



# City of Port Orchard Council Meeting Agenda

## March 12, 2019

### 6:30 p.m.

#### Mayor:

Rob Putaansuu  
Administrative Official

#### Councilmembers:

Bek Ashby (Mayor Pro-Tempore)

**Chair:** ED/Tourism/LT Committee

**Staff:** Development Director

Finance Committee

KRCC / PSRC TransPol / KRCC TransPol

KRCC PlanPol-alt / PRTPO

Shawn Cucciardi

Finance Committee

Land Use Committee

PSRC EDD-alt

Fred Chang

Utilities Committee

Sewer Advisory Committee (SAC)

**Staff:** Development Director

Jay Rosapepe

ED/Tourism/LT Committee

Utilities Committee

Sewer Advisory Committee (SAC)

KRCC-alt / KRCC TransPol-alt

John Clauson

**Chair:** Finance Committee

**Staff:** Finance Director

Kitsap Public Health District-alt

KEDA/KADA-alt

Cindy Lucarelli

**Chair:** Utilities and SAC Committee

**Staff:** Public Works Director

**Chair:** Chimes and Lights Committee

**Staff:** City Clerk

KEDA/KADA

Scott Diener

**Chair:** Land Use Committee

**Staff:** Development Director

ED/Tourism/LT Committee

#### Department Directors:

Nicholas Bond, AICP

Development Director

Mark Dorsey, P.E.

Director of Public Works/City Engineer

Debbie Hunt

Court Administrator

Noah Crocker, M.B.A.

Finance Director

Geoffrey Marti

Police Chief

Brandy Rinearson, MMC, CPRO

City Clerk

#### Contact us:

216 Prospect Street  
Port Orchard, WA 98366  
(360) 876-4407

## 1. CALL TO ORDER

### A. Pledge of Allegiance

**B. EXECUTIVE SESSION:** Pursuant to RCW 42.30.110(1)(i), the City Council will hold a 20-minute executive session to discuss a potential litigation matter.

## 2. APPROVAL OF AGENDA

## 3. CITIZENS COMMENTS

*(Please limit your comments to **3 minutes** for items listed on the Agenda and that are not for a Public Hearing. When recognized by the Mayor, please state your name for the official record)*

## 4. CONSENT AGENDA

*(Approval of Consent Agenda passes all routine items listed below, which have been distributed to each Councilmember for reading and study. Consent Agenda items are not considered separately unless a Councilmember so requests. In the event of such a request, the item is returned to Business Items.)*

### A. Approval of Checks, Payroll, and Electronic Payments

### B. Approval of the February 19, 2019, Council Meeting Minutes **Page 3**

### C. Excusal of Councilmember Shawn Cucciardi Due to Business Obligations

## 5. PRESENTATION

### A. Proclamation: Port Orchard Community Service Day **Page 11**

## 6. PUBLIC HEARING

## 7. BUSINESS ITEMS

### A. Adoption of an Ordinance Amending Port Orchard Municipal Code Title 20, Including Repealing Chapters, Adding New Chapters, Repealing Interim Ordinance No. 015-18, Repealing Ordinance No. 019-17, and Amending the Zoning Map (Bond) **Page 13**

### B. Adoption of an Ordinance Amending Port Orchard Municipal Code Chapters 12 and 20, Establishing Regulations Related to a Street Cut Moratorium on Newly Paved Streets Within the City (Dorsey) **Page 285**

### C. Adoption of an Ordinance Approving the Reclassification of the Human Resources Coordinator and Assistant Finance Director Job Positions to an Exempt Status (Howard) **Page 294**

### D. Approval of Change Orders No. 14 through 18 to Contract No. 037-17 with Active Construction Inc. for Tremont Street Widening Project (Dorsey) **Page 308**

### E. Approval of Reimbursement Expenses for Police Chief Candidates (Mayor) **Page 326**

### F. Approval of the February 26, 2019, Council Meeting Minutes **Page 328**

**8. DISCUSSION ITEMS (No Action to be Taken)**

**9. REPORTS OF COUNCIL COMMITTEES**

**10. REPORT OF MAYOR**

**11. REPORT OF DEPARTMENT HEADS**

**12. CITIZEN COMMENTS**

*(Please limit your comments to **3 minutes** for any items not up for Public Hearing. When recognized by the Mayor, please state your name for the official record)*

**13. ADJOURNMENT**

<b>COMMITTEE MEETINGS</b>	<b>Date &amp; Time</b>	<b>Location</b>
Finance	TBD	City Hall
Economic Development and Tourism	March 11, 2019; 9:30am	City Hall
Utilities	March 18, 2019; 9:30am	City Hall
Sewer Advisory	April 17, 2019; 6:30pm	SKWRF*
Land Use	March 25, 2019; 9:30am	DCD**
Lodging Tax Advisory	TBD	City Hall
Festival of Chimes & Lights	March 18, 2019; 3:30pm	City Hall
Outside Agency Committees	Varies	Varies

\* South Kitsap Water Reclamation Facility, 1165 Beach Drive East, Port Orchard

\*\*DCD, Department of Community Development, 720 Prospect Street, Port Orchard

**CITY COUNCIL GOOD OF THE ORDER**



**City of Port Orchard  
Council Meeting Minutes  
Work Study Session and Regular Meeting of February 19, 2019**

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**1. CALL TO ORDER AND ROLL CALL**

Mayor Robert Putaansuu called the meeting to order at 5:30 p.m.

Roll call was taken by the City Clerk as follows:

Mayor Pro-Tem Ashby	Present
Councilmember Chang	Present
Councilmember Clauson	Present
Councilmember Cucciardi	Present
Councilmember Diener	Present
Councilmember Lucarelli	Present
Councilmember Rosapepe	Present
Mayor Putaansuu	Present

Staff present: Public Works Director Dorsey, Finance Director Crocker, Community Development Director Bond, Assistant City Engineer Pleasants, Utilities/Facilities Operations Manager Hunter, City Attorney Cates, City Clerk Rinearson, and Office Assistant II Whisenant were also present.

**A. PLEDGE OF ALLEGIANCE**

**Mayor Putaansuu** led the audience and Council in the Pledge of Allegiance.

**B. Executive Session:** Pursuant to RCW 42.30.110(1)(i), the City Council will hold a 30-minute executive session to discuss a potential litigation matter.

At 5:31 p.m., Mayor Putaansuu recessed the meeting for a 30-minute executive session to discuss potential litigation matter pursuant to RCW 42.30.110(1)(i). City Attorney Cates, Finance Director Crocker, PW Water Systems Manager Hunt, and Public Works Director Dorsey were invited to attend.

At 6:01 p.m., Mayor Putaansuu extended the executive session an additional 10 minutes.

At 6:11 p.m., Mayor Putaansuu extended the executive session an additional 10 minutes.

At 6:21 p.m., Mayor Putaansuu extended the executive session an additional 10 minutes.

Councilmember Diener recused himself at 6:21 p.m.

At 6:31 p.m., Mayor Putaansuu reconvened Council back into regular session.

## **2. APPROVAL OF AGENDA**

**MOTION:** By Councilmember Diener, seconded by Councilmember Lucarelli, to approve the agenda as presented.

**The motion carried.**

## **3. CITIZENS COMMENTS**

**Julie Benson** commented on the Placement of Public Art on Utility Equipment in the Right-of-Way.

Councilmembers and staff discussed with Ms. Benson; artwork selection, duration of material used, removal of material once in disrepair and possible future locations.

## **4. CONSENT AGENDA**

- A.** Approval of Check Nos. 76058 through 76202 totaling \$911,242.36; and Bi-Weekly Payroll including Check Nos. 148117 through 148132 totaling \$724,350.93.
- B.** Approval of the January 15, 2019, Council Work Study Meeting Minutes

**MOTION:** By Councilmember Lucarelli, seconded by Councilmember Ashby, to approve the consent agenda as presented.

**The motion carried.**

## **5. PRESENTATION**

There were no presentations.

## **6. PUBLIC HEARING**

There were no public hearings.

## **7. BUSINESS ITEMS**

- A. Adoption of an Ordinance Approving a Contract with the Washington State Department of Ecology for the Marina Pump Station Rebuild Project-CWSRF Loan Agreement**

**MOTION:** By Councilmember Lucarelli, seconded by Councilmember Clauson, to adopt an Ordinance approving a contract with the State Department of Ecology, thereby accepting a Clean Water State Revolving Fund (CWSRF) loan from the Department of Ecology for the Marina Pump Station Rebuild Project in the amount of \$4,100,000.

**The motion carried.  
(Ordinance No. 007-19)**

**B. Adoption of an Ordinance Approving a Contract with the State Department of Ecology for the Port Orchard Downtown Basin Stormwater Plan**

**MOTION:** By Councilmember Clauson, seconded by Councilmember Cucciardi, to adopt an ordinance thereby authorizing the Mayor to execute a Contract, being Agreement WQC-2018-PoOrPW-00206 with the Washington State Department of Ecology, in the amount of \$216,840 in funding for the City of Port Orchard Downtown Basin Stormwater Plan.

**The motion carried.  
(Ordinance No. 008-19)**

**C. Adoption of a Resolution Approving a Contract with Robinson Noble, Inc. for the 2019 Hydrogeological Services and Procurement Procedure Documentation**

**MOTION:** By Councilmember Diener, seconded by Councilmember Rosapepe, to adopt a resolution, thereby approving a contract with Robinson Noble, Inc. in the amount not to exceed \$136,000 for the 2019 Hydrogeological Services and documenting the Professional Services procurement procedures pursuant to RCW 39.80.

**The motion carried.  
(Resolution No. 008-19)**

**D. Adoption of a Resolution Approving a Contract with Transportation Solutions, Inc. for the Transportation Impact Fee Study and Traffic Model Calibration**

**MOTION:** By Councilmember Diener, seconded by Councilmember Ashby, to adopt a resolution approving a contract with Transportation Solutions, Inc. for the City's Transportation Impact Fee Rate Study Update and transportation model calibration.

Mayor Putaansuu gave background regarding an upcoming corridor study, initiated by McCormick Communities, on Old Clifton for being the reason for the update.

Councilmembers and staff discussed other changes in projects and budget.

**The motion carried.  
(Resolution No. 002-19)**

**E. Approval to Allow the Placement of Public Art on Utility Equipment in the Right-of-Way**

**MOTION:** By Councilmember Clauson, seconded by Councilmember Diener, to authorize the placement of City of Port Orchard historic art as proposed, contingent on the City obtaining a WSDOT General Permit and on adherence to any permit conditions approved by the Public Works Director.

Councilmembers and staff discussed prior public art regarding policies, art selection process, application approval process

Councilmembers, staff, and Ms. Benson discussed individual public/business outreach, citizen selection involvement, WSDOT approval requirements, providing image options for review, material selection, potential maintenance by Public Works Department, and to establish an approval process through the Public Works Director for non-WSDOT applications.

**The motion passed. Councilmembers Chang and Ashby voted no.**

Suggestion was made for Land Use Committee to review the process for future applications.

#### **F. Approval of the January 22, 2019, Council Meeting Minutes**

**MOTION:** By Councilmember Clauson, seconded by Councilmember Lucarelli, to approve the minutes as presented.

**The motion carried. Councilmember Cucciardi abstained.**

Councilmember Ashby stated to the Clerk there is a Scrivener's error needing to be corrected.

### **8. DISCUSSION ITEMS – NO ACTION WILL BE TAKEN**

#### **A. Snow Report**

Mayor Putaansuu showed a video of Police Officer Schaibly shoveling a citizen's driveway and shared that Public Works crews proudly worked 12-hour shifts around the clock.

Public Works Director Dorsey informed that the City followed their snow route map, keeping up with designated "Priority 1 Streets" that are required to be open. Further explained that some of the "Priority 1 Streets" were local access roads, not only arterial streets, and that when the map was created the City tried to make it fair to general public. Unfortunately, the City can't get to all residential streets until other priority routes are cleared. Brine was applied months ago and that helped with clearing the streets. Public works crew were in 12 hour shifts from Friday through Tuesday and transitioned back on Wednesday to 8-hour regular shifts.

Councilmember Diener discussed concerns of pedestrians in the travel lanes not on the sidewalks, and possible storm damage to trees and curbs on Kitsap Boulevard.

Public Works Director Dorsey stated that sidewalk clearing would be a discussion for another time, and with the new Community Service/Parks position that there would be cleanup to landscaping at various locations. Explained that Harrison Hospital use to maintain the area, but since owners have changed it has gone back to the City to maintain. Also, that the curbs are set to be repaired after Tremont Construction has been completed.

Councilmembers, Mayor, and staff discussed enforcement of the designated snow route, determination of road closures, parking due to weather impacts, and addressed citizen safety concerns.

## **B. 2019 Zoning Code and Zoning Map Update**

Community Development Director Bond began process of updating the 2019 Zoning Code and Zoning map in May of 2018 and this is the final stage to adopt the new code. Below is a highlight of the Comprehensive Plan goals that are supported in the zoning code update:

- Protect and maintain existing single-family neighborhoods;
- Increasing housing diversity and development;
- Promote density to support pedestrian activity and transit;
- Improve connectivity within the city;
- Minimize housing costs and maximize housing options;
- Support mixed use development; and
- Promote attractive pedestrian scale development downtown.

Community Development Director Bond emphasized the multitude of public outreach through various outlets, as well as multiple council meetings. Explained that approval process will be in 5 different parts:

- Part One – amendments to existing chapters;
- Part Two – amendment to existing sections;
- Part Three – adoptions of new zoning map;
- Part Four – repeal of old sections; and
- Part Five – new chapters that weren't previously established.

On February 8<sup>th</sup> an email was sent to councilmembers outlining critical updates for review. Community Development Director Bond identified these critical updates, reasons for the changes, the Planning Commission testimonies have all been in favor of the changes and stated that postcards were sent out to notify properties that would be directly impacted.

Councilmember Ashby inquired about the business development zone and Director Bond stated that background research was conducted and made sure to capture original intent of the zone creation.

Mayor Putaansuu stated that outreach to the Executive Director was also extended to Home Builders Association and there have been no objections to the code changes.

Community Development Director Bond detailed; different commercial mixed-use zone locations, self-storage regulations, new gas station proposals, increasing the city's capacity for growth to justify Urban Growth Area (UGA) for the city's next Comprehensive Plan Update, transfer of development rights, parking reductions, establish electric vehicle and bicycle parking requirements, and significant trees chapter.

Councilmembers, Mayor, and staff addressed potential population boundary changes, self-storage building heights with possible incentives, KRCC retreat to focus on process for distributing population growth in the future, height bonuses, encouraging residential development while not restricting commercial building, and potential effective date of the updates presented.

**Council Direction:** Staff is to bring the start of updates to first meeting in March and address additional concerns at the next Land Use Committee meeting.

### **C. Proposed Street Cut Moratorium (POMC 12.04 and 20.24 Proposed Amendments)**

Public Works Director Dorsey provided background of the City's efforts in the proposed ordinance. Discussions are still to be had with City Attorney Cates and city engineers to make sure all areas of concern are identified. Previous discussion was held at Land Use Committee and is now being presented to Council for direction.

Mayor, councilmembers, and staff discussed the process and communications to those involved.

**Council Direction:** Staff is to move forward with amendments proposed.

### **D. Discussion Regarding the Adoption of an Ordinance, Thereby Creating New Chapter 12.34, New Sections 13.04 and 13.06, Adopting the 2019 Public Works Engineering Standards and Specifications (PWESS) and Repealing Resolution No. 006-14**

Public Works Director Dorsey presented the PWESS, and informed that it is consistent with Department of Community Development's code update.

Community Development Director Bond explained that the presented zoning code updates are reference in the PWESS.



Directors Dorsey and Bond stated that the transportation model, road standards, water quality treatment, and landscape requirements are all addressed in the proposed PWESS.

**Council Direction:** Staff is to bring forward to next council meeting.

## **9. REPORTS OF COUNCIL COMMITTEES**

Councilmember Clauson reported on the Finance Committee meeting held prior to the Council meeting, and the next meeting is scheduled for March 26<sup>th</sup>.

Councilmember Ashby reported the next Economic Development and Tourism Committee is scheduled to meet March 11<sup>th</sup>. Also spoke to the status of the single use plastic bag ordinance.

Councilmember Lucarelli reported on the February 27<sup>th</sup> Chimes & Lights committee meeting. She reported the Utilities Committee is also scheduled for February 27<sup>th</sup>. Sewer Advisory Committee meeting with the next meeting scheduled for April 17<sup>th</sup> at the South Kitsap Water Reclamation Facility SKWRF.

Councilmember Diener reported the Land Use Committee is scheduled to meet February 25<sup>th</sup> at the Department of Community Development Conference Room, located at 720 Prospect Street.

Mayor reported on recently attended Kitsap Transit and Housing Kitsap meetings.

Councilmember Ashby reported the next KRCC meeting is March 5<sup>th</sup>, presentations will be held by PSRC regarding clean air and the census.

## **10. REPORT OF MAYOR**

The Mayor reported:

- Recognition to Public Works Lead Foreman Tony Lang on reduced overtime hours;
- Shared comments received from recently visited students;
- Map of proposed projects for Community Service Day;
- Concerned citizen on the Bay Street Pedestrian Pathway jersey barriers;
- Affordable Housing Task Force and requested for a second city representative;
- Attended Mayors Exchange and gave an update on discussions;
- Visit to Olympia on 2/8 and returning 2/28; and
- Lobby Day set on 3/25 to makeup of the canceled City Action Days.

## **11. REPORT OF DEPARTMENT HEADS**

Public Works Director Dorsey reported on the Kitsap Sun article regarding state projects, Blackjack Creek Roundabout, Rockwell Pocket Park update, submitted drafts of SR16 interchange, and gave update on Tremont construction.

Finance Director Crocker updated on recent policy implementations that have been applied and software conversion update.

Community Development Director Bond provided the annual update of Traffic Impact Fees collection and the Comp Plan amendment is scheduled on next Land Use Committee meeting agenda and will bring forward to Council soon.

## **12. CITIZENS COMMENTS**

There were no comments.

## **13. EXECUTIVE SESSION**

Executive Session was held earlier in the meeting.

## **14. ADJOURNMENT**

The meeting adjourned at 8:55 p.m. No other action was taken. Audio/Visual was successful.

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Brandy Rinearson, MMC, City Clerk

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Robert Putansuu, Mayor



## PROCLAMATION

**WHEREAS**, the City of Port Orchard is excited to announce Port Orchard Community Service Day on Saturday, April 27, 2019 starting at 8:00 a.m.; and

**WHEREAS**, throughout Port Orchard's history churches, fraternal organizations and service clubs have made numerous improvements in our community making it a better place. By all of us coming together on a single day we can really make a difference in the beatification of our city; and

**WHEREAS**, the designated locations for the improvements will be at; McCormick Village Park, Cedar Heights, Van Zee Park, Downtown, South Kitsap School, and Beach Restoration from Annapolis to Rockwell Park. Pick your project or start at one and visit each site throughout the day to help with trail maintenance, weed removal, shoreline cleanup, spread various materials or plant flowers; and

**WHEREAS**, the city is encouraging all citizens to participate in helping to beautify our city by bringing your gloves and tools needed to help get the job done. If you can't participate at one of these locations, citizens are encouraged to come together throughout the city to clean up neighborhoods, local parks or other community areas; and

**NOW, THEREFORE**, I, Robert Putaansuu, Mayor of the City of Port Orchard, do hereby proclaim April 27<sup>th</sup>, 2019 as:

### PORT ORCHARD COMMUNITY SERVICE DAY

in the City of Port Orchard and call upon all citizens to volunteer their time in whatever way they can during this day with appropriate recognition whereof.



Signed this 12<sup>th</sup> day of March, 2019

Robert Putaansuu, Mayor

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**City of Port Orchard**

216 Prospect Street, Port Orchard, WA 98366  
(360) 876-4407 • FAX (360) 895-9029

**Agenda Staff Report**

Agenda Item No.:	<u>Business Item 7A</u>	Meeting Date:	<u>March 12, 2019</u>
Subject:	<u>Adoption of an Ordinance Amending Port Orchard Municipal Code Title 20; Including Repealing Chapters, Adding New Chapters, Repealing Interim Ordinance No. 015-18, Repealing Ordinance No. 019-17, and Amending the Zoning Map</u>	Prepared by:	<u>Nicholas Bond, AICP DCD Director</u>
		Atty Routing No.:	<u>054-18</u>
		Atty Review Date:	<u>1/28/2019</u>

**Summary:** Since May 2018, the Department of Community Development and the Planning Commission have been working on a full update of the City’s Zoning Code and Zoning Map to further implement the comprehensive plan. The Planning Commission held a final public hearing on February 5, 2019, and several positive citizen comments were received. There was no testimony in opposition of the proposed code changes provided during the public hearings or comment periods. The Commission then voted to recommend approval of the draft Zoning Code and Zoning Map with minor revisions proposed by staff. City Council reviewed the proposed zoning code and map at its February 21 work-study meeting and requested that staff bring the item to the March 12 regular meeting for consideration.

The update includes a number of new chapters to be added to Title 20 of the Port Orchard Municipal Code (POMC). There are also proposed changes to existing City zoning regulations, including repeal of Section 20.02.050 (Use of Standard Industrial Classification Codes); repeal of Chapters 20.34 and 20.46 (Zoning Districts and Designated Land Uses); revisions to Chapter 20.12 (Definitions); adoption of a new Section 20.06.025 (legislative code amendments); and repeal of interim Ordinance 015-18 (self-storage facilities). A breakdown of the new chapters, revised chapters and revised sections is provided in the exhibit list of the ordinance (attached).

