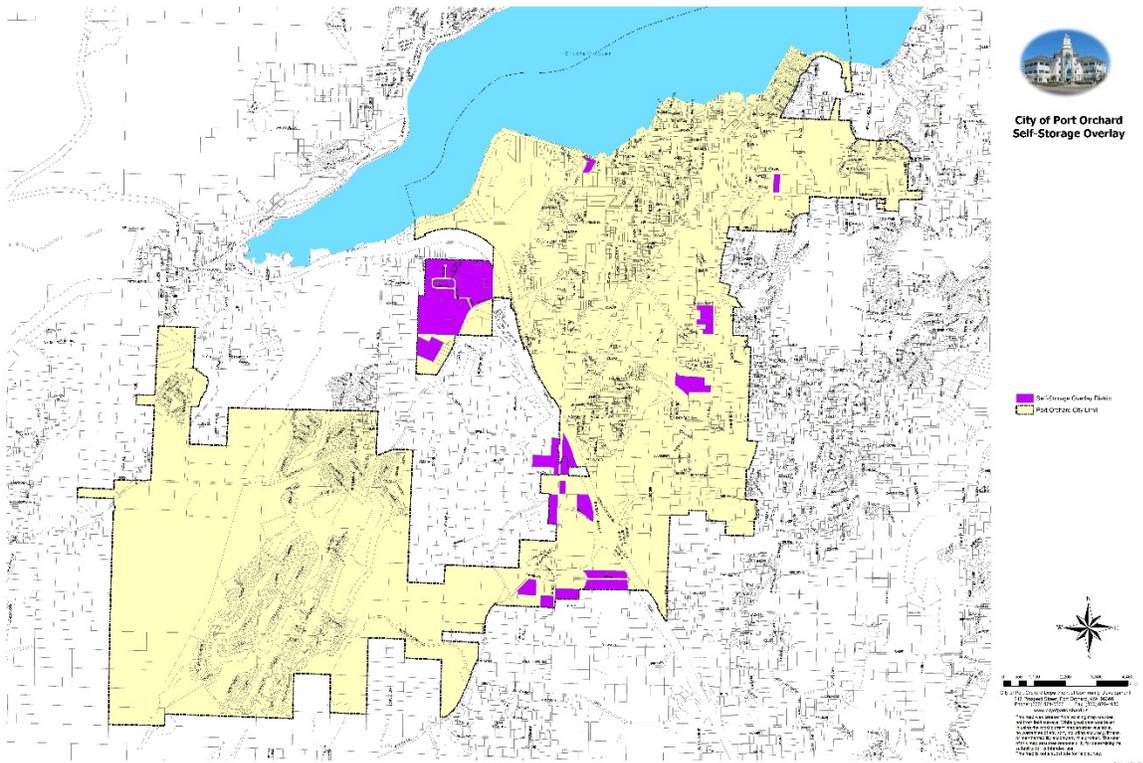


Figure 2: SSOD Map Included Parcels

### **20.38.710 SSOD Intent**

The intent of the Self Storage Overlay District (SSOD) is to limit self-storage uses to areas of the city where the creation of self-storage facilities will not disrupt the creation of new neighborhoods and will allow for the development of mixed-use centers. The SSOD identifies locations where self-storage uses will be of a minimum impact, as shown on Figure 2.

### **20.38.720 SSOD Applicability**

No new self-storage facility or expansion of an existing self-storage facility shall be permitted except within the boundaries of the SSOD.

### **20.38.730 SSOD Conflicts**

Where the requirements of this chapter conflict with another chapter, the more restrictive requirement shall control.

### **20.38.740 SSOD Map Amendments**

Property owners seeking to modify the boundaries of the SSOD as shown on Figure 2 may do so by a site-specific rezone pursuant to POMC 20.42, Site-Specific Rezones.

### **20.38.800 View protection overlay district (VPOD).**

A View Protection Overlay District is hereby established to include certain property as shown on Figure 3 below.