On March 7, DCD received a request from the He Family Trust, owner of a 20-acre property on Bethel Road (adjacent to the China Sun Buffet at 4331 Bethel Rd, in the same ownership) to rezone the property from its proposed designation of Commercial Heavy (CH) to CH and Commercial Mixed Use (CMU). The CMU zoning designation would be on the back (east) half of the property. The owners propose apartment development, possibly with some small commercial uses, on the CMU-zoned area. Staff agrees that the split-zone designation is appropriate, given the presence of a large wetland on the site and the difficulty of accessing the back of the property for heavy-intensity commercial purposes. More information is provided in the attached letter from the He Family Trust. Two alternative Zoning Maps have therefore been provided to City Council: Alternative 1 is the proposed Zoning Map without the requested change to the He property. Alternative 2 is the Zoning Map with the requested change. Staff recommends adoption of the Alternative 2 Zoning Map.

**Public Process to Date:** The zoning code development and adoption process began in May 2018 with the adoption of development of a public participation program. Since then, the zoning code has been discussed and reviewed in more than 17 public meetings of the Planning Commission, Land Use Committee, or City Council. The City conducted public outreach through a monthlong online survey, through meetings with stakeholder groups, and in two public hearings before the Planning Commission. Through the development and review process for the zoning code, the City has provided for early and continuous public participation. On July 12, 2018, the City provided the Department of Commerce with the required 60-day notice of the city's intent to amend the zoning code and zoning map. A SEPA Determination of NonSignificance was issued on October 12, 2018 and shared to the email list and website and provided to all standard reviewing agencies.

**Relationship to Comprehensive Plan:** The proposed Zoning Code implements numerous comprehensive plan goals and policies as listed in the whereas sections of the attached ordinance.

**Recommendation:** Staff recommends that the City Council adopt an ordinance adopting the updated Zoning Code as presented, and the Alternative 2 Zoning Map.

**Motion for consideration:** "I move to adopt an ordinance adopting the 2019 updated Zoning Code as presented, and the Alternative 2 Zoning Map."

**Fiscal Impact:** This proposal is not expected to impact the city's budget.

**Alternatives:** Revise the proposed ordinance.

**Attachments:** Ordinance (w/exhibits); Letter from He Family Trust; Alternative 1 Zoning Map; and Alternative 2 Zoning Map.

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, RELATING TO LAND USE AND ZONING; REPEALING CERTAIN SECTIONS OF THE PORT ORCHARD MUNICIPAL CODE; REPEALING INTERIM ORDINANCE 015-18; REPEALING ORDINANCE 019-17; REVISING CHAPTERS IN TITLE 20 OF THE PORT ORCHARD MUNICIPAL CODE; ADOPTING NEW CHAPTERS IN TITLE 20 OF THE PORT ORCHARD MUNICIPAL CODE; ADOPTING A REVISED ZONING MAP; PROVIDING FOR SEVERABILITY, CORRECTIONS, AND PUBLICATION; AND SETTING AN EFFECTIVE DATE.**

**WHEREAS**, Title 20 (Unified Development Code) of the Port Orchard Municipal Code was adopted on June 13, 2017 (Ordinance 019-17); and

**WHEREAS**, the City Council desires to update and revise the Zoning Code regulations of the Unified Development Code and to adopt a corresponding updated Zoning Map and to ensure that these revisions are consistent with other sections of Title 20, and

**WHEREAS**, the revisions to the draft Zoning Code have been reviewed and discussed in at least 19 public meetings starting on May 1, 2018 before the Planning Commission, Land Use Committee, and City Council.

**WHEREAS**, staff have presented revisions and new chapters of the Zoning Code and an updated Zoning Map to the City Council; and

**WHEREAS**, on April 24, 2018, the City Council adopted interim self-storage regulations which have been addressed in the updated Zoning Code (Ordinance 015-18); and

**WHEREAS**, between June 26, 2018 and July 30, 2018, the City conducted a survey of residents and stakeholders seeking public input on possible zoning changes; and

**WHEREAS**, on July 12, 2018, the City provided the Department of Commerce with the required 60-day notice of the City's intent to amend the Zoning Code and Zoning Map; and

**WHEREAS**, on August 7, 2018, the City's Planning Commission held a public hearing on several draft chapters of the amended Zoning Code; and

**WHEREAS**, on October 12, 2018, the City issued a SEPA Determination of Non-Significance, and no comments or appeals were received; and

**WHEREAS**, on January 23, 2019, notification was sent to Port Orchard property owners whose properties would have a significant change in the comprehensive plan designations and zoning classifications of their properties based on the amended Zoning Map; and

**WHEREAS**, on February 5, 2019, the City’s Planning Commission held a public hearing on the full draft of the amended Zoning Code and Zoning Map; and

**WHEREAS**, on February 5, 2019, the Planning Commission voted unanimously to recommend approval of the Zoning Code and Zoning Map update as presented with minor revisions; and

**WHEREAS**, on February 19, 2019, the City Council reviewed the Zoning Code and Zoning Map update during its work-study meeting; and

**WHEREAS**, on February 25, 2019, the Land Use Committee of the City Council approved moving the Zoning Code and Zoning Map update to the full Council for adoption; and

**WHEREAS**, the adoption of the Zoning Code update requires the repeal of POMC Chapters 20.30, 20.34 and 20.46, and Section 20.02.050; and

**WHEREAS**, the City has received public comments on the proposed Zoning Code update, and these comments were logged and provided to the Planning Commission and City Council for review; and

**WHEREAS**, the City Council wishes to adopt zoning classifications and development regulations that encourage affordable housing, promote sustainable development, provide necessary urban services, and support economic growth and development, consistent with the City of Port Orchard’s mandate to protect the welfare of its citizens; and

**WHEREAS**, the proposed Zoning Code update implements numerous comprehensive plan goals and policies including:

Goals:

- LU Goal 6: Reduce congestion and greenhouse gas emissions, promote public health, reduce auto dependency, and increase multimodal transportation opportunities for accessing retail services, health care services, and places of employment.
- TR Goal 21: Promote environmentally sensitive and “green” transportation solutions.
- Policies:LU-1: Ensure that land use and zoning regulations maintain and enhance existing single-family residential neighborhoods, while encouraging that new development provides a mixed range of housing types.
- LU-3: Update and establish building and site design standards that support an attractive and functional built environment in all areas of the City.



- LU-5: Ensure land use and development regulations enable a supply of housing units within the city and adjacent UGA that will accommodate forecasted population growth. Ensure land use and development regulations enable a supply of commercial retail and office space within the city and adjacent UGA that will accommodate forecasted employment growth.
- LU-6: Ensure adequate land is available for light industrial and commercial uses, including high technology, medical, and office uses, in appropriate areas to diversify Port Orchard's economic base and provide for the community's changing needs.
- LU-15: Evaluate a range of incentives to encourage compact development to preserve open space throughout the city, possibly to include density credits, incentive zoning, and transfer of development rights.
- LU-20: Ensure orderly development, concurrency of infrastructure provision, and protection of environmentally sensitive areas through an effective and predictable permitting process.
- 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).

- LU-26: Require adequate transitions between different land uses to mitigate potential negative impacts of noise, light, and air pollution.
- LU-27: Require new development to provide connections to and through-access for existing and planned trails and roads. Explore strategies to encourage existing development to provide the same as part of a city- and region-wide trail and open space network.
- 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.
- HS-2: 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.
- HS-4: Adopt zoning and development regulations that will have the effect of minimizing housing costs and maximizing housing options.
- HS-10: Encourage the development of vertical multi-family housing above ground floor commercial uses within centers of local importance.
- HS-16: Consider increasing maximum housing densities and implementing minimum housing densities in appropriate areas.
- HS-19: Consider commercial building design standards that establish and protect neighborhood character.
- HS-25 Encourage energy efficient housing types that conserve non-renewable energy and help minimize impact on air quality and climate.
- ED-6: The City shall encourage residential and commercial growth in mixed-use local centers where job opportunities and a diverse mix of retail and office activities are concentrated.
- ED-18: The City shall allow traditional home occupations as permitted by local regulations, including live-work units.
- 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.

- ED-28: The City shall require pedestrian orientation for non-residential uses and office or residential uses above ground floor retail uses within centers of local importance.
- ED-29: The City shall encourage the redevelopment of strip commercial areas through changes to the land use code, landscaping code, and signage code.
- TR-3: Require new development and redevelopment to incorporate transit, pedestrian and other non-motorized transportation improvements, including bus shelters and/or pullouts, sidewalks, pathways, crosswalks, and bicycle lanes.
- TR-11: Require developers to provide on-site and off-site road, safety, and other transportation improvements where necessary to serve the needs of the proposed developments and mitigate the impacts of their development on the surrounding neighborhoods.
- TR-58: Set minimum bicycle parking quantities and secure bicycle parking and storage standards for private development.
- TR-81: Develop design guidelines and standards for street wise landscaping, sidewalks, and maintenance within new developments.

**WHEREAS**, on February 19, 2019, the City Council reviewed the Zoning Code and Zoning Map update at its regularly scheduled meeting; and

**WHEREAS**, the City Council finds that the amendments to the Zoning Code and Zoning Map:

- Implement the 2018 Port Orchard Comprehensive Plan;
- Ensure that sensitive natural resources and critical areas are protected;
- Encourage urban development within the City of Port Orchard consistent with the Growth Management Act, the Countywide Planning Policies, and the Regional Growth Strategy;
- Encourage economically sound, fiscally sustainable, orderly, and compatible land development practices in accordance with the Comprehensive Plan;
- Will promote housing type diversity and affordability;
- Will ensure high quality attractive development;
- Support increased mixing of uses within developments and neighborhoods as a strategy for reducing traffic, increasing walkability, and providing alternatives to single occupant vehicle travel;
- Support the revitalization of downtown Port Orchard while protecting views;
- Maintains property rights and preservation of property values;

- Ensure an adequate supply of self-service storage facilities to serve the needs of Port Orchard residents;
- Ensure an adequate supply of fueling stations to serve the needs of Port Orchard residents;
- Protect the rural lands surrounding Port Orchard by allowing rural development rights to be transferred into the City;
- Provide a process to allow accessory dwelling units, as a source of affordable housing and income for city residents;
- Ensure public health and safety by requiring neighborhood connectivity in new residential subdivisions;
- Encourage bicycling by ensuring the availability of bicycle parking;
- Provide parking and charging infrastructure in support of electric vehicles;
- Take actions in support of reducing greenhouse gas emissions;
- Ensure that appropriate landscape buffers are provided between different land uses that may be incompatible;
- Protect and preserve significant trees and ensure a healthy future forest canopy in Port Orchard; and

**WHEREAS**, the City Council desires to repeal the above referenced chapters of the POMC, and to adopt the Zoning Code update as presented; now, therefore,

**THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1. Findings.** The City Council hereby adopts the above recitals as findings in support of this ordinance.

**SECTION 2. POMC Chapters Repealed.** Chapters 20.30, 20.34 and 20.46 of the Port Orchard Municipal Code are hereby repealed in their entirety.

**SECTION 3. POMC Section Repealed.** Section 20.02.050 of the Port Orchard Municipal Code is hereby repealed in its entirety.

**SECTION 4. POMC New Chapters Adopted.** The new chapters of POMC Title 20 – Unified Development Code, Chapters 20.30 , 20.31, 20.32, 20.33, 20.34, 20.35, 20.36, 20.37, 20.39, 20.40, 20.41, 20.68 and 20.129, attached as Exhibit 1 hereto and incorporated fully herein by this reference, are hereby adopted in their entirety.

**SECTION 5. POMC Chapters Amended.** POMC Title 20 – Unified Development Code, Chapters 20.06, 20.12, 20.22, 20.38, 20.54, 20.58, 20.100, 20.122, 20.124, 20.128 and 20.139, attached as Exhibit 2 hereto and incorporated fully herein by this reference, are hereby amended to read as shown in Exhibit 2.

**SECTION 6. POMC Sections Amended.** POMC Title 20 – Unified Development Code, Sections 20.127.020 and 20.127.340, attached as Exhibit 3 hereto and incorporated fully herein by this reference, are hereby amended to read as shown in Exhibit 3.

**SECTION 7. Interim Ordinance Repeal.** Ordinance 015-18 is hereby repealed in its entirety.

**SECTION 8. Ordinance Repealed.** Ordinance 019-17 is hereby repealed in its entirety.

**SECTION 9. Revised Zoning Map Adopted.** The revised Zoning Map presented to the City Council as “Alternative \_\_ Zoning Map”, attached as Exhibit 4 hereto and incorporated fully herein by this reference, is hereby adopted.

**SECTION 10. Severability.** Should any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid by a court, board, or tribunal of competent jurisdiction, for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**SECTION 11. Corrections.** Upon the approval of the City Attorney, the City Clerk is authorized to make any necessary corrections to this ordinance including, but not limited to, the correction of scrivener’s/clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

**SECTION 12. Effective Date; Publication.** This ordinance shall take effect and be in full force and effect five days after publication, as provided by law. An approved summary of this ordinance consisting of the title shall be published in the official newspaper of the City.

PASSED by the City Council of the City of Port Orchard, APPROVED by the Mayor and attested by the Clerk in authentication of such passage this 12<sup>th</sup> day of March 2019.

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Robert Putaansuu, Mayor

SPONSOR:

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Scott Diener, Councilmember

ATTEST:

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Brandy Rinearson, MMC, City Clerk

APPROVED AS TO FORM ONLY:

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Sharon Cates, City Attorney

PUBLISHED:

EFFECTIVE DATE:

**EXHIBITS: Exhibit 1 – New Chapters of the POMC**

**Exhibit 2 – Amended Chapters of the POMC**

**Exhibit 3 – Amended POMC Sections 20.127.020 and 20.127.340**

**Exhibit 4 – Zoning Map (Alternative \_\_ )**

**EXHIBIT 1**  
**NEW CHAPTERS OF THE POMC**



## Chapter 20.30

### INTRODUCTION TO ZONING, LAND USES, AND BUILDING TYPES

#### Sections:

#### 20.30.010 Purpose

#### 20.30.020 Application

#### 20.30.010 Purpose.

- (1) This subtitle is adopted for the purpose of guiding development in accordance with the Port Orchard Comprehensive Plan and to protect, promote, and improve the public health, safety, and general welfare.
- (2) This subtitle is enacted to exercise the full range of authority under Washington law to establish standards to regulate and restrict the:
  - (a) Height, number of stories, size, construction, reconstruction, alteration, repair, or use of buildings and structures;
  - (b) Percentage of lot occupancy, size of courts, yards, and open spaces;
  - (c) Dimensions of lots and density of development; and
  - (d) Location and use of buildings and structures.
- (3) This subtitle is enacted for the following purposes:
  - (a) To ensure that important environmental features are protected;
  - (b) To encourage the urban development within the City of Port Orchard consistent with the Growth Management Act, the Countywide Planning Policies, and the Regional Growth Strategy;
  - (c) To protect life and property in areas subject to natural hazards and disasters;
  - (d) To protect fish, wildlife, and recreation resources;
  - (e) To avoid undue water and air pollution;
  - (f) To provide standards for the subdivision of land in addition to those listed in Subtitle V of this Title;
  - (g) To encourage economically sound, fiscally sustainable, orderly, and compatible land development practices in accordance with the comprehensive plan;
  - (h) To ensure that adequate public facilities and services are provided to Port Orchard residents at a reasonable cost;
  - (i) To ensure that development on land is commensurate with the physical characteristics of the land; and
  - (j) To assure the provision of needed open spaces and public facility sites.
- (4) This Subtitle is intended to provide a mechanism for achieving the following goals:
  - (a) Mix of land uses;
  - (b) Compact building design;
  - (c) Creating a range of housing opportunities and choices;
  - (d) Creating walkable neighborhoods;
  - (e) Fostering distinctive, attractive communities with a strong sense of place;
  - (f) Preserving open spaces and natural beauty;
  - (g) Providing a variety of transportation choices; and
  - (h) Making development decisions predictable, fair, and cost effective.

### **20.30.020 Application**

- (1) Territorial Application. This Subtitle applies to all land, uses, buildings and structures within Port Orchard located above (landward of) the ordinary high water mark (OHWM) of the shoreline, as defined in the city's shoreline master program (Chapter 20.164). Land located below the OHWM does not have a zoning designation, and use of such land is subject to the regulations of the city's shoreline master program.
- (2) General Application. In their interpretation and application, the provisions of this subtitle are the minimum requirements necessary to meet the purpose and intent of these regulations.
- (3) Required Conformance. All buildings, structures or land, in whole or in part, must be used or occupied in accordance with this subtitle.
- (4) Control over less restrictive laws and regulations. If any condition or requirement imposed by this subtitle is more restrictive than a condition or requirement imposed by any other law, rule or regulation of any kind, the more restrictive condition or requirement governs.
- (5) Conflict. If any condition or requirement imposed by this subtitle contains an actual, implied, or apparent conflict, the more restrictive condition or requirement controls.
- (6) References to Other Laws. Whenever a provision of this subtitle refers to any other part of the Port Orchard Municipal Code or to any other law, the reference applies to any subsequent amendment of that law.
- (7) Text and Graphics. Illustrations and photographs are included in this Subtitle to illustrate the intent and requirement of the text. In cases of a conflict between the text and illustrations, photos, and graphics, the text controls.

## Chapter 20.31

### ZONES AND ZONING MAP

#### Sections:

- 20.31.010 Zones established.**
- 20.31.020 Boundary questions.**
- 20.31.021 Interpretation – Right-of-way.**
- 20.31.030 Changes.**
- 20.31.040 Annexed land.**

#### **20.31.010 Zones established.**

(1) The following zones are hereby established:

- (a) Greenbelt (GB)
- (b) Residential 1 (R1)
- (c) Residential 2 (R2)
- (d) Residential 3 (R3)
- (e) Residential 4 (R5)
- (f) Residential 5 (R5)
- (g) Residential 6 (R6)
- (h) Residential Mixed-Use (RMU)
- (i) Neighborhood Mixed-Use (NMU)
- (j) Commercial Mixed-Use (CMU)
- (k) Business Professional Mixed-Use (BPMU)
- (l) Downtown Mixed-Use (DMU)
- (m) (Downtown) Gateway Mixed-Use (GMU)
- (n) Commercial Corridor (CC)
- (o) Commercial Heavy (CH)
- (p) Industrial Flex (IF)
- (q) Light Industrial (LI)
- (r) Heavy Industrial (HI)
- (s) Civic Institutional (CI)
- (t) Parks and Recreation (PR)
- (u) Public Facilities (PF)

(2) The following Overlay Districts are hereby established:

- (a) View Protection Overlay District (VPOD)
- (b) Downtown Height Overlay District (DHOD)
- (c) Self-Storage Overlay District (SSOD)

(3) The location and boundaries of the various zones are shown on the city's adopted zoning map and are codified in this title and made a part of this title. Overlay District Boundaries may be shown on the City's adopted zoning map, may be codified elsewhere in this code, or be adopted as a standalone map. Changes in the boundaries of the zones or overlay districts, including application or amendment or interim zoning, shall be made by ordinance adopting or amending the zoning map or alternatively in the case of an overlay district, by amending the standalone overlay district map or code section.

- (4) Maps may be kept electronically in a Geographic Information System (GIS). Copies published online or electronically do not constitute originals. Map originals must be kept on file with the Port Orchard City Clerk and must indicate the date of the adoption and most recent amendment.

**20.31.020 Boundary questions.**

Where uncertainty exists as to the boundaries of any zone or overlay district, the following rules of construction, listed in priority order, shall apply:

- (1) Where boundaries are indicated as following approximate lot lines, the actual lot lines shall be considered the boundaries.
- (2) Where boundaries are indicated as following lines of ordinary high water, or government meander lines, the lines shall be considered to be actual boundaries. If these lines should change, the boundaries shall be considered to move with them.
- (3) If none of the rules of interpretation described in the above subsections apply, then the zoning boundary shall be determined by map scaling.

**20.31.030 Interpretation – Right-of-way.**

- (1) Except when such areas are specifically designated on the zoning map as being classified in one of the zones provided in this title, land contained in rights-of-way for streets or alleys shall be considered unclassified.
- (2) Within street or alley rights-of-way, uses shall be limited to street purposes as defined by law.
- (3) Where such right-of-way is vacated, the vacated area shall have the zone classification of the adjoining property with which it is first merged.

**20.31.040 Changes.**

No change shall be made to a zoning map except by authority of an amending ordinance. Any changes made otherwise shall be in violation of this title.

**20.31.050 Annexed land.**

- (1) The City's Comprehensive Plan has predesignated land use and zoning designations for all areas of the Port Orchard Urban Growth Area as shown on the Land Use Map in the Comprehensive Plan and on the City's adopted zoning map. Upon annexation, these predesignated land use and zoning designations shall apply unless the City Council designates some other zoning designation in the annexation ordinance.
- (2) Any lot subdivided under authority of the county and recognized by the county as a buildable lot will, upon annexation to the city, be considered a buildable lot, even though it may be smaller than the city zoning requires for that vicinity and zone.

## Chapter 20.32

### BUILDING TYPES

#### Sections:

**20.32.005 Purpose.**

**20.32.010 Building Type Descriptions.**

**20.32.020 Detached House.**

**20.32.030 Backyard Cottage.**

**20.32.040 Cottage Court.**

**20.32.050 Duplex: Side by Side.**

**20.32.060 Duplex: Back to Back.**

**20.32.070 Attached House.**

**20.32.080 Four Plex.**

**20.32.090 Townhouse.**

**20.32.100 Apartment.**

**20.32.110 Live Work.**

**20.32.120 Shopfront House.**

**20.32.130 Single Story Shopfront.**

**20.32.140 Mixed Use Shopfront.**

**20.32.150 General Building.**

#### **20.32.005 Purpose.**

The purpose of this chapter is to differentiate building types and provide standards for the construction of different building types to ensure a high quality public realm.

#### **20.32.006 Applicability.**

No new building may be erected within the City of Port Orchard except in conformance with this chapter.

#### **20.32.007 Exceptions.**

Mechanical equipment buildings associated with public utilities, such as well houses or sewer lift stations, shall be exempt from the standards in this chapter. This chapter shall not apply in the Light Industrial or Heavy Industrial zones (POMC 20.36).

#### **20.32.010 Building Type Descriptions.**

##### (1) Detached House.

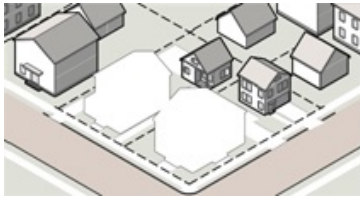
- a. A building type that accommodates one dwelling unit on an individual lot with yards on all sides. A new manufactured home shall be considered a detached house for the purposes of this Title. "New manufactured home" means any manufactured home required to be titled under Title 46 RCW, which has not been previously titled to a retail purchaser, and is not a "used mobile home" as defined in RCW 82.45.032(2). A new manufactured home shall be treated as a detached house for the purposes of this Title.



b. Zones where permitted: R1, R2, R3, R6, NMU, BPMU, GB

(2) Backyard Cottage.

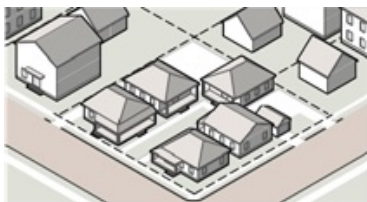
a. A small self-contained accessory dwelling located on the same lot as a detached house but physically separated.



b. Zones where permitted: R1, R2, R3, R6, NMU, BPMU, GB

(3) Cottage Court.

a. A building type that accommodates 5 to 12 detached dwelling units organized around an internal shared courtyard.



b. Zones where permitted: R1, R2, R3, R6, NMU, BPMU

(4) Duplex: Side by Side.

a. A building type that accommodates two dwelling units on an individual lot separated vertically side by side that share a common wall.



b. Zones where permitted: R2, R3, NMU, BPMU

(5) Duplex: Back to Back.

- a. A building type that accommodates two dwelling units on an individual lot separated vertically with one unit located directly behind the other unit that share a common wall.



- b. Zones where permitted: R2, R3, NMU, BPMU

(6) Attached House.

- a. A building type that accommodates two attached dwelling units located on two separate lots that share a common wall along a lot line.



- b. Zones where permitted: R2, R3, NMU, BPMU

(7) Four-Plex.

- a. A building type that accommodates 3 to 4 dwelling units vertically or horizontally integrated.



- b. Zones where permitted: R3, R4, R5, NMU

(8) Townhouse.

- a. A building type that accommodates 3 or more dwelling units where each unit is separated vertically by a common side wall and located on its own lot. Units cannot be vertically mixed. A subdivision or short subdivision may be required to construct townhouse units.



- b. Zones where permitted: R2 (2-3 dwelling unit buildings only), R3, R4, R5, NMU, CMU, GMU, BPMU

(9) Apartment.

- a. A building type that accommodates 5 or more dwelling units vertically and horizontally integrated.



- b. Zones where permitted: R3, R4, R5, NMU, CMU, GMU

(10) Live Work.

- a. A building type that accommodates 3 or more units. Units allow for residential and nonresidential uses in the same physical space. Units may be vertically or horizontally mixed.



- b. Zones where permitted: RMU, NMU, CMU, GMU, DMU, IF, CC

(11) Shopfront House.

- a. A building type that typically accommodates ground floor retail, office or commercial uses with upper-story residential or office uses at a scale that complements the existing residential character of the area.

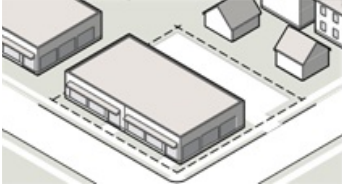




- b. Zones where permitted: NMU, CMU, RMU, GMU, CC, BPMU

(12) Single-Story Shopfront

- a. A single-story building type that typically accommodates retail or commercial uses.



- b. Zones where permitted: CMU, CC, CH, DMU, GMU

(13) Mixed Use Shopfront.

- a. A building type that typically accommodates ground floor retail, office or commercial uses with upper-story residential or office uses



- b. Zones where permitted: BPMU, CMU, DMU, CC

(14) General Building.

- a. A building type that typically accommodates ground floor retail, office, or commercial uses with upper-story residential or office uses.



- b. Zones where permitted: BPMU, CMU, GMU, CC, CH, IF, IL, IH, CI, PR, PF

(15) Manufactured or Mobile Home Park.

- a. A cluster of manufactured or mobile homes configured such that more than one mobile home is located on a lot, parcel, or tract. A manufactured or mobile home Park typically features land or un-subdivided lots leased or rented by the manufactured or mobile home owner.
- b. Zones where permitted: None. New manufactured or mobile home parks are not permitted. Existing legal nonconforming manufactured or mobile home parks may be maintained and the homes therein may be replaced.

(16) Accessory Building:

- a. An accessory building is any building of which the form and use are subordinate in both purpose and size, incidental to and customarily associated with a permitted principal building and use located on the same lot.

**20.32.015 Building Type Zoning Matrix.**

(1) Building Type Zoning Matrix Key:

- (a) Permitted Building Type (P). Indicates a building type is permitted in the zone.
- (b) Building Type not Permitted (--). Indicates a building type is not permitted in the zone.

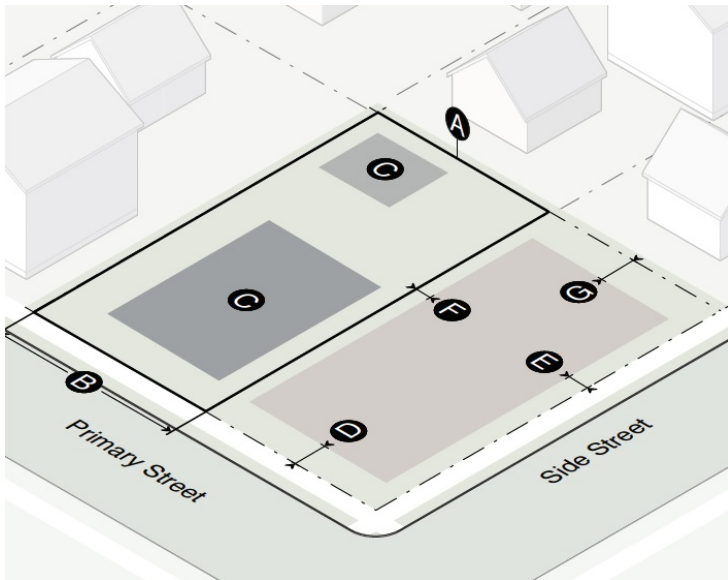
Building Type	R1	R2	R3	R4	R5	R6	GB	RMU	NMU	CMU	DMU	GMU	BPMU	CC	CH	IF	LI	HI	CI	PR	PF
Detached House	P	P	P	--	--	P	P	--	P	--	--	--	P	--	--	--	--	--	--	--	--
Backyard Cottage	P	P	P	--	--	P	P	--	P	--	--	--	P	--	--	--	--	--	--	--	--
Cottage Court	P	P	P	--	--	P	--	--	P	--	--	--	--	--	--	--	--	--	--	--	--
Duplex: Side by Side	--	P	P	--	--	--	--	--	P	--	--	--	P	--	--	--	--	--	--	--	--
Duplex: Back to Back	--	P	P	--	--	--	--	--	P	--	--	--	P	--	--	--	--	--	--	--	--
Attached House	--	P	P	--	--	--	--	--	P	--	--	--	P	--	--	--	--	--	--	--	--
Four-Plex	--	--	P	P	P	--	--	--	P	--	--	--	--	--	--	--	--	--	--	--	--
Townhouse	--	P*	P	P	P	--	--	P	--	P	--	P	P	--	--	--	--	--	--	--	--
Apartment	--	--	P	P	P	--	--	--	P	P	--	P	--	--	--	--	--	--	--	--	--
Live-Work	--	--	--	--	--	--	--	P	P	P	P	P	P	P	--	P	--	--	--	--	--
Shopfront House	--	--	--	--	--	--	--	--	P	P	P	P	P	P	--	--	--	--	--	--	--
Single-Story Shopfront	--	--	--	--	--	--	--	--	--	P	P	P	--	P	P	--	--	--	--	--	--
Mixed-Use Shopfront	--	--	--	--	--	--	--	--	--	P	P	P	P	P	--	--	--	--	--	--	--
General Building	--	--	--	--	--	--	--	--	--	P	--	P	P	P	P	P	P	P	P	P	P
Manufactured or Mobile Home Park	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Accessory Building	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

\* See restriction in POMC 20.32.090.

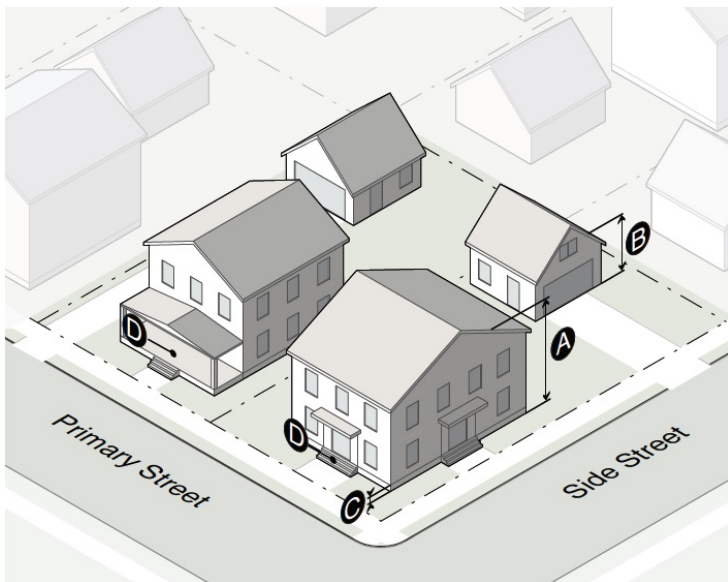
**20.32.020 Detached House.**



- (1) Definition: A building type that accommodates one dwelling unit on an individual lot with yards on all sides.
- (2) Districts where allowed: GB, R1, R2, R3, R6, NMU, BPMU
- (3) Lot and Placement:



- a. Minimum/Maximum Lot Area: Set by District.
  - b. Minimum Lot Width. Set by District.
  - c. Maximum Lot Coverage: Set by District.
  - d. Building and Structure Setback from Primary Street lot line: Set by District.
  - e. Building and Structure Setback from Side Street lot line: Set by District.
  - f. Building and Structure Setback from Side Interior lot line: Set by District.
  - g. Building and Structure Setback from Rear lot line: Set by District
- (4) Maximum dwelling units per lot: 1 Primary, 1 Accessory
- (5) Build to Zone (BTZ)
- a. Building Façade in primary street BTZ: Does not apply.
  - b. Building façade in secondary street BTZ: Does not apply.
- (6) Height and Form:

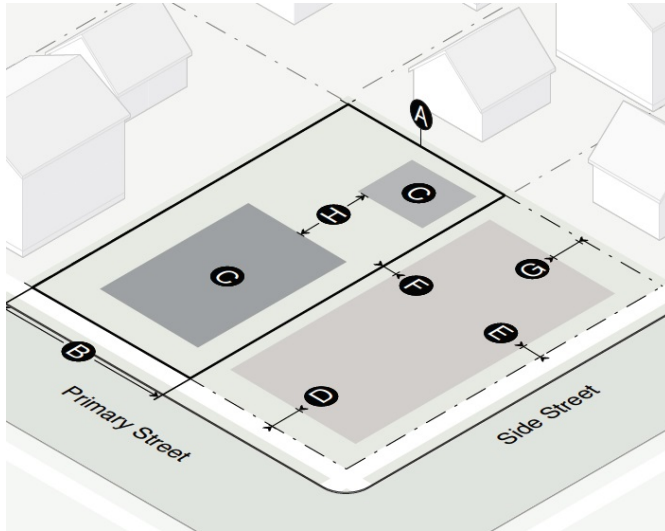


- a. Maximum Principal Building Height: 3 stories / 35 feet max
- b. Accessory Structure: 24 feet max
- c. Minimum Ground Floor Elevation: 2 Feet Minimum
- d. Pedestrian Access:
  - i. Entrance facing primary street: Required.
- e. Building Elements Allowed:
  - i. Balcony. See section 20.122.030
  - ii. Porch. See section 20.122.060
  - iii. Stoop. See section 20.122.070
- f. Parking Location:
  - i. Front/corner yard restrictions: See 20.122.070
  - ii. Garage door restrictions: See 20.122.070

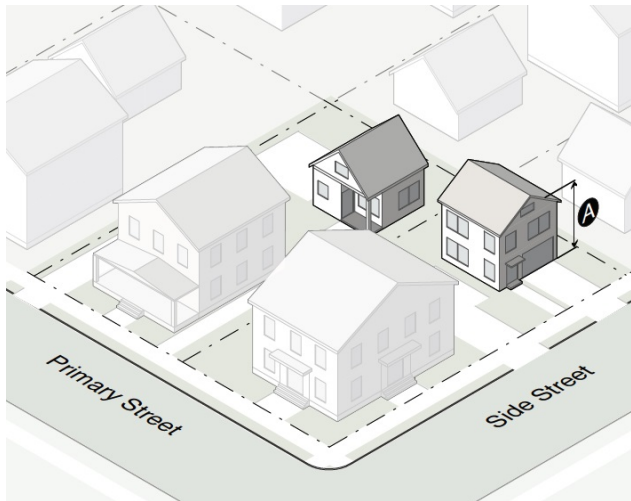
**20.32.030 Backyard Cottage**



- (1) Definition: A small self-contained accessory dwelling located on the same lot as a detached house but physically separated, for use as a complete, independent living facility, with provisions for cooking, sanitation and sleeping.
- (2) Districts where allowed: R1, R2, R3, R6, NMU, RMU, BPMU, GB
- (3) Lot and Placement:



- a. Minimum/Maximum Lot Area: Set by District.
  - b. Minimum Lot Width: Set by District.
  - c. Maximum Lot Coverage: Set by District.
  - d. Building and Structure Setback from Primary Street lot line: Set by District.
  - e. Building and Structure Setback from Side Street lot line: Set by District.
  - f. Building and Structure Setback from Side Interior lot line: Set by District.
  - g. Building and Structure Setback from Rear lot line: Set by District
  - h. Minimum Building separation: 10'
  - i. Maximum Size: A backyard cottage shall not exceed 40 percent of the total square footage of the primary dwelling/detached house (excluding any garage area and other non-living areas such as workshops or greenhouses), or 1,000 square feet, whichever is less.
- (4) Max dwelling units per lot: 1 backyard cottage may be permitted as an accessory use to 1 detached house or manufactured home on a lot. Backyard cottages are not permitted in manufactured or mobile home parks.
  - (5) Build to Zone (BTZ)
    - a. Building Façade in primary street BTZ: Does not apply.
    - b. Building façade in secondary street BTZ: Does not apply.
  - (6) Height and Form:



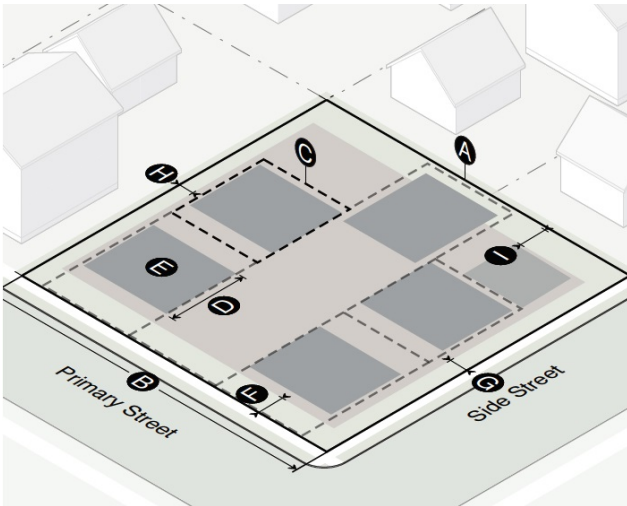
- a. Maximum Accessory Structure Height: 24 Feet
- b. Minimum Ground Floor Elevation: 2 Feet Minimum
- c. Pedestrian Access:
  - i. Entrance facing primary street: Does not apply.
- d. Building Elements Allowed:
  - i. Balcony. Does not apply.
  - ii. Porch. Does not apply.
  - iii. Stoop. Does not apply.
- e. Parking Location:
  - i. Front/corner yard restrictions: Does not apply.
  - ii. Garage door restrictions: See Chapter 20.139 of this Title.
  - iii. Additional on-site parking required: See Chapter 20.68 of this Title.

**20.32.040 Cottage Court.**





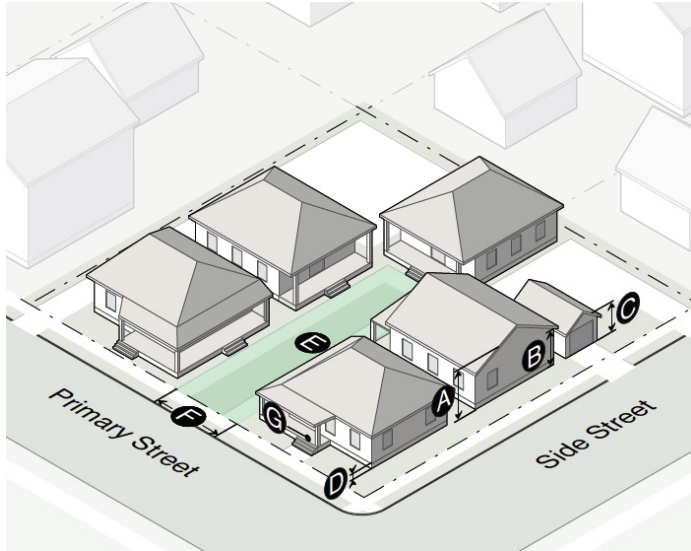
- (1) Definition: A building type that accommodates 5 to 12 detached dwelling units on individual lots organized around an internal shared courtyard. Cottage courts require an approved subdivision or short subdivision (depending on the total number of lots proposed).
- (2) Districts where allowed: R1, R2, R3, R6, RMU, NMU
- (3) Lot and Placement:



- a. Minimum Site Area: 22,500 square feet
- b. Minimum Site Width and Depth: 150'
- c. Minimum Lot Area: 1,200 square feet
- d. Minimum Lot Width: 20'
- e. Maximum Principal Building Footprint: 1,200 square feet
- f. Building and Structure Setback from Primary Street lot line: Set by District.
- g. Building and Structure Setback from Side Street lot line: Set by District.
- h. Building and Structure Setback from Side Interior lot line: Set by District.



- i. Building and Structure Setback from Rear lot line: Set by District
- (4) Maximum Dwelling Units allowed per site: 5-12
- (5) Additional site area required per dwelling unit beyond 5: 4,500 square feet
- (6) Maximum Lot Coverage: Does not apply
- (7) Build to Zone (BTZ)
  - a. Building Façade in primary street BTZ: Does not apply.
  - b. Building façade in secondary street BTZ: Does not apply.
- (8) Height and Form:

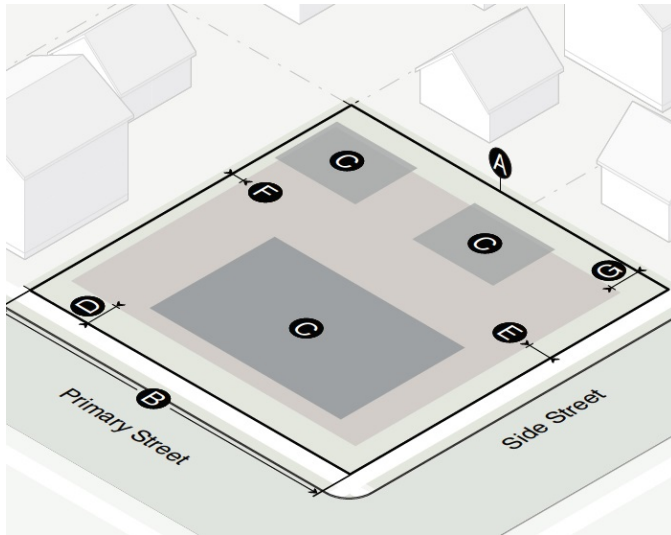


- a. Maximum Principal Building Height: 1.5 stories / 24 feet max
- b. Maximum Building Wall Plate Height: 18 feet
- c. Maximum Accessory Structure Height: 18 feet
- d. Minimum Ground Floor Elevation: 2 feet
- e. Courtyard Area:
  - i. Minimum Area: 3,000 square feet
  - ii. Additional Minimum Courtyard Area per dwelling unit beyond 5 units: 600 square foot minimum.
  - iii. Courtyard cannot be parked or driven on, except for emergency access and as permitted for temporary events.
- f. Minimum Courtyard Width:
  - i. 40 feet
- g. Building Elements Allowed:
  - i. Balcony. See section 20.122.030
  - ii. Porch. See section 20.122.060
  - iii. Stoop. See section 20.122.070
- h. Parking Location:
  - i. Front/corner yard restrictions: Not allowed.