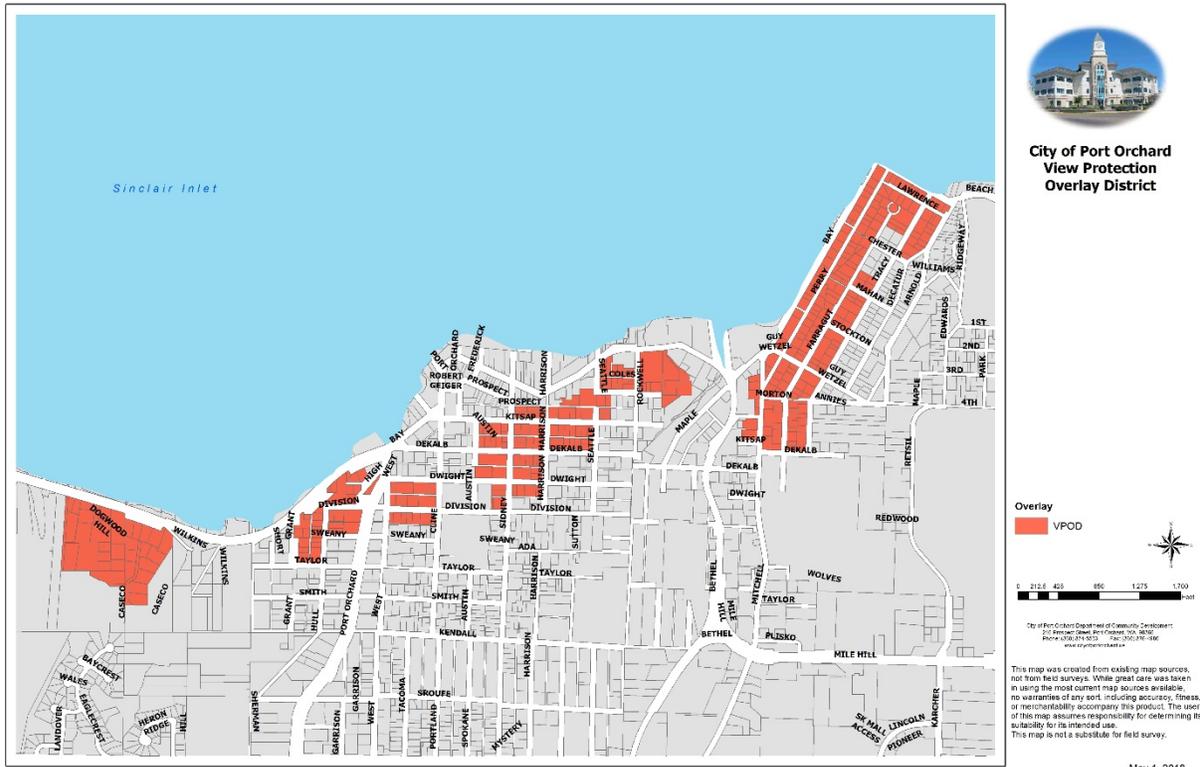


Figure 3: View Protection Overlay District included parcels.

### 20.38.810 VPOD Intent

The intent of the View Protection Overlay District (VPOD) is to protect scenic views on north facing slopes in the vicinity of Sinclair Inlet, protect property values, provide access to light, and otherwise protect the general health, safety, and welfare of the community. The intent of the VPOD is to be achieved by establishing height limits for buildings and by establishing a method of measuring buildings that is different than the methods used elsewhere in this title to recognize the generally sloping characteristics of the overlay district.

### 20.38.820 VPOD Applicability

No new building or modification of an existing building may be permitted in the VPOD unless it complies with the height limits established in this chapter.

### 20.38.830 Conflicts

Where the requirements of this chapter conflict with another chapter, the more restrictive requirement shall control.

### 20.38.840 VPOD Height Limits

Building heights in the VPOD shall be restricted by building type as follows:

- (1) Detached House: 15 Feet
- (2) Backyard Cottage: 15 Feet
- (3) Cottage Court: 15 Feet
- (4) Duplex: Side by Side: 15 Feet
- (5) Duplex: Front to Back: 15 Feet
- (6) Attached House: 15 Feet
- (7) Four Plex: 15 Feet
- (8) Townhome: 15 Feet
- (9) Apartment: 15 Feet
- (10) Live Work: 15 Feet
- (11) Shopfront House: 15 Feet
- (12) Single Story Shopfront: 15 Feet
- (13) Mixed Use Shopfront: 27 Feet
- (14) General Building: 27 Feet
- (15) Accessory Building: 15 Feet

#### **20.38.850 VPOD Height Measurement**

Building height in the VPOD shall be measured from the average uphill property line elevation rather than from the grade plane as described in POMC 20.12 Definitions (see definitions for “building height” and “grade plane.”)

#### **20.38.860 VPOD – Variances**

Property owners may seek variances from the building height standards imposed under the VPOD pursuant to POMC 20.28, Variances.

#### **20.38.870 VPOD Map Amendments**

Property owners seeking to modify the boundaries of the VPOD may do so by a site-specific rezone pursuant to POMC 20.42, Site-Specific Rezones.

#### **30.38.880 VPOD Landscaping**

When landscaping (excluding street trees in the right of way) is required as a condition of development on a project located within the VPOD, plant selections as reflected on a landscaping plan shall not exceed a height of 15 feet as measured from the average elevation of the uphill property line based on the expected mature height of the plants selected. The preparer of a landscaping plan for a project within the VPOD shall provide information on the expected mature plant heights for all species proposed to be planted pursuant to that landscaping plan.