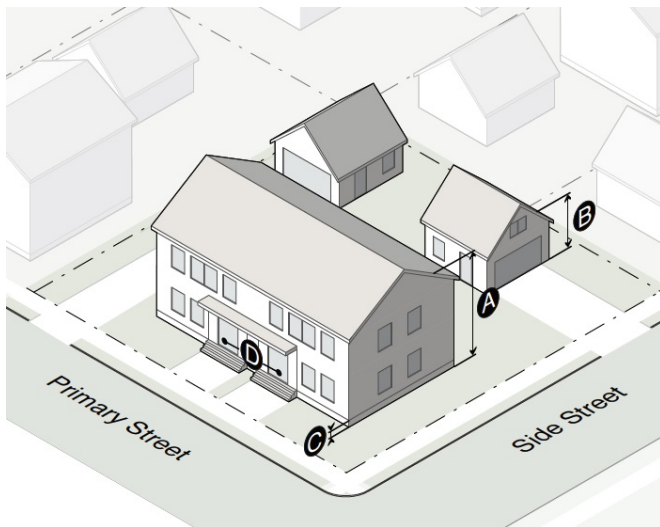
**20.32.050 Duplex: Side by Side.**



- (1) Definition: A building type that accommodates two dwelling units on an individual lot separated vertically side by side that share a common wall.
- (2) Districts where allowed: R2, R3, NMU, BPMU
- (3) Lot and Placement:



- a. Minimum Lot Area: Set by district.
  - b. Minimum Lot Width: Set by district.
  - c. Maximum Lot Coverage: Set by District
  - d. Primary Street Setback: Set by District.
  - e. Side Street Setback: Set by District.
  - f. Side Interior Setback: Set by District.
  - g. Rear Setback: Set by District
- (4) Dwellings allowed per lot: 2 min, 2 max
- (5) Build to Zone (BTZ)
- a. Building Façade in primary street BTZ: Does not apply.
  - b. Building façade in secondary street BTZ: Does not apply.
- (6) Height and Form:



- a. Maximum Principal Building Height: 3 stories / 35 feet
- b. Maximum Accessory Structure Height: 24' feet

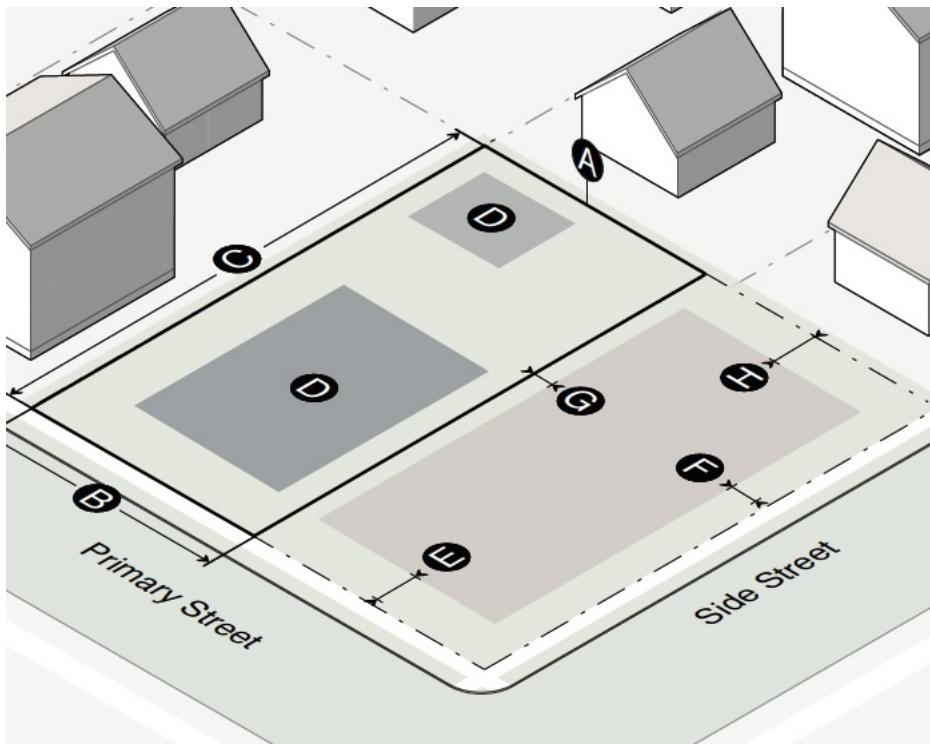
- c. Minimum Ground Floor Elevation: 2 feet Minimum
- d. Pedestrian Access:
  - i. Entrance facing primary street: Required.
- e. Building Elements Allowed:
  - i. Balcony. See section 20.122.030
  - ii. Porch. See section 20.122.060
  - iii. Stoop. See section 20.122.070
- f. Parking Location:
  - i. Front/corner yard restrictions: See 20.32.070
  - ii. Garage door restrictions: See 20.32.070
- g. Maximum Garage Door Width for garage bays facing primary street: 10 feet.

**20.32.060 Duplex: Back to Back.**





- (1) Definition: A building type that accommodates two dwelling units on an individual lot separated vertically with one unit located directly behind the other unit that share a common wall.
- (2) Districts where allowed: R2, R3, NMU, BPMU
- (3) Lot and Placement:



- a. Minimum Lot Area: Set by District
- b. Minimum Lot Width: Set by District
- c. Maximum Lot Coverage: Set by District
- d. Primary Street Setback: Set by District.
- e. Side Street Setback: Set by District.
- f. Side Interior Setback: Set by District.

- g. Rear Setback: Set by District
- (4) Dwellings allowed per lot: 2 min, 2 max
- (5) Build to Zone (BTZ)
  - a. Building Façade in primary street BTZ: Does not apply.
  - b. Building façade in secondary street BTZ: Does not apply.
- (6) Height and Form:

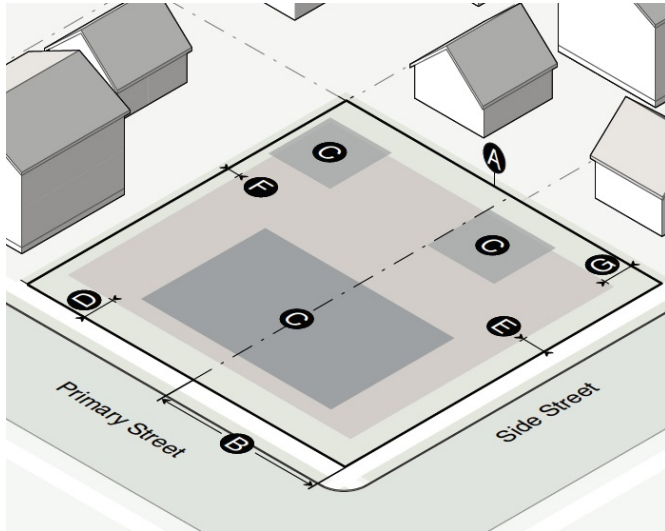


- a. Maximum Principal Building Height: 3 stories / 35 feet Max
- b. Maximum Accessory Structure Height: 24 feet Max
- c. Minimum Ground Floor Elevation: 2 feet Minimum
- d. Pedestrian Access:
  - i. Entrance facing primary street: Required.
- e. Building Elements Allowed:
  - i. Balcony. See section 20.32.070
  - ii. Porch. See section 20.32.070
  - iii. Stoop. See section 20.32.070
- f. Parking Location:
  - i. Front/corner yard restrictions: See 20.32.070
  - ii. Garage door restrictions: See 20.32.070

POMC 20.32.070 Attached House

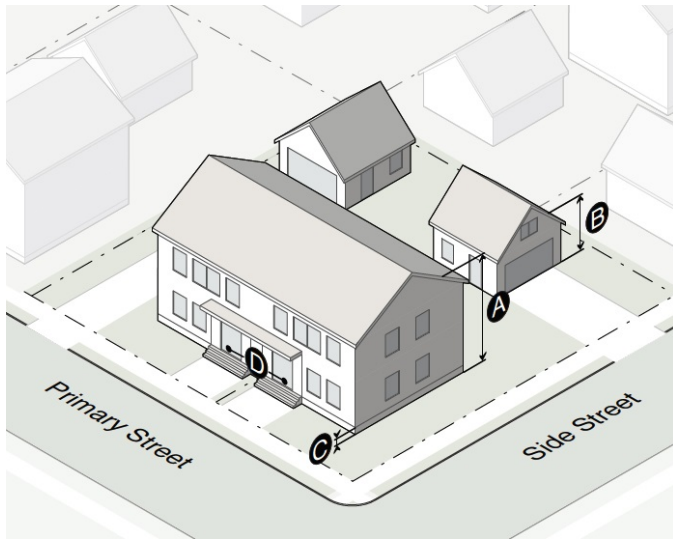


- (1) Definition: A building type that accommodates two attached dwelling units located on two separate lots that share a common wall along a lot line. An attached house may require a subdivision or short subdivision.
- (2) Districts where allowed: R2, R3, NMU, BPMU
- (3) Lot and Placement:



- a. Minimum Lot Area: Set by District
  - b. Minimum Lot Width: Set by District
  - c. Maximum Lot Coverage: Set by District
  - d. Primary Street Setback: Set by District.
  - e. Side Street Setback: Set by District.
  - f. Side Interior Setback: Set by District.
  - g. Rear Setback: Set by District
- (4) Dwellings allowed per lot: 1 min, 1 max
  - (5) Build to Zone (BTZ)
    - a. Building Façade in primary street BTZ: Does not apply.
    - b. Building façade in secondary street BTZ: Does not apply.
  - (6) Height and Form:





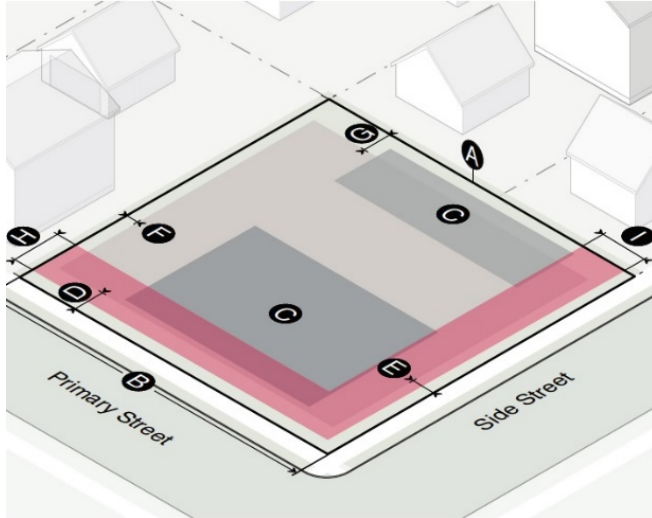
- a. Maximum Principal Building Height: 3 stories / 35 feet
- b. Maximum Accessory Structure Height: 24 feet
- c. Minimum Ground Floor Elevation: 2 feet Minimum
- d. Pedestrian Access:
  - i. Entrance facing primary street: Required.
- e. Building Elements Allowed:
  - i. Balcony. See section 20.32.070
  - ii. Porch. See section 20.32.070
  - iii. Stoop. See section 20.32.070
- f. Parking Location:
  - i. Front/corner yard restrictions: See 20.32.070
  - ii. Garage door restrictions: See 20.32.070

**20.32.080 Four-Plex.**





- (1) Definition: A building type that accommodates 3-4 dwelling units vertically or horizontally integrated.
- (2) Districts where allowed: R3, R4, R5, NMU
- (3) Lot and Placement:



- a. Minimum Lot Area: 7,000 square feet
- b. Minimum Lot Width: 65'
- c. Maximum Lot Coverage: Set by District
- d. Primary Street Setback: Set by District.
- e. Side Street Setback: Set by District.
- f. Side Interior Setback: Set by District.
- g. Rear Setback: Set by District

(4) Dwellings allowed per lot: Minimum 3, Maximum 4

(5) Build to Zone (BTZ)

- a. Building Façade in primary street BTZ: Set by District.
- b. Building façade in secondary street BTZ: Set by District.

(6) Height and Form:



- a. Maximum Principal Building Height: 3 stories / 35 feet
- b. Maximum Accessory Structure Height: 24 feet
- c. Minimum Ground Floor Elevation: 2 feet
- d. Minimum Ground Floor Transparency: 20%

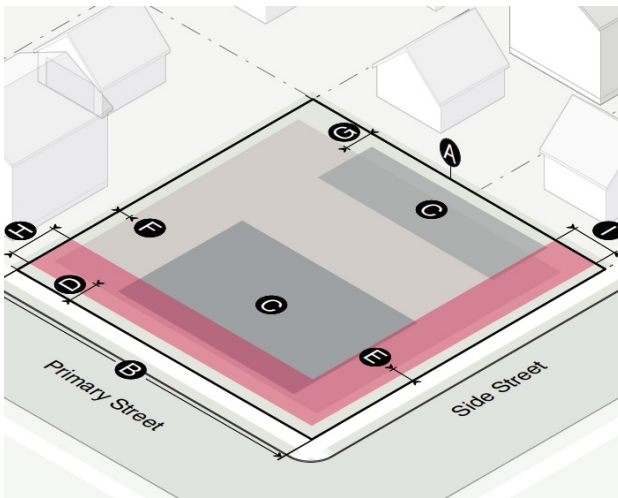
- e. Minimum Upper Floor Transparency: 20%
- f. Maximum Blank Wall Area: 35'
- g. Pedestrian Access:
  - i. Entrance facing primary street: Required.
- h. Building Elements Allowed:
  - i. Awning/canopy. See Section 20.32.160
  - ii. Balcony. See section 20.32.070
  - iii. Porch. See section 20.32.070
  - iv. Stoop. See section 20.32.070
- i. Parking Location:
  - i. Front/corner yard restrictions: Parking Not allowed in front/corner yards.
  - ii. Garage Door Restrictions: See section 20.32.170.

**20.32.090 Townhouse**





- (1) Definition: A building type that accommodates 2 or more dwelling units where each unit is separated vertically by a common side wall and located on its own lot. Units cannot be vertically mixed. A subdivision or short subdivision may be required to construct townhome units.
- (2) Districts where allowed: R2 (3-4 unit residential attached only), R3, R4, R5, RMU, CMU, GMU, BPMU
- (3) Lot and Placement:



- a. Minimum Site Area: 5,000 SF Min
  - b. Minimum Site Width: 70'
  - c. Minimum Lot Area: Set by district.
  - d. Minimum Lot Width Set by district.
  - e. Maximum Lot Coverage: Set by District
  - f. Primary Street Setback: Set by District.
  - g. Side Street Setback: Set by District.
  - h. Side Interior Setback: Set by District.
  - i. Rear Setback: Set by District
- (4) Dwellings allowed per site/lot: 1 min, no max

(5) Build to Zone (BTZ)

- a. Building Façade in primary street BTZ: Set by District
- b. Building façade in secondary street BTZ: Set by District

(6) Height and Form:



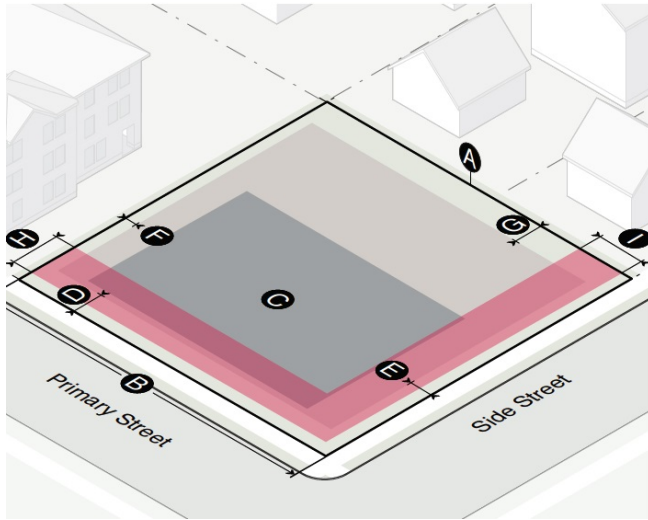
- a. Maximum Principal Building Height: 3 stories / 35 feet Max
- b. Accessory Structure: 24 feet Max
- c. Minimum Ground Floor Elevation: 2 feet Minimum
- d. Unit Width: 20 foot Min
- e. Number of Units Permitted in a row: 6 max
- f. Transparency ground story: 20% minimum
- g. Transparency upper story: 20% minimum
- h. Blank wall area: 35 feet max.
- i. Pedestrian Access:
  - i. Entrance facing primary street: Required.
- j. Building Elements Allowed:
  - i. Awning/canopy: See section 20.32.170
  - ii. Balcony. See section 20.32.170
  - iii. Porch. See section 20.32.170
  - iv. Stoop. See section 20.32.170
- k. Parking Location:
  - i. Front/corner yard restrictions: Not allowed in front/corner yards.
  - ii. Garage door restrictions: See section 20.32.170.

**20.32.100 Apartment.**



(1) Definition: A building type that accommodates 5 or more dwelling units vertically and horizontally integrated.

- (2) Districts where allowed: R3, R4, R5, NMU, GMU, CMU,
- (3) Lot and Placement:



- a. Minimum Lot Area: Set by District
  - b. Minimum Lot Width: Set by District
  - c. Maximum Lot Coverage: Set by District
  - d. Primary Street Setback: Set by District.
  - e. Side Street Setback: Set by District.
  - f. Side Interior Setback: Set by District.
  - g. Rear Setback: Set by District
- (4) Dwellings allowed per lot: 5 min, no max
  - (5) Build to Zone (BTZ)
    - a. Building Façade in primary street BTZ: Set by district.
    - b. Building façade in secondary street BTZ: Set by district.
  - (6) Height and Form:





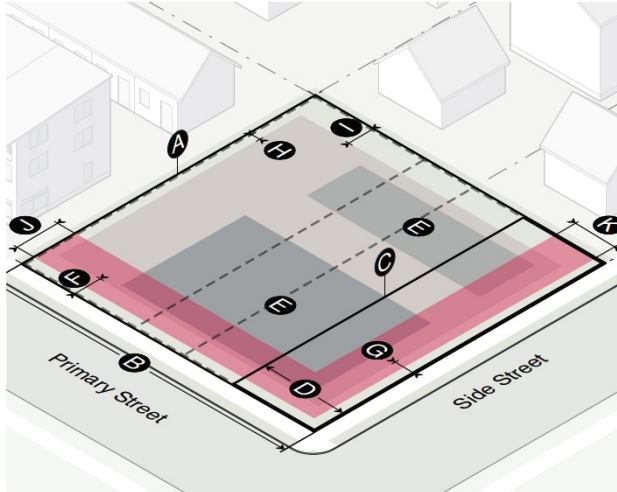
- a. Maximum building and structure height: Set by district
- b. Minimum Ground Floor Elevation: 2 feet Minimum
- c. Maximum building length:
- d. Minimum ground story transparency: 20%
- e. Minimum upper story transparency: 20%
- f. Maximum blank wall area: 35'
- g. Pedestrian Access:
  - i. Entrance facing primary street: Required.
  - ii. Entrance spacing along primary street: 100' max.
- h. Building Elements Allowed:
  - i. Awning/canopy: See section 20.32.170
  - ii. Balcony. See section 20.32.170
  - iii. Forecourt: See section 20.32.170
  - iv. Porch. See section 20.32.170
  - v. Stoop. See section 20.32.170
- i. Parking Location:
  - i. Front/corner yard restrictions: Not allowed.

**20.32.110 Live Work.**

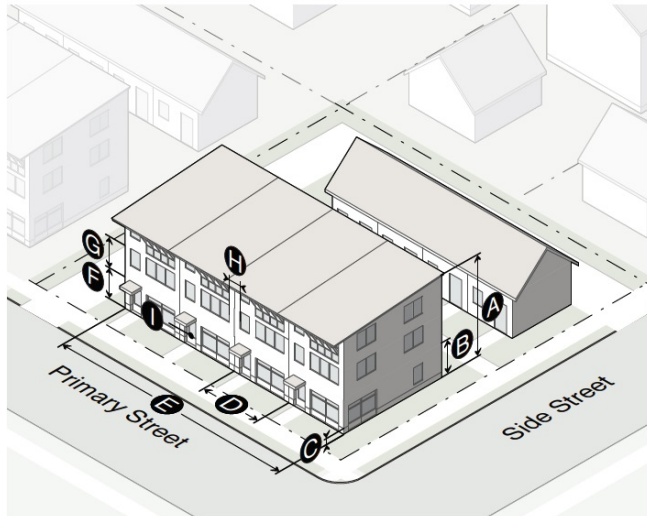




- (1) Definition: A building type that accommodates 3 or more units. Units allow for residential and nonresidential uses in the same physical space. Units may be vertically or horizontally mixed.
- (2) Districts where allowed: RMU, NMU, BPMU, CMU, GMU, DMU, IF, CC
- (3) Lot and Placement:



- a. Minimum Site Area: 4,000 square feet
  - b. Minimum Site Width: 55 feet
  - c. Minimum Lot size: Set by District.
  - d. Minimum Lot Width: 16 feet Min
  - e. Maximum Lot Coverage: Set by District
  - f. Primary Street Setback: Set by District.
  - g. Side Street Setback: Set by District.
  - h. Side Interior Setback: Set by District.
  - i. Rear Setback: Set by District
- (4) Units per lot: 1 min / no max
- (5) Build to Zone (BTZ)
- a. Building Façade in primary street BTZ: Set by District.
  - b. Building façade in secondary street BTZ: Set by District.
- (6) Height and Form:



- a. Maximum Building and Structure Height: 3 stories / 35 feet
- b. Minimum Ground Story Height: 12 feet

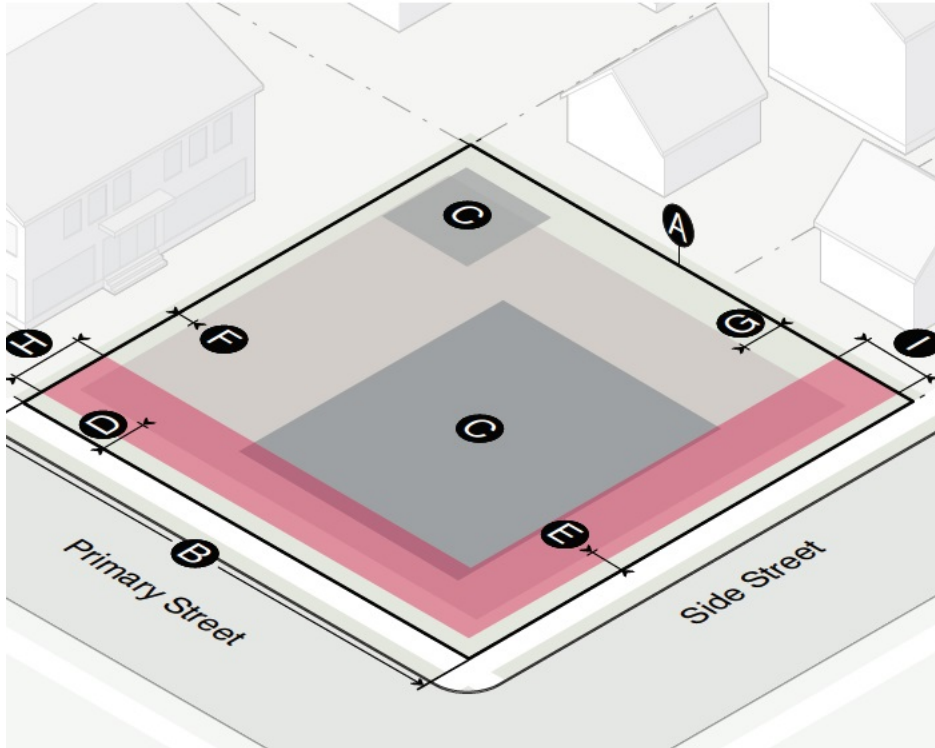
- c. Minimum Ground Floor Elevation: 2 feet
- d. Unit Width: 15 feet Min / 30 feet Max
- e. Number of Units Permitted in a Row: 6
- f. Minimum ground story transparency: 20%
- g. Minimum upper story transparency: 20%
- h. Maximum blank wall area: 35 feet
- i. Pedestrian Access:
  - i. Entrance facing primary street: Required.
- j. Building Elements Allowed:
  - i. Awning/Canopy: See 20.32.170
  - ii. Balcony. See section 20.32.170
  - iii. Porch. See section 20.32.170
  - iv. Stoop. See section 20.32.170
- k. Parking Location:
  - i. Front/corner yard restrictions: See 20.32.170
  - ii. Garage Door Restrictions: See section 20.32.170

**20.32.120 Shopfront House.**

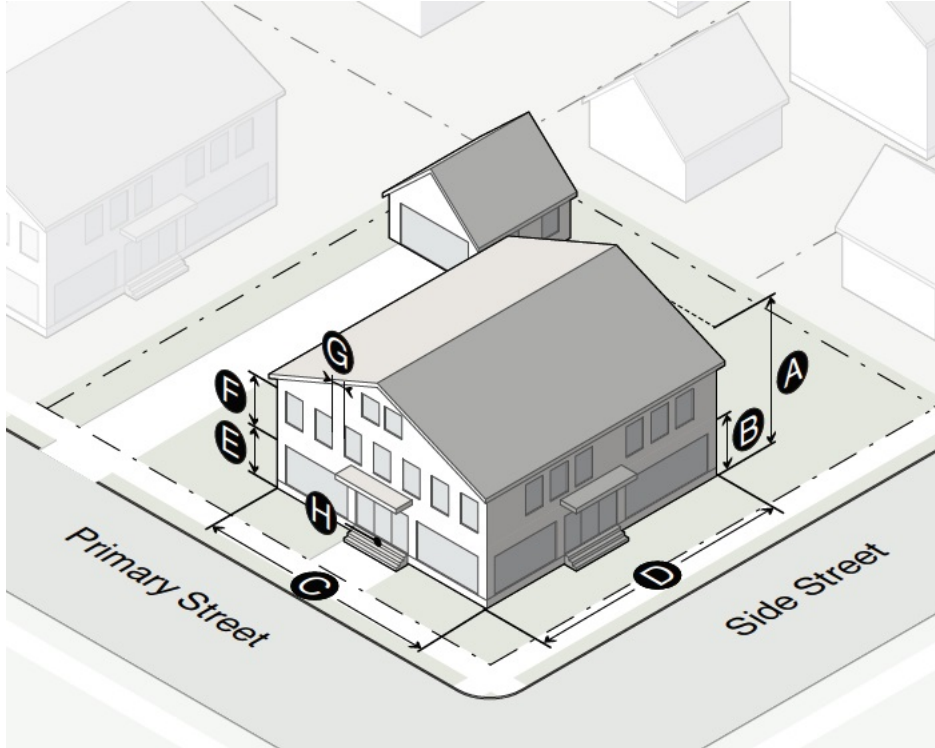




- (1) Definition: A building type that typically accommodates ground floor retail, office or commercial uses with upper-story residential or office uses at a scale that complements the existing residential character of the area.
- (2) Districts where allowed: NMU, CMU, RMU, GMU, CC, BPMU
- (3) Lot and Placement:



- a. Minimum Lot Area: Set by District
  - b. Minimum Lot Width: Set by District
  - c. Maximum Lot Coverage: Set by District
  - d. Primary Street Setback: Set by District.
  - e. Side Street Setback: Set by District.
  - f. Side Interior Setback: Set by District.
  - g. Rear Setback: Set by District
- (4) Dwellings allowed per lot: 2 min, 2 max
- (5) Build to Zone (BTZ):
- a. Building Façade in primary street BTZ: Set by District
  - b. Building façade in secondary street BTZ: Set by District.



(6) Height and Form:

- a. Maximum Principal Building Height: 3 stories / 35 feet
- b. Minimum Ground Story Height: 10 feet
- c. Maximum Building Length: 50 feet
- d. Maximum Building depth: 75 feet
- e. Minimum ground story transparency: 40%
- f. Minimum upper story transparency: 20%
- g. Pedestrian Access:
  - i. Entrance facing primary street: Required.
- h. Building Elements Allowed:
  - i. Awning/canopy: See 20.32.170
  - ii. Balcony. See section 20.32.170
  - iii. Porch. See section 20.32.170
  - iv. Stoop. See section 20.32.170
- i. Parking Location:
  - i. Front/corner yard restrictions: Not allowed.
  - ii. Garage door restrictions: See 20.32.170.

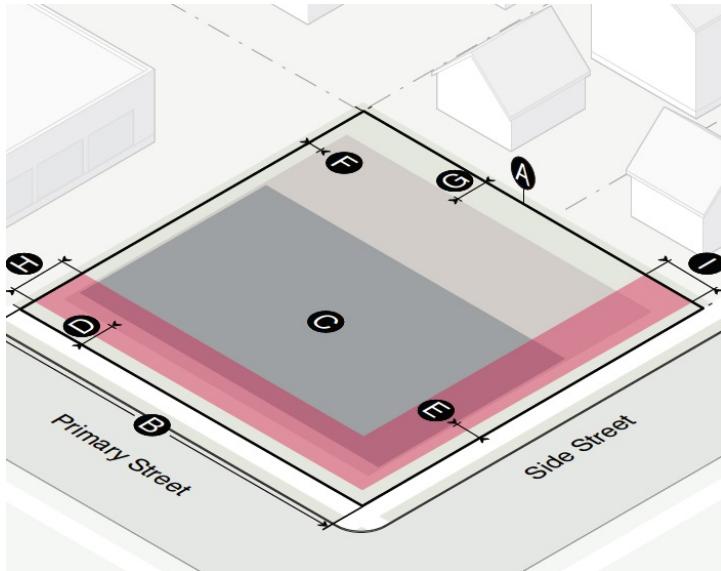
20.32.130 Single Story Shopfront



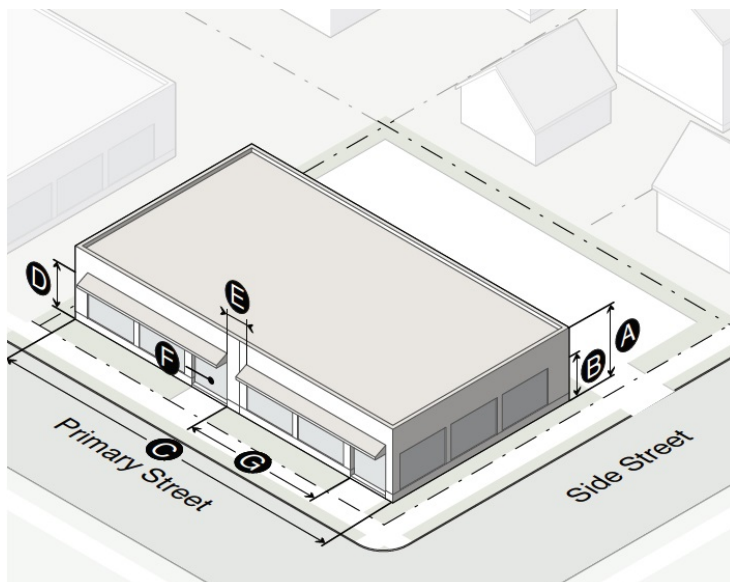
(1) Definition: A single story building type that typically accommodates retail or commercial uses.



- (2) Districts where allowed: CMU, CC, CH, DMU, GMU
- (3) Lot and Placement:



- a. Minimum Lot Area: Set by District
  - b. Minimum Lot Width: Set by District
  - c. Maximum Lot Coverage: Set by District
  - d. Primary Street Setback: Set by District.
  - e. Side Street Setback: Set by District.
  - f. Side Interior Setback: Set by District.
  - g. Rear Setback: Set by District
- (4) Build to Zone (BTZ):
    - a. Building Façade in primary street BTZ: Set by district.
    - b. Building façade in secondary street BTZ: set by district.
  - (5) Height and Form:



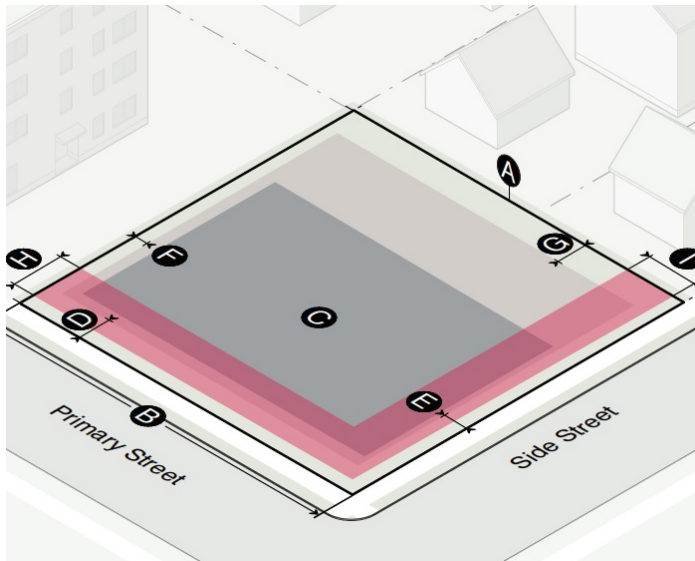
- a. Maximum Principal Building Height: 1 stories / 24 feet
- b. Minimum ground story height: 12 feet
- c. Maximum building length: 150 feet
- d. Ground story transparency:
  - i. Ground Story: 60% min
  - ii. Ground Story w/building footprint 20,000 square feet or more: 30% min
- e. Maximum Blank Wall Width:
  - i. Building footprint less than 20,000 square feet: 25 feet max width
  - ii. Building footprint 20,000 square feet or more: 75 feet max width
- f. Pedestrian Access - Entrance facing primary street: Required.
- g. Entrance spacing along primary street:
  - i. 75' max
  - ii. Building footprint of 20,000 sf or more: 125 feet max
- h. Building Elements Allowed:
  - i. Balcony. See section 20.32.170
  - ii. Forecourt. See section 20.32.170
  - iii. Gallery. See section 20.32.170
- i. Parking Location:
  - i. Front/corner yard restrictions: Set by district.

**20.32.140 Mixed Use Shopfront.**





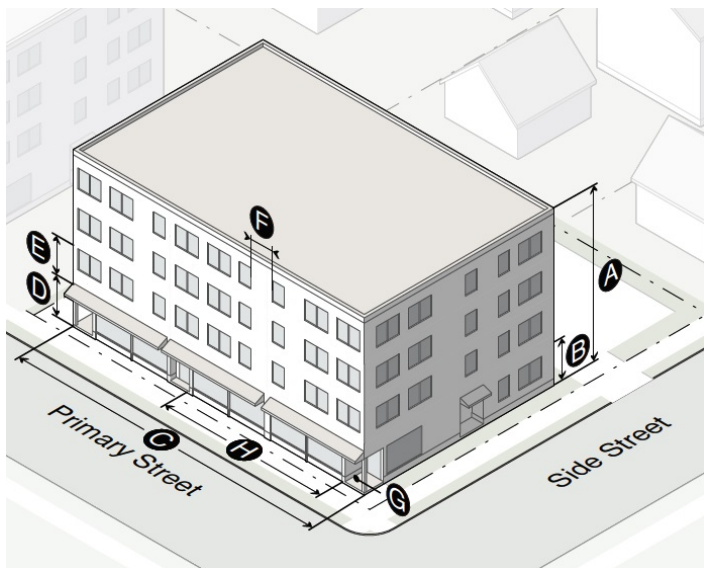
- (1) Definition: A building type that typically accommodates ground floor retail, office or commercial uses with upper-story residential or office uses
- (2) Districts where allowed: BPMU, CMU, DMU, GMU, CC
- (3) Lot and Placement:



- a. Minimum Lot Area: Set by District
- b. Minimum Lot Width: Set by District
- c. Maximum Lot Coverage: Set by District
- d. Primary Street Setback: Set by District.
- e. Side Street Setback: Set by District.
- f. Side Interior Setback: Set by District.
- g. Rear Setback: Set by District
- h. Build to Zone (BTZ) - Building Façade in primary street BTZ: Set by district.
- i. Build to Zone (BTZ) - Building façade in secondary street BTZ: Set by district.

(4) Dwellings allowed per lot: No Limit

(5) Height and Form:



- a. Maximum Building and Structure Height: Set by District
- b. Minimum ground story height: 12 feet
- c. Maximum building length: 120 feet

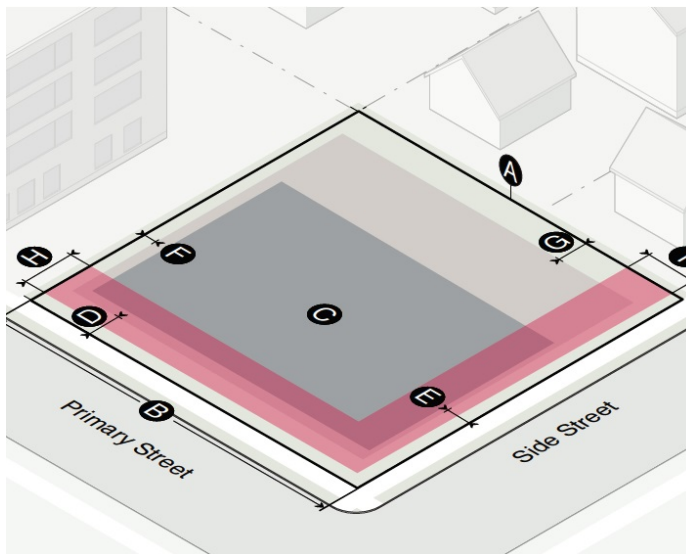
- d. Minimum ground story transparency: 60%
- e. Minimum upper story transparency: 20%
- f. Blank wall area: 25 feet max
- g. Pedestrian Access - Entrance facing primary street: Required.
- h. Entrance spacing along primary street: 75 feet max
- i. Building Elements Allowed:
  - i. Awning/Canopy. See section 20.32.170
  - ii. Forecourt. See section 20.32.170
  - iii. Gallery. See section 20.32.170
- j. Parking Location: Set by District

**20.32.150 General Building**



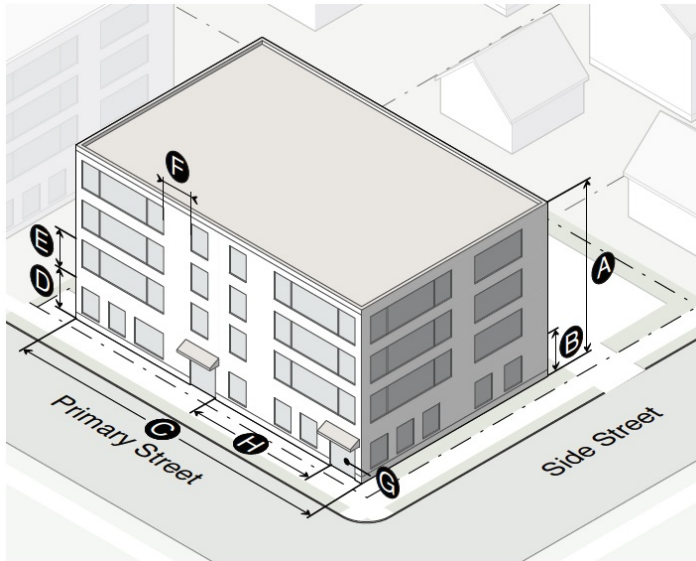


- (1) Definition: A building type that accommodates commercial, office, agricultural, or industrial uses.
- (2) Districts where allowed: BPMU, CMU, GMU, CC, CH, IF, IL, IH, CI, PR, PF
- (3) Lot and Placement:



- a. Minimum Lot Area: Set by District
  - b. Minimum Lot Width: Set by District
  - c. Maximum Lot Coverage: Set by District
  - d. Primary Street Setback: Set by District.
  - e. Side Street Setback: Set by District.
  - f. Side Interior Setback: Set by District.
  - g. Rear Setback: Set by District
  - h. Build to Zone (BTZ) - Building Façade in primary street BTZ: set by district.
  - i. Build to Zone (BTZ) - Building façade in secondary street BTZ: set by district.
- (4) Dwellings allowed per lot: Not Permitted

(5) Height and Form:



- a. Maximum Building and structure Height: Set by district
- b. Minimum Ground Story Height: 10 feet
- c. Maximum building length: 120 feet
- d. Minimum ground story transparency: 40%
- e. Minimum upper story transparency: 20%
- f. Maximum blank wall area: 50 feet
- g. Pedestrian Access - Entrance facing primary street: Required.
- h. Pedestrian Access – Entrance Spacing along Primary Street 125 feet max.
- k. Building Elements Allowed:
  - iv. Awning/Canopy. See section 20.32.170
  - v. Forecourt. See section 20.32.170
  - vi. Gallery. See section 20.32.170
- i. Parking Location: Set by district.

**Chapter 20.33**

**GREENBELT DISTRICT**

**Sections:**

**20.36.010 Greenbelt.**

(1) Intent.

The Greenbelt district is intended to protect sensitive natural resources and critical areas. Residential development not exceeding 1 single-family residential unit per 2 acres, and certain other compatible land uses, are allowed to supplement the protection of these resources in exchange for preserving open space.

(2) Building Types Allowed. The following building types are allowed:

- (a) Detached single-family house
- (b) Backyard Cottage
- (c) General Building



**Greenbelt Buildings**

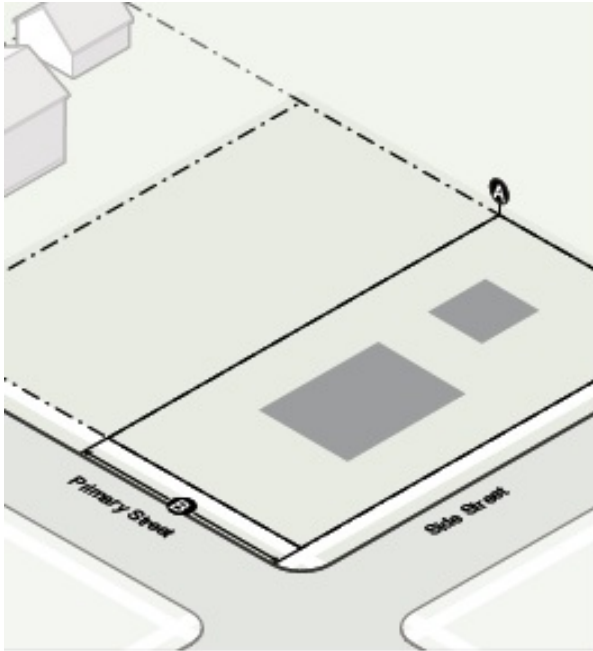
(3) Lot Dimensions:

Gross Density: 1 unit/2 acres maximum

	Area <b>(A)</b>	Width <b>(B)</b>
Detached house	2 acres min	No Minimum

(4) Maximum hard surface coverage is 15%.



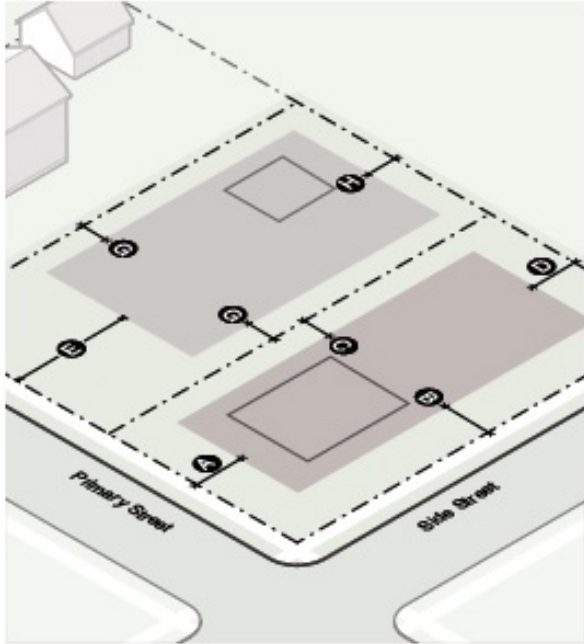


**Greenbelt Lot Dimensions**

(5) Building Placement.

Principal Building Setbacks:

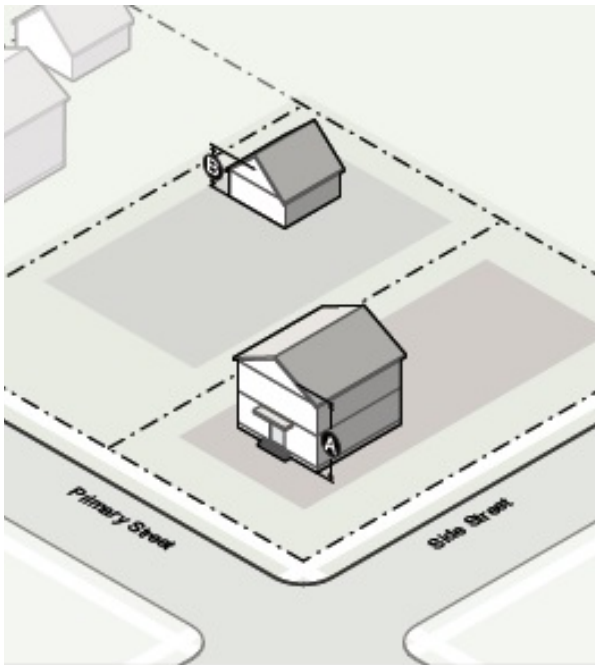
- |                    |           |            |
|--------------------|-----------|------------|
| (a) Primary street | 15 ft min | <b>(A)</b> |
| (b) Side street    | 10 ft min | <b>(B)</b> |
| (c) Side interior  | 5 ft min  | <b>(C)</b> |
| (d) Rear           | 10 ft min | <b>(D)</b> |



**Greenbelt Building Placement**

(6) Building Height:

Principal building	3 stories/35 ft max	<b>(A)</b>
Accessory structure	24 ft max	<b>(B)</b>



**Greenbelt Building Height**

## CHAPTER 20.35

### COMMERCIAL AND MIXED-USE DISTRICTS

#### Sections:

- 20.35.010 Residential Mixed Use (RMU).
- 20.35.020 Neighborhood Mixed Use (NMU).
- 20.35.025 Business Professional Mixed Use (BPMU).
- 20.35.030 Commercial Mixed Use (CMU).
- 20.35.040 Downtown Mixed Use (DMU).
- 20.35.050 Gateway Mixed Use (GMU).
- 20.35.060 Commercial Corridor (CC).
- 20.35.070 Commercial Heavy (CH).
- 20.35.080 Industrial Flex (IF).

#### 20.35.010 Residential Mixed Use (RMU).

(1) Intent. The RMU district is intended to accommodate working and living in close proximity to one another, including in the same physical space. Building type options include townhouse and live-work. The RMU zone should be applied in areas where the existing or proposed land use pattern promotes live-work uses and in areas designated as Commercial in the Port Orchard Comprehensive Plan. This designation may also be applied in areas designated residential high density in the comprehensive plan provided that the area abuts areas designated commercial and residential high density such that the application of the RMU district acts as a transitional zoning district. Uses that would substantially interfere with the live-work nature of the district are not allowed.

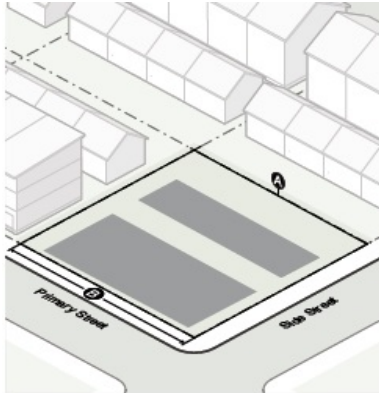
(2) Building Types Allowed. The allowed building types in the RMU zone as follows:

- (a) Townhouse (POMC 20.32.020)
- (b) Live Work (POMC 20.32.110)
- (c) Shopfront House (POMC 20.32.120)



RMU Building Types

(3) Lot Dimensions:



**RMU Zone Lot Dimensions**

(a) Minimum lot size:

- i. Townhouse: 1,000 square ft.
- ii. Live Work: 1,000 square ft
- iii. Shopfront House: 6,000 square ft

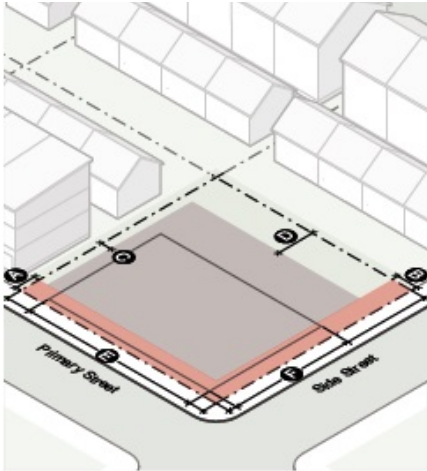
(b) Minimum lot width:

- i. Townhouse:
  - A. Lots that take vehicular access from primary street: 30 feet
  - B. Lots that do not take vehicular access from primary street: 16 feet
- ii. Live Work: 16 feet
- iii. Shopfront House: 60 feet

(4) Maximum hard surface coverage is 90%.

(5) Building Setbacks:

- (a) Primary Street: 0 ft min/10 ft maximum
- (b) Side Street: 0 ft min/10 ft max
- (c) Side Interior: 0 or 5 ft min
- (d) Rear: 10 ft (4 ft if abutting an alley)



**RMU Building Setback and Build to Zone**

(6) Build to Zone:

- (a) Building Facing Primary Street: 70% minimum (% of lot width)
- (b) Building Facing Side Street: 35% minimum (% of lot width)

(7) Building Height:

- (a) 3 stories/35 ft max



**RMU Zone Building Height**

**20.35.020 Neighborhood Mixed Use (NMU)**

(1) Intent. The NMU district is intended to accommodate neighborhood-oriented commercial facilities. The intent of the district is to provide small-scale service establishments close to residential uses, and to ensure that buildings and uses are compatible with the character of nearby neighborhoods. Building type options include: detached house, duplex, backyard cottage, four-plex, townhouse, and shopfront house. NMU zones should be applied in areas where the existing or proposed land use pattern has commercial activity close to established residential areas and may be applied in areas designated commercial in the comprehensive plan.

(2) Building Types Allowed. The allowed building types for the NMU zone are as follows:

- (a) Detached house (20.32.020)

- (b) Duplex (20.32.040-050)
- (c) Backyard Cottage (Detached Accessory dwelling unit) (20.32.030)
- (d) Four-plex (POMC 20.32.080)
- (e) Townhouse (POMC 20.32.090)
- (f) Shopfront house (20.32.120)
- (g) Accessory Buildings (POMC 20.32.010 (16))



**NMU Building Types**

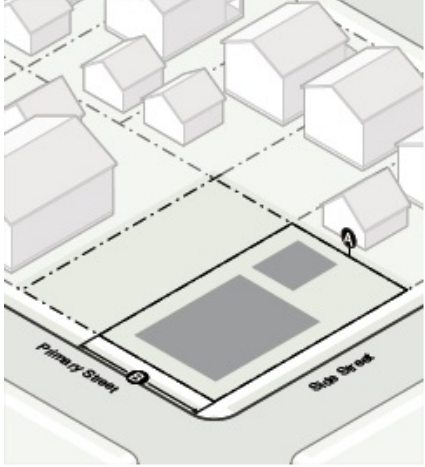
(3) Lot Dimensions:

(a) Minimum Lot Size by building type:

- i. Detached House: 3,500 square feet
- ii. Duplex (all types): 7,000 square feet
- iii. Backyard Cottage: 7,000
- iv. Four-plex: 7,000 square feet
- v. Townhouse: 800 square feet
- vi. Shopfront House: 7,000 square feet
- vii. Accessory Building: N/A

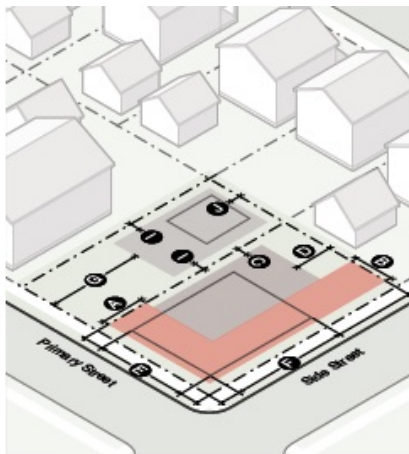
(b) Minimum Lot Width:

- i. Detached House: 60 feet
- ii. Duplex (all types): 60 Feet.
- iii. Backyard Cottage: N/A
- iv. Four-plex: 60 feet
- v. Townhouse:
  - A. Lots that take vehicular access from primary street: 30 feet
  - B. Lots that do not take vehicular access from primary street: 16 feet
- vi. Shopfront House: 65 feet



**NMU Lot Dimensions**

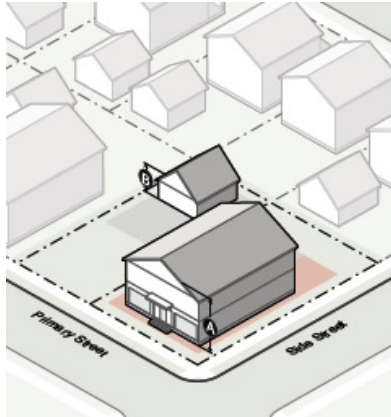
- (4) Maximum hard surface coverage is 70%.
- (5) Principal Building Setbacks:
  - (a) Primary Street: 10 ft minimum/30 ft maximum
  - (b) Side Street: 10 ft minimum/30 ft maximum
  - (c) Side Interior: 5 ft minimum
  - (d) Rear: 10 ft minimum
- (6) Build to Zone:
  - (a) Building façade in primary street: 50% minimum (% of lot width)
  - (b) Building façade in side street: 25% (% of lot width)
- (7) Accessory Structure Setbacks:
  - (a) Primary Street: 40 ft minimum
  - (b) Side Street: 10 ft minimum
  - (c) Side Interior: 5 ft minimum
  - (d) Rear: 3 ft (Rear if abutting an alley: 4 ft)



**NMU Building Placement**

- (8) Building Height:

- (a) Principal Building Height: 3 stories/35 ft max
- (b) Accessory Building Height: 2 stories/24 ft max



NMU Building Height

### 20.35.025 Business Professional Mixed Use (BPMU)

(1) Intent. The BPMU district is intended to accommodate mixed use development as well as a mix of uses that are oriented around the existing areas of medical, business professional, and residential uses and structures. Development in this zone is sought at a scale appropriate for uses ranging from single family detached to large medical buildings with larger buildings to be designed to be more compatible with smaller structures. Building type options include: detached house, duplex, backyard cottage, live work, shopfront house, mixed use shopfront, and general building. BPMU zones should be applied in areas in the vicinity of the Tremont medical facilities and near downtown Port Orchard and the Kitsap County Campus on properties designated as Commercial in the comprehensive plan.

(2) Building Types Allowed. The allowed building types for the BPMU zone are as follows:

- (a) Detached house (20.32.020)
- (b) Duplex (20.32.040-050)
- (c) Backyard Cottage (Detached Accessory dwelling unit) (20.32.030)
- (d) Attached House (POMC 20.32.070)
- (e) Live Work (POMC 20.32.110)
- (f) Shopfront House (POMC 20.32.120)
- (g) Mixed-Use Shopfront (POMC 20.32.140)
- (h) General Building (POMC 20.32.150)
- (i) Accessory Buildings (POMC 20.32.010 (16))





**NMU Building Types**

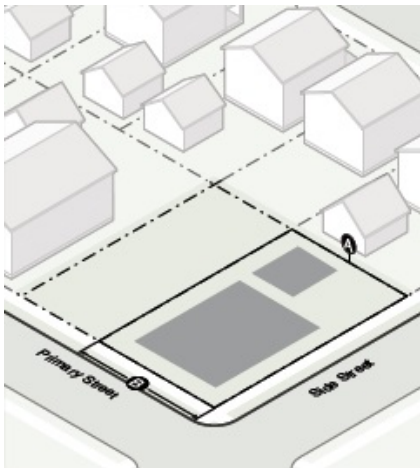
(3) Lot Dimensions:

(a) Minimum Lot Size by building type:

- i. Detached House: 3,000 square feet
- ii. Duplex: 6,000 square feet
- iii. Backyard Cottage: 6,000 square feet
- iv. Attached House: 3,500 square feet
- v. Live Work: 1,000 square feet
- vi. Shopfront House: 6,000 square feet
- vii. Mixed-Use Shopfront: 10,000 square feet
- viii. General Building: 10,000 square feet

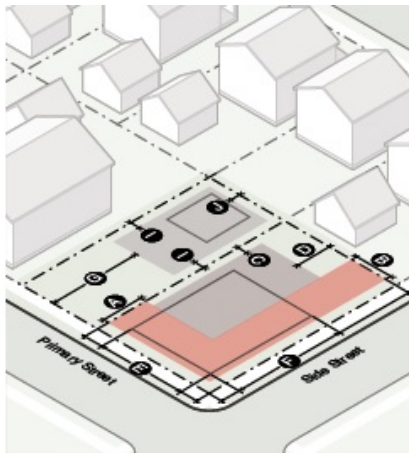
(b) Minimum Lot Width:

- i. Detached House: 60 feet
- ii. Duplex: 60 feet Backyard Cottage: N/A
- iii. Attached House: 30 feet
- iv. Live Work: 16 feet
- v. Shopfront House: 60 feet
- vi. Mixed Use Shopfront: 80 feet
- vii. General Building: 100 feet



**BPMU Lot Dimensions**

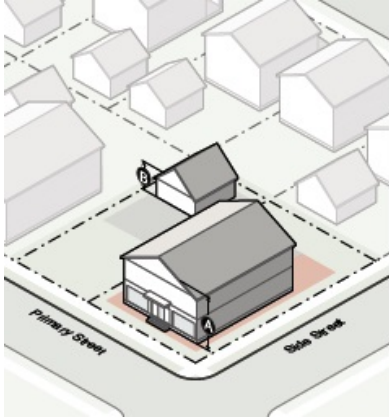
- (4) Maximum hard surface coverage is 75%.
- (5) Principal Building Setbacks:
  - (a) Primary Street: 10 ft minimum/30 ft maximum
  - (b) Side Street: 10 ft minimum/30 ft maximum
  - (c) Side Interior: 5 ft minimum
  - (d) Rear: 10 ft minimum
- (6) Build to Zone:
  - (a) Building façade in primary street: 50% minimum (% of lot width)
  - (b) Building façade in side street: 25% (% of lot width)
- (7) Accessory Structure Setbacks:
  - (a) Primary Street: 40 ft minimum
  - (b) Side Street: 10 ft minimum
  - (c) Side Interior: 5 ft minimum
  - (d) Rear: 20 ft (Rear if abutting an alley: 4 ft)



**NMU Building Placement**

- (7) Building Height:
  - (a) Principal Building Height (except detached house, duplex, attached house): 3 stories/40 ft max

(b) Accessory Building Height: 2 stories/24 ft max



**NMU Building Height**

### **20.35.030 Commercial Mixed-Use (CMU).**

(1) Intent. The Commercial Mixed-Use district is intended to accommodate a broader range of residential and non-residential activity than Neighborhood Mixed Use. To promote walkability and compatibility, auto-oriented uses are restricted. Building type options include: townhouse, apartment, live-work, shopfront house, single-story shopfront, mixed-use shopfront and general building. Commercial Mixed Use should be applied in areas where the existing or proposed land use pattern promotes mixed use and pedestrian-oriented activity and may be applied in areas designated commercial in the comprehensive plan.

(2) Building Types Allowed. The allowed building types are as follows:

- (a) Townhouse
- (b) Apartment
- (c) Live-work unit
- (d) Shopfront house
- (e) Single-story shopfront
- (f) Mixed use shopfront
- (g) General building



**CMU Building Types**

(3) Lot Dimensions:

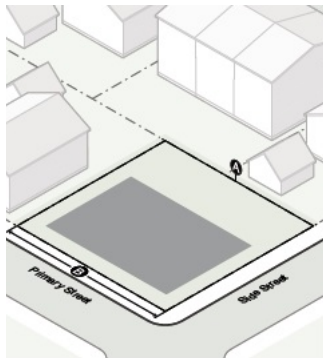
(a) Minimum Lot Size by building type:

- i. Townhouse: 800 square feet
- ii. Apartment: 5,000 square feet
- iii. Live-work Unit: 1,000 square feet
- iv. Shopfront House: 5,000 square feet
- v. Single-story shopfront: 5,000 square feet
- vi. Mixed-use shopfront: 5,000 square feet
- vii. General Building: 5,000 square feet

(b) Minimum Lot Width:

- i. Townhouse: 16 feet
- ii. Apartment: 50 feet
- iii. Live-work Unit: See POMC 20.32.110 (3) (d).
- iv. Shopfront House: 50 feet
- v. Single-story shop front: 50 feet
- vi. Mixed-use shopfront: 50 feet
- vii. General Building: 50 feet

(4) Maximum hard surface coverage is 80%.



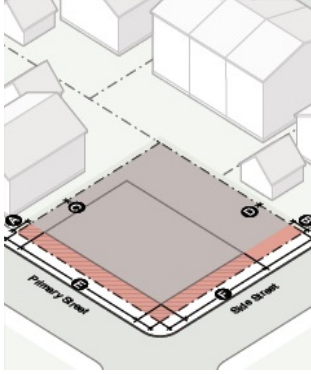
**CMU Lot Dimensions**

(5) Principal Building Setbacks:

- (a) Primary Street: 0 ft minimum / 10 ft maximum
- (b) Side Street: 0 ft minimum / 10 ft maximum
- (c) Side Interior: 0 ft minimum
- (d) Rear: 20 ft minimum (Rear if abutting an alley: 4 ft minimum)

(6) Build to Zone:

- (a) Building façade in primary street: 70% minimum (% of lot width)
- (b) Building façade in side street: 30% minimum (% of lot width)

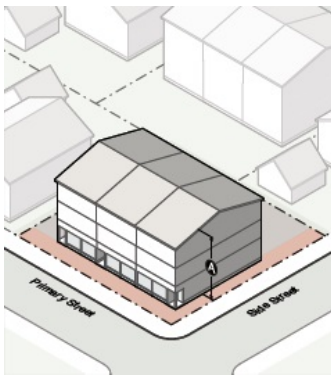


**CMU Building Placement**

(7) Parking location. Parking shall be allowed as followed except where another standard is specified in POMC 20.127:

- (a) Front Yard: Not Allowed
- (b) Corner Yard: Not Allowed
- (c) Side Yard: Allowed
- (d) Rear Yard: Allowed

(8) Building Height: All buildings and structures: 3.5 stories/ 40 ft maximum.



**CMU Building Height**

**20.35.040 Downtown Mixed Use (DMU).**

(1) Intent. The Downtown Mixed-Use district is intended to provide for mixed use, pedestrian-oriented development in downtown. To promote walkability and to encourage street-level retail activity, auto-oriented uses and ground-floor residential uses are restricted. Building type options include live-work, single-story shopfront and mixed-use shopfront. Downtown Mixed Use should be applied in areas where the existing or proposed land use pattern promotes the highest levels of pedestrian and mixed-use activity in the community and may be applied in areas designated commercial in the comprehensive plan.

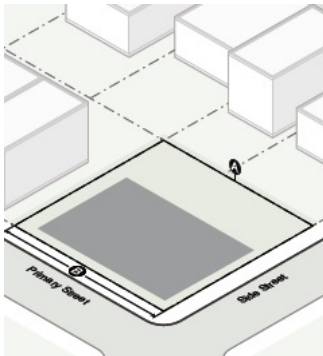
(2) Building Types Allowed. The allowed building types are as follows:

- (a) Live-work unit
- (b) Single-story shopfront
- (c) Mixed-use shopfront



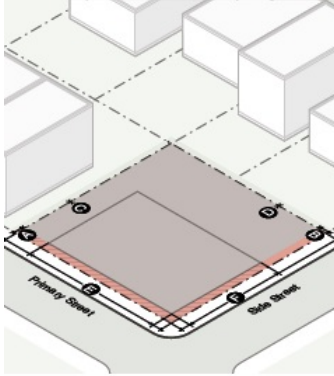
**DMU Building Types**

- (3) Lot Dimensions:
  - (a) There are no minimum or maximum lot sizes in the DMU district.
  - (b) There is no minimum lot width in the DMU district.



**DMU Lot Dimensions**

- (4) Maximum hard surface coverage is 100%.
- (5) Principal Building Setbacks:
  - (a) Primary Street: Not applicable
  - (b) Side Street: Not applicable
  - (c) Side Interior: Not applicable
  - (d) Rear: not applicable
- (6) Build to Zone:
  - (a) Building façade in primary street: 80% minimum (% of lot width)
  - (b) Building façade in side street: 40% minimum (% of lot width)



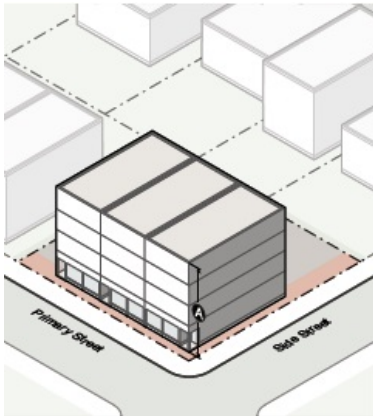
**DMU Building Placement**

(7) Parking location. Parking shall be allowed as followed except where another standard is specified in POMC 20.127:

- (a) Front Yard: Not Allowed
- (b) Corner Yard: Not Allowed
- (c) Side Yard: Allowed
- Rear Yard: Allowed

(8) Building Height:

(a) Maximum Height: 3 stories/38 feet unless an alternative maximum building height is specified pursuant to the Downtown Height Overlay District (POMC 20.38.600-670).



**DMU Building Height**

**20.35.050 Gateway Mixed Use**

(1) Intent. The Gateway Mixed Use district is intended to provide transitional districts in the east and west gateways to downtown Port Orchard. The district allows both mixed use, pedestrian-oriented development such as what is allowed in the GMU district along with other moderately more auto-dependent uses. Building type options include townhouse, apartment, live-work, shopfront house, single-story shopfront, mixed-use shopfront, and general buildings. Gateway Mixed Use should be applied to the east and west of downtown and may be applied in areas designated commercial in the comprehensive plan.

(2) Building Types Allowed. The allowed building types are as follows:

- (a) Townhouse

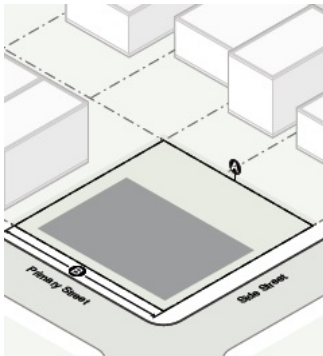
- (b) Apartment
- (c) Live-work unit
- (d) Shopfront house
- (e) Single-story shopfront
- (f) Mixed-use shopfront
- (g) General Building



**GMU Building Types**

(3) Lot Dimensions:

- (c) There are no minimum or maximum lot sizes in the GMU district.
- (d) There is no minimum lot width in the GMU district.



**GMU Lot Dimensions**

(4) The maximum hard surface coverage is 90%.

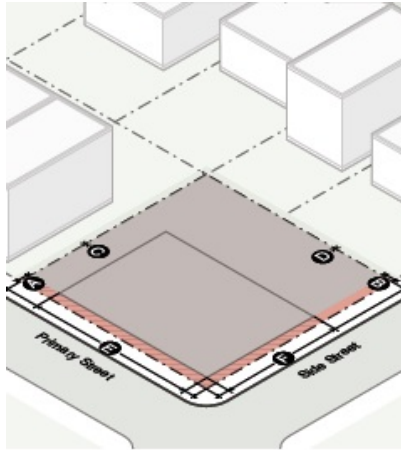
(5) Principal Building Setbacks:

- (a) Primary Street: Not applicable
- (b) Side Street: Not applicable
- (c) Side Interior: Not applicable
- (d) Rear: not applicable

(6) Build to Zone:

- (a) Building façade in primary street: 80% minimum (% of lot width)
- (b) Building façade in side street: 40% minimum (% of lot width)





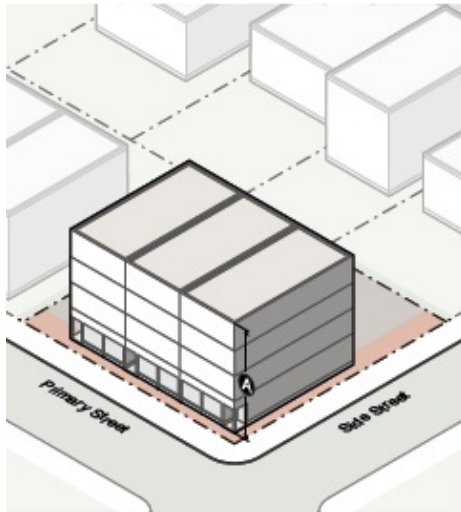
**GMU Building Placement**

(7) Parking location. Parking shall be allowed as followed except where another standard is specified in POMC 20.127:

- (a) Front Yard: Not Allowed
- (b) Corner Yard: Not Allowed
- (c) Side Yard: Allowed
- Rear Yard: Allowed

(8) Building Height:

- (a) Maximum Height: 3 stories/38 feet unless an alternative maximum building height is specified pursuant to the Downtown Height Overlay District (POMC 20.38.600-670).



**GMU Building Height**

### **20.35.060 Commercial Corridor (CC)**

(1) Intent. The Commercial Corridor district is intended to serve as a commercial gateway and to take advantage of proximity to major roadways. Therefore, the quality and aesthetics of new development is very important. Building type options include live-work units, shopfront house, single-story shopfront,

mixed-use shopfront and general building. The Commercial Corridor district should be applied along commercial corridors that serve as entrances to downtown or other pedestrian-oriented activity areas.

(2) Building Types Allowed. The allowed building types are as follows:

- (a) Live-work unit
- (b) Shopfront house
- (c) Single-story shopfront
- (d) Mixed-use shopfront
- (e) General building

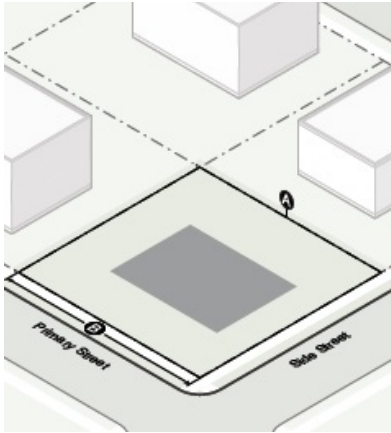


**CC Building Types**

(3) Lot Dimensions:

- (a) Minimum Lot Size by building type:
  - i. Live Work Unit: 1,000 square ft
  - ii. Shopfront House: 5,000 square ft
  - iii. Single Story Shopfront: 5,000 square ft
  - iv. Mixed use shopfront: 5,000 square ft
  - v. General building: 5,000 square ft
- (b) Minimum Lot Width:
  - i. Live Work Unit: 25 ft
  - ii. Shopfront House: 50 ft
  - iii. Single Story Shopfront: 50 ft
  - iv. Mixed use shopfront: 50 ft
  - v. General building: 50 ft

(4) Maximum hard surface coverage is 70%.



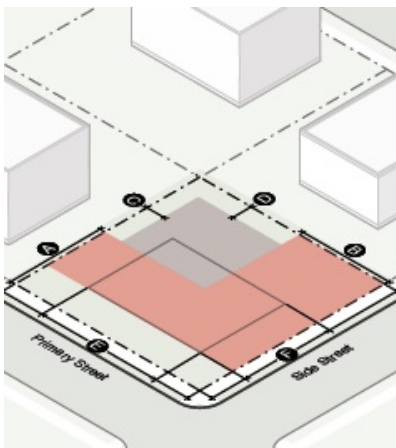
**CC Lot Dimensions**

(5) Principal Building Setbacks:

- (a) Primary Street: 15 ft minimum / 50 ft maximum
- (b) Side Street: 0 ft minimum / 50 ft maximum
- (c) Side Interior: 10 ft minimum
- (d) Rear: 10 ft minimum

(6) Build to Zone:

- (a) Building façade in primary street: 50% minimum (% of lot width)
- (b) Building façade in side street: 25% minimum (% of lot width)



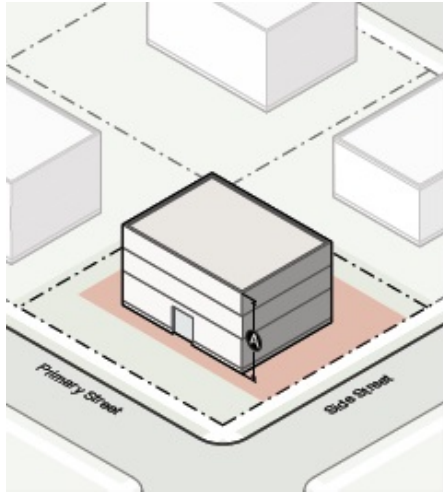
**CC Building Placement**

(7) Parking location. Parking shall be allowed as followed except where another standard is specified in POMC 20.127:

- (a) Front Yard: Not Allowed
- (b) Corner Yard: Not Allowed
- (c) Side Yard: Allowed
- (d) Rear Yard: Allowed

(8) Building Height:

- (a) All buildings and structures: 3 stories/ 35 ft maximum



**CC Building Height**

### **20.35.070 Commercial Heavy (CH)**

(1) Intent. Commercial Heavy is intended for auto-oriented and heavy commercial uses. To help ensure compatibility, residential uses are not allowed. Building type options include single-story shopfront and general building. The Commercial Heavy district should be applied in areas where the existing or proposed land use pattern contains a variety of auto-oriented and heavy commercial uses and in areas designated as Commercial in the Comprehensive Plan.

- (2) Building Types Allowed. The allowed building types are as follows:
- (a) Single-story shopfront
  - (b) General building

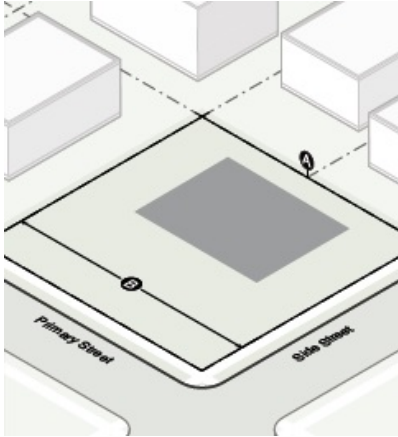


**CH Building Types**

- (3) Lot Dimensions:
- (a) Minimum Lot Size by building type:
    - i. Single Story Shopfront: 7,000 square ft
    - ii. General building: 7,000 square ft
  - (b) Minimum Lot Width:

- i. Single Story Shopfront: 70 ft
- ii. General building: 70 ft

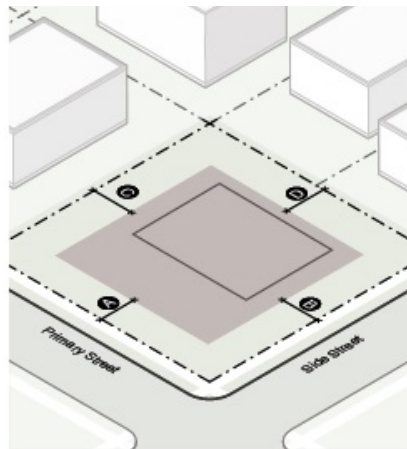
(4) Maximum hard surface coverage is 70%.



**CH Lot Dimensions**

(5) Principal Building Setbacks:

- (a) Primary Street: 20 ft minimum (from planned ROW acquisition area)
- (b) Side Street: 20 ft minimum / 50 ft maximum
- (c) Side Interior: 20 ft minimum
- (d) Rear: 20 ft minimum

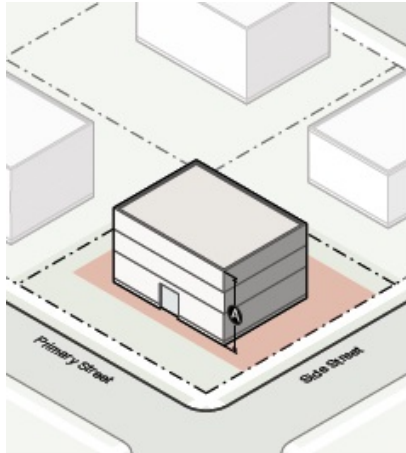


**CH Building Placement**

(7) Parking location. Parking shall be allowed as followed except where another standard is specified in POMC 20.127:

- |                 |         |
|-----------------|---------|
| (a) Front yard  | Allowed |
| (b) Corner yard | Allowed |
| (c) Side yard   | Allowed |
| (d) Rear yard   | Allowed |

- (8) Building Height:  
(a) All buildings and structures: 3 stories/ 35 ft maximum



CH Building Height

### 20.35.080 Industrial Flex.

(1) Intent. IF is intended to accommodate a variety of light industrial, commercial and residential uses. To help ensure that land is reserved for employment purposes, residential uses are limited to the upper stories. Building type options include live-work, single-story shopfront, mixed use shopfront and general building. IF should be applied in industrial areas where commercial and residential uses are also desired, or where such pattern is desired in the future and in areas where designated as Commercial in the Comprehensive Plan.

- (2) Building Types Allowed. The allowed building types are as follows:
- (a) Live-work unit
  - (b) Shopfront house
  - (c) Single-story shopfront
  - (d) Mixed use building
  - (e) General building



IF Building Types

(3) Lot Dimensions:

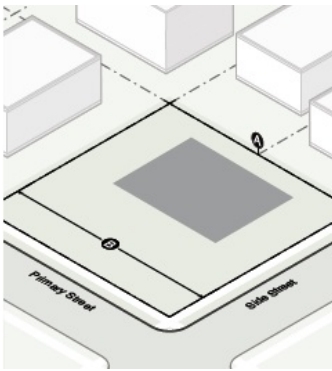
(a) Minimum Lot Size by building type:

- i. Live Work Unit: 1,000 square ft
- ii. Shopfront House: 5,000 square ft
- iii. Single-story shopfront: 5,000 square ft
- iv. Mixed-use shopfront:
- v. General building: 7,000 square ft

(b) Minimum Lot Width:

- i. Live Work Unit: 25 ft
- ii. Shopfront House: 50 ft
- iii. Single-story shopfront: 50 ft
- iv. Mixed-use shopfront: 50 ft
- v. General building: 50 ft

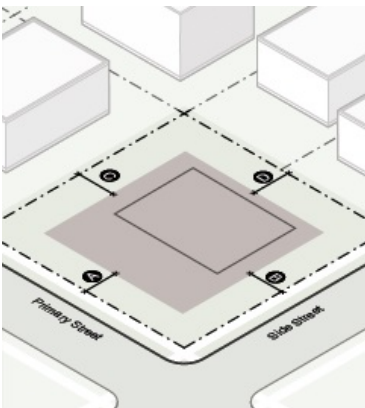
(4) Maximum hard surface coverage is 70%.



**IF Lot Dimensions**

(5) Principal Building Setbacks:

- (a) Primary Street: 5 ft minimum
- (b) Side Street: 5 ft minimum
- (c) Side Interior: 10 ft minimum
- (d) Rear: 10 ft minimum



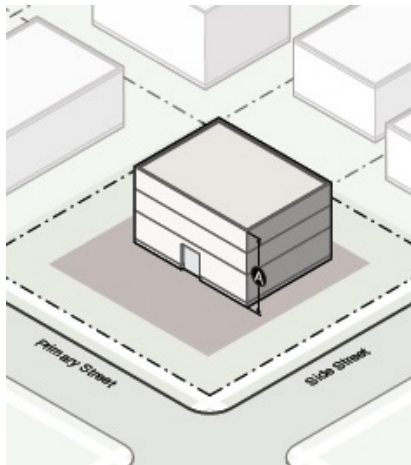
**IF Building Placement**

(6) Parking location. Parking shall be allowed as followed except where another standard is specified in POMC 20.127:

- (a) Front yard: Allowed
- (b) Corner yard: Allowed
- (c) Side yard: Allowed
- (d) Rear yard: Allowed

(7) Building Height:

- (a) All buildings and structures: 3 stories/ 35 ft maximum



**IF Building Height**



## Chapter 20.36

### INDUSTRIAL DISTRICTS

#### Sections:

- 20.36.010**      **Light Industrial (LI)**
- 20.36.020**      **Heavy Industrial (HI)**
- 20.36.010**      **Light Industrial (LI)**

#### (1) Intent.

The Light Industrial district is intended to accommodate manufacturing and light industrial uses in order to promote economic viability, encourage employment growth, and limit the encroachment of non-industrial development within established industrial areas. Development should be operated in a relatively clean and quiet manner, and should not be obnoxious to nearby residential or commercial uses. The Light Industrial designation should be applied in established light industrial or manufacturing areas or where such land use pattern is desired in the future and in areas designated Industrial in the Comprehensive Plan.

(2) Building Types Allowed. Building types (POMC 20.32) are not applicable in the Light Industrial district.

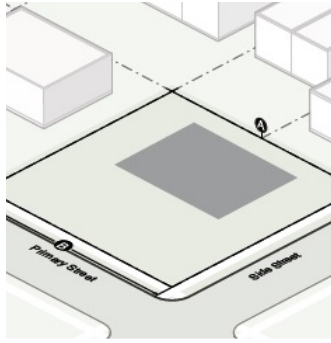


**Light Industrial Buildings**

#### (3) Lot Dimensions:

- (a) Minimum Lot Size by building type: 7,000 square ft
- (b) Minimum Lot Width: 70 ft

(4) Maximum hard surface coverage is 70%.



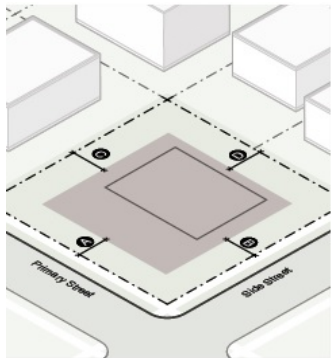
**Light Industrial Lot Dimensions**

(5) Principal Building Setbacks:

- (a) Primary Street: 20 ft minimum
- (b) Side Street: 10 ft minimum
- (c) Side Interior: 10 ft minimum
- (d) Rear: 10 ft minimum

(6) Parking location. Parking shall be allowed as followed except where another standard is specified in POMC 20.124):

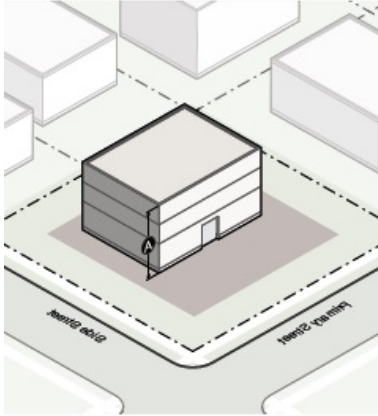
- (a) Front yard: Allowed
- (b) Corner yard: Allowed
- (c) Side yard: Allowed
- (d) Rear yard: Allowed



**Light Industrial Building Placement**

(7) Building Height:

- (a) All buildings and structures: 3 stories/ 35 ft maximum



**Light Industrial Building Height**

### **20.36.020 Heavy Industrial. (HI)**

(1) Intent.

The Heavy Industrial district is intended to accommodate a broad range of high-impact manufacturing or industrial uses that by their nature create a nuisance, and that are not properly associated with or are not compatible with nearby residential or commercial uses. The Heavy Industrial designation should be applied in established heavy industrial areas or where such land use pattern is desired in the future and in areas designated as Industrial in the Comprehensive Plan.

(2) Building Types Allowed. Building types (POMC 20.32) are not applicable in the Heavy Industrial district.

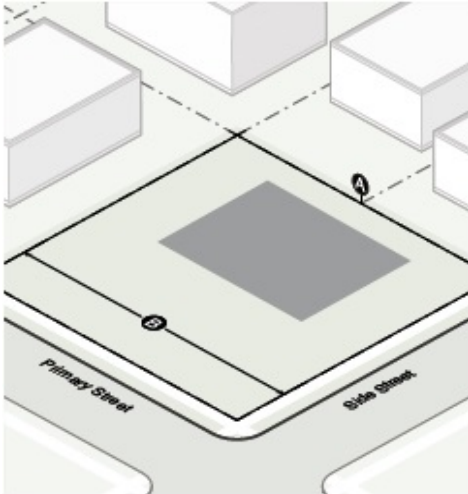


**Heavy Industrial Buildings**

(3) Lot Dimensions:

- (a) Minimum Lot Size by building type: 7,000 square ft
- (b) Minimum Lot Width: 70 ft

(4) Maximum hard surface coverage is 70%.

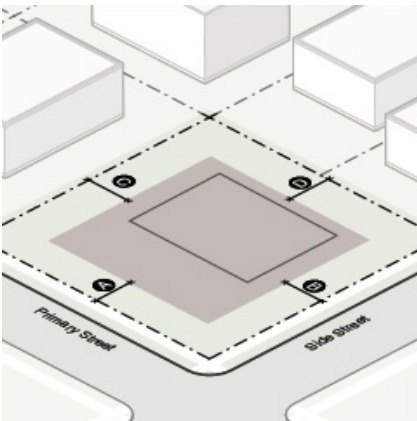


**Heavy Industrial Lot Dimensions**

- (5) Principal Building Setbacks:
- (a) Primary Street: 20 ft minimum
  - (b) Side Street: 10 ft minimum
  - (c) Side Interior: 10 ft minimum
  - (d) Rear: 10 ft minimum

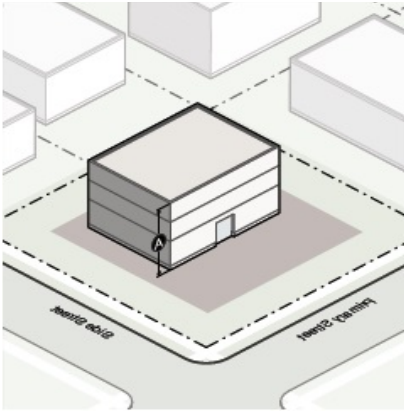
(6) Parking location. Parking shall be allowed as followed except where another standard is specified in POMC 20.127:

- (a) Front yard: Allowed
- (b) Corner yard: Allowed
- (c) Side yard: Allowed
- (d) Rear yard: Allowed



**Heavy Industrial Building Placement**

- (7) Building Height:
- (a) All buildings and structures: 3 stories/ 35 ft maximum



**Heavy Industrial Building Height**

## Chapter 20.37

### CIVIC AND OPEN SPACE DISTRICTS

#### Sections:

<b>20.37.010</b>	<b>Civic and Institutional (CI)</b>
<b>20.37.020</b>	<b>Parks and Recreation (PR)</b>
<b>20.37.030</b>	<b>Public Facilities (PF)</b>
<b>20.37.010</b>	<b>Civic and Institutional (CI)</b>

#### (1) Intent.

The Civic and Institutional district is intended to protect for civic uses that serve the surrounding neighborhoods or produce intense civic activities that do not readily assimilate into other zoning districts. Activities may include, but are not limited to, religious facilities, fraternal organizations, and schools. The Civic and Institutional district intends to provide for compliance with the Religious Land Use and Institutionalized Persons Act (RLUIPA). The Civic and Institutional district may be applied in any area of the City regardless of Comprehensive Plan designation.

#### (2) Building Types Allowed. Building types are not applicable in the Civic and Institutional district.

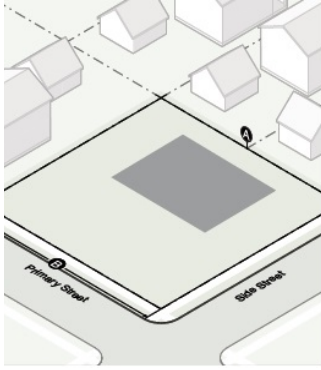


**Civic and Institutional Buildings**

#### (3) Lot Dimensions:

- (a) Minimum Lot Size by building type: 7,000 square ft
- (b) Minimum Lot Width: 70 ft

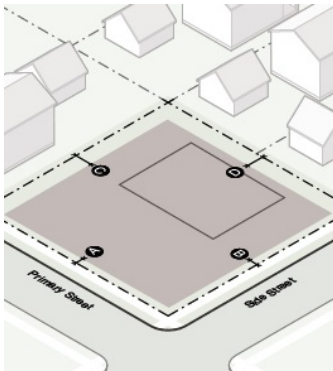
#### (4) Maximum hard surface coverage is 70%.



**Civic and Institutional Lot Dimensions**

(5) Principal Building Setbacks:

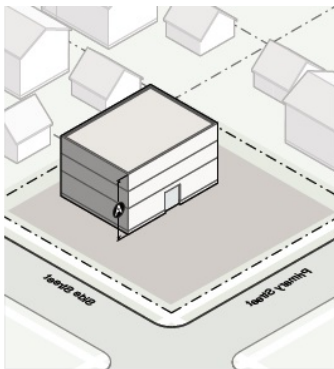
- (a) Primary Street: 15 ft minimum (may be reduced on designated storefront and mixed designation streets POMC 20.127)
- (b) Side Street: 10 ft minimum (may be reduced on designated storefront and mixed designation streets POMC 20.127)
- (c) Side Interior: 10 ft minimum
- (d) Rear: 10 ft minimum



**Civic and Institutional Building Placement**

(6) Building Height:

- (a) All buildings and structures: 3 stories/ 55 ft maximum



**Civic and Institutional Building Height**

**20.37.020 Parks and Recreation (PR)**

(1) Intent. The Parks and Recreation district is intended to create, preserve and enhance park land to meet the active and recreational needs of residents. The Parks and Recreation district is intended to provide for both improved and unimproved park land. Activities may include, but are not limited to, structures or other active, player-oriented facilities such as playgrounds, recreational fields, ballfield, sport courts, dog parks, and associated accessory facilities such as parking areas and restrooms. The Parks and Recreation district is also intended to accommodate buildings of a public nature such as community and recreation centers. The Parks and Recreation District may be applied in any area of the City regardless of Comprehensive Plan designation.

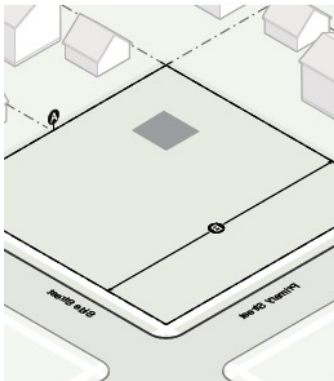
(2) Building Types Allowed. Building types are not applicable in the Parks and Recreation district.



**Parks and Recreation Buildings**

(3) Lot Dimensions:

- (a) There shall be no minimum lot size within the Parks and Recreation District.
- (b) There shall be no minimum lot width within the Parks and Recreation District.

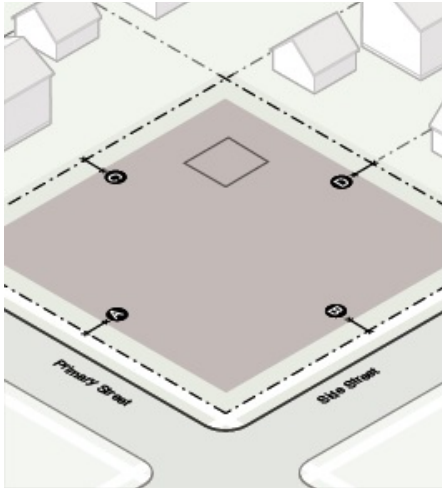


**Parks and Recreation Lot Dimensions**

(4) Building Setbacks:

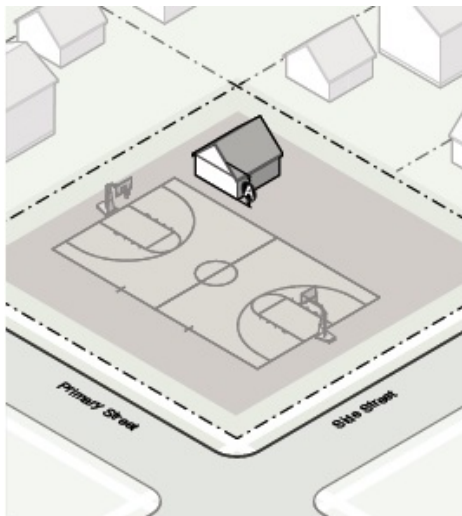
- a. Primary Street: 10 ft minimum
- b. Side street: 10 ft minimum
- c. Side interior: 10 ft minimum
- d. Rear: 10 ft minimum





**Parks and Recreation Building Placement**

- (5) Building Height:
  - (a) All buildings and structures: 35 ft maximum



**Parks and Recreation Building Height**

**20.37.030 Public Facilities (PF)**

(1) Intent.

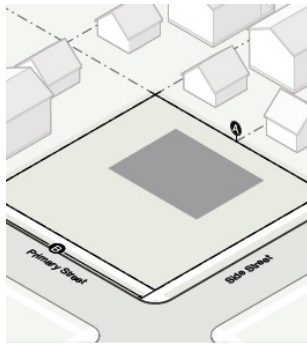
The Public Facilities district is intended to provide for public facility uses that serve the city and which may not readily assimilate into other zoning districts. The Public Facilities district may be applied in any area of the City regardless of Comprehensive Plan designation. The Public Facilities district intends to accommodate buildings of a public nature such as police, fire or EMS stations and government offices.

(2) Building Types Allowed. Building types are not applicable in the Public Facilities district.

(3) Lot Dimensions:

- (a) Minimum Lot Size by building type: 7,000 square ft
- (b) Minimum Lot Width: 70 ft

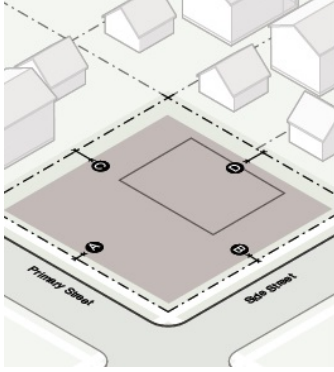
(4) Maximum hard surface coverage is 95%.



**Civic and Institutional Lot Dimensions**

(5) Principal Building Setbacks (from ground level up to 40 feet):

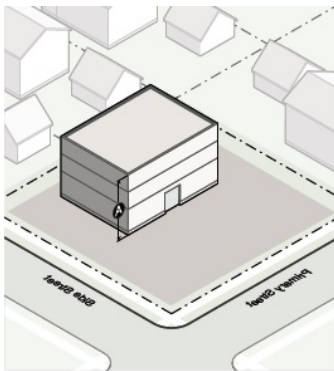
- (a) Primary Street: 10 ft minimum (may be reduced on designated storefront and mixed designation streets POMC 20.127)
- (b) Side Street: 10 ft minimum (may be reduced on designated storefront and mixed designation streets POMC 20.127)
- (c) Side Interior:
  - i. Side Interior abutting non-residential: 5 ft minimum
  - ii. Side Interior abutting residential: 20 ft minimum
- (d) Rear:
  - i. Abutting non-residential: 5 ft minimum
  - ii. Rear abutting residential: 20 ft minimum



**Civic and Institutional Building Placement**

(6) Building Height:

- (a) All buildings and structures: 5 stories/ 85 ft maximum (it is recognized that public buildings may have higher per story heights than other building types hence the 85-foot height limit).



**Civic and Institutional Building Height**

## Chapter 20.39

### USE PROVISIONS

#### Sections:

#### Use Classifications and Table.

- 20.39.010 Use Classification
- 20.39.020 Establishment of Uses
- 20.39.030 Use Table Key
- 20.39.040 Use Table

#### Residential Uses.

- 20.39.100 Household Living
- 20.39.110 Group Living
- 20.39.120 Social Services

#### Public and Civic Uses.

- 20.39.200 Animal Shelter
- 20.39.210 Transit Bus Base
- 20.39.220 Transit Park and Ride Lot
- 20.39.230 Transfer Station
- 20.39.240 Civic Uses
- 20.39.250 Parks and Open Space
- 20.39.260 Utilities
- 20.39.270 Wireless Telecommunication Facilities

#### Commercial Uses.

- 20.39.300 Automobile Service Station
- 20.39.305 Child Care Facilities
- 20.39.310 Conference Center
- 20.39.315 Indoor Recreation
- 20.39.320 Commercial Entertainment
- 20.39.325 Medical Uses
- 20.39.330 Home Occupations
- 20.39.335 Office Uses
- 20.39.340 Outdoor Recreation
- 20.39.345 Overnight Lodging
- 20.39.350 Parking
- 20.39.355 Personal Services
- 20.39.360 Animal Care (Indoor)
- 20.39.365 Animal Care (Outdoor)
- 20.39.370 Restaurant
- 20.39.375 Retail Sales
- 20.39.380 Business Services
- 20.39.385 Marina
- 20.39.390 Fuel Station

**Industrial Uses.**

- 20.39.400 Heavy Industrial Uses**
- 20.39.410 Light Manufacturing**
- 20.39.420 Research and Development**
- 20.39.430 Resource Extraction**
- 20.39.440 Vehicle Service and Repair**
- 20.39.450 Warehouse, Storage and Distribution**
- 20.39.460 Self Storage (Mini Warehouse)**
- 20.39.470 Storage Yard**
- 20.39.480 Waste-Related Services**

**Agricultural Uses.**

- 20.39.500 Agriculture**

**Accessory Uses.**

- 20.39.600 Accessory Apartment**
- 20.39.605 Backyard Cottage Dwelling**
- 20.39.610 Drive-Thru Facility**
- 20.39.615 Home Occupation**
- 20.39.620 Home Business**
- 20.39.625 Livestock Keeping**
- 20.39.630 Outdoor Display**
- 20.39.635 Outdoor Storage**
- 20.39.640 Indoor Self-Storage as Accessory Use to Apartment Buildings**
- 20.39.645 Vehicle Service and Repair Accessory to Residential Uses**
- 20.39.650 Medical Marijuana Cooperative**

**Use Classifications and Table.**

**20.39.010 Use Classification**

(1) Classification of Uses

- (a) Organization of Use Tables. The use table in section 20.39.040 is organized into principal uses and accessory uses.
- (b) Principal Uses.
  - i. In order to regulate a variety of similar uses, use categories have been established for principal uses. Use categories provide a systematic basis for assigning uses to appropriate categories with other, similar uses. Use categories classify principal uses and activities based on common functional, product, or physical characteristics.
  - ii. Where a use category contains a list of included uses, the list is to be considered example uses, and not all-inclusive. The Director has the responsibility for categorizing all uses.
  - iii. The allowed use tables in POMC 20.39 Article II establishes permitted uses by district. No building or lot may be used except for a purpose permitted in the district in which it is located.
  - iv. Use definitions and standards for permitted principal uses are specified beginning in POMC 20.39.100.
  - v. More than one principal use may be established on a property or in a structure.
- (c) Accessory Uses.

- i. An accessory use is any use that is subordinate in both purpose and size, incidental to and customarily associated with a permitted principal use located on the same lot.
  - ii. The allowed use tables in POMC 20.39.040 establishes permitted accessory uses by district.
- (d) Temporary Uses.
  - i. A temporary use is a use that is in place for a limited period of time only. All uses shall be treated as permanent principal or accessory uses except where temporary uses are specifically authorized in code such as in the Temporary Uses (POMC 20.58), Street Use Permit (POMC 12.24), Special Event Permit (POMC 5.94), or Fireworks Stand Permit (POMC 5.60) chapters.
- (e) Principal Uses Not Listed.
  - i. A principal use not specifically listed is prohibited unless the director determines the use to be part of the use category as described in this chapter.
  - ii. The Director is responsible for categorizing all principal uses. If a proposed use is not listed in a use category, but is similar to a listed use, the Director may consider the proposed use as part of that category. When determining whether a proposed use is similar to a listed use, the Director must consider the criteria in POMC 20.39.010 (1) (f). Determinations whether a proposed principal use is a similar use may be made using the process found in POMC 20.10. The Director shall determine whether a code interpretation for a proposed principal use shall require a code interpretation pursuant to POMC 20.10.
  - iii. Where a principal use not listed is found by the Director not to be similar to any other use category, the use is only permitted following a code amendment (see POMC 20.06).
- (f) Criteria for determining whether a proposed use is a similar use:
  - i. The actual or projected characteristics of the proposed use;
  - ii. The relative amount of site area or floor area and equipment devoted to the proposed use;
  - iii. Relative amounts of sales;
  - iv. Relative number of employees;
  - v. Hours of operation;
  - vi. Building and site arrangement;
  - vii. Types of vehicles used and their parking requirements;
  - viii. The number of vehicle trips generated;
  - ix. How the proposed use is advertised;
  - x. The likely impact on surrounding properties; and
  - xi. Whether the activity is likely to be found independent of the other activities on the site;
- (g) Accessory Uses Not Listed.
  - i. An accessory use not listed is prohibited unless the Director determines that the accessory use meets the criteria listed in POMC 20.39.010 (1) (h).
  - ii. Determinations whether a proposed accessory use is a similar use may be made using the process found in POMC 20.39.010(1)(f). The Director shall determine whether a code interpretation for a proposed accessory use shall require a code interpretation pursuant to POMC 20.10.
  - iii. Where a principal use not listed is found by the Director not to be similar to any other use category, the use is only permitted following a code amendment (see POMC 20.06).
- (h) Criteria for determining whether a proposed accessory use may be permitted. The Accessory use may be permitted when the Director determines the proposed accessory use:
  - i. Is clearly incidental to and customarily found in connection with an allowed principal use;
  - ii. Is subordinate to an serving an allowed principal use;
  - iii. Is subordinate in area, extent, and purpose to the principal use served;

- iv. Contributes to the comfort, convenience or needs of the occupants, business or industry in the principal use served; and
- v. Is located on the same lot as the principal use served.

(2) Use Table Key.

(a) Permitted Use (P). Indicates a use is permitted in the respective district. The use is also subject to all other requirements of this code.

(b) Conditional Use (C). Indicates that the use may be permitted in the respective district only after issuance of a Conditional Use Permit in accordance with POMC 20.50. Conditional uses are subject to all other applicable requirements of the code, including applicable use standards, except whether the use standards are specifically modified are part of the approval process.

(c) Use Not Permitted (--). Indicates that a use is not permitted in the respective district.

**20.39.020 Establishment of uses.**

The use of a property is defined by the activity for which the building or lot is intended, designed, occupied, or maintained. All applicable requirements of this title, or other applicable state or federal requirements, shall govern a use located within the Port Orchard incorporated area.

**20.39.030 Use table key.**

(1) Permitted Use (P)

Indicates a use is permitted in the respective zoning district. The use is also subject to all other applicable requirements of this code.

(2) Conditional Use (C)

Indicates a use may be permitted in the respective zoning district only after a conditional use permit has been issued per Chapter 20.50. Conditional uses are subject to all other applicable requirements of this Title, including any applicable use standards, except where the use standards are expressly modified in the conditional use permit.

(3) Use Not Permitted (--)

Indicates that a use is not permitted in the respective zoning district.

**20.39.040 Use table.**

(Gray shading separates categories into Residential, Commercial & Industrial, & Civic/Parks)

Use Category Specific Use	R1	R2	R3	R4	R5	R6	GB	RMU	NMU	CMU	DMU	GMU	BPMU	CC	CH	IF	LI	HI	CI	PR	PF	Definition/ Standards
<b>Residential Uses</b>																						
All household living, as listed below:																						
Single-family detached (including new manufactured homes)	P	P	P	--	--	P	P	P	P	--	--	--	P	--	--	--	--	--	--	--	--	20.39.600-615
Designated Manufactured Home, Manufactured or Mobile Home (except for new designated manufactured homes)	--	-	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	20.39.600-615
New Designated Manufactured Home	P	P	P	--	--	P	P	P	P	--	--	--	P	--	--	--	--	--	--	--	--	
Two-family	--	P	P	--	--	P	--	P	P	--	--	--	P	--	--	--	--	--	--	--	--	20.39.600-615
Single-family attached (2 units)	--	P	P	--	--	P	--	P	P	--	--	--	P	--	--	--	--	--	--	--	--	20.39.600-615
Single-family attached (3 or 4 units)	--	P	P	P	P	P	--	P	P	P	P	P	P	P	--	P	--	--	--	--	--	20.39.600-615
Single-family attached (5 or 6 units)	--	--	P	P	P	P	--	P	P	P	P	P	P	P	--	P	--	--	--	--	--	20.39.600-615
Multi-family (3 or 4 units)	--	--	P	P	P	--	--	P	P	P	P	P	P	P	--	P	--	--	--	--	--	20.39.600-615
Multi-family (5 or more units)	--	--	P	P	P	--	--	P	P	P	P	P	P	--	--	P	--	--	--	--	--	20.39.600-615
Manufactured or Mobile Home Park	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	20.39.600-615
Boarding House	--	--	--	C	C	--	--	--	C	--	--	P	C	--	--	--	--	--	--	--	--	
Congregate Living Facilities	--	--	C	C	C	--	--	--	C	--	--	P	C	--	--	--	--	--	--	--	--	
Lodging House	--	--	C	C	C	--	--	--	C	--	--	P	C	--	--	--	--	--	--	--	--	
Group home (up to 8 residents), except as follows:	P	P	P	P	P	P	P	P	P	--	--	--	P	--	--	--	--	--	--	--	--	20.39.600-615
Adult Family Home	P	P	P	--	--	P	P	P	P	--	--	--	P	--	--	--	--	--	--	--	--	
All group living (9 or more residents)	--	--	--	C	C	--	--	P	C	P	C	--	P	P	--	--	--	--	--	--	--	20.39.610
All social service	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P		--	--	--	20.39.615
<b>Public Uses</b>																						
All civic uses, as listed below:																						



Use Category Specific Use	R1	R2	R3	R4	R5	R6	GB	RMU	NMU	CMU	DMU	GMU	BPMU	CC	CH	IF	LI	HI	CI	PR	PF	Definition/ Standards
Community college, university, trade or technical school (8,000 square feet or less).	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	--	--	--	--	20.39.405
Community college, university, trade or technical school (more than 8,000 square feet).	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	C	--	C	--	C	20.39.405
Club or lodge	--	--	--	--	--	--	--	--	--	P	--	P	P	P	--	--	--	--	P	--	--	20.39.405
Public use	--	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	P	P	P	P	P	20.39.405
Museum, library	--	--	--	--	--	--	--	--	--	P	P	P	P	P	--	--	--	--	--	--	P	20.39.405
Place of worship	C	C	C	C	C	--	--	--	--	P	--	P	P	P	--	--	--	--	P	--	--	20.39.405
School (K-12)	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	20.39.405
Jail or Detention Center	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	C	--	C	20.39.405
Transit park and ride lot	--	-	C	C	C	-	--	C	C	P	C	C	C	P	P	P	P	P	P	--	P	
Transfer station	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	20.39.230
Transit bus base	-	-	-	-	-	-	-	-	-	-	-	-	-	-	--	--	P	P	-	-	P	20.39.210
All open space and park uses, as listed below:																						
Cemetery	C	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	20.39.410
Golf course	C	C	C	--	--	C	--	--	--	--	--	--	--	C	--	--	--	--	--	P	P	20.39.410
Park, recreation field	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	20.39.410
Animal shelter or adoption center	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	C	C	C	C	--	C	20.39.200
All utilities, as listed below:																						
Minor utilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	20.39.415
Major utilities	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	--	P	20.39.415
Wireless telecommunication facilities, as listed below																						
Amateur radio operator tower	P	P	P	--	--	--	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	20.39.270
Small cell wireless telecommunication facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	20.39.270

Wireless telecommunication tower (excludes small cell facilities)	C	C	C	C	C	C	--	C	C	C	C	C	C	C	C	C	C	C	C	--	C	20.39.270
<b>Commercial Uses</b>																						
All day care, as listed below:																						
Family day care (6 children or fewer)	P	P	P	--	--	P	P	--	--	--	--	--	P	--	--	--	--	--	--	--	--	20.39.505
Group day care (mini day care) (7 to 12)	C	C	C	--	--	C	C	C	P	P	--	P	P	P	--	--	--	--	--	--	--	20.39.505
Day care center (13 or more)	--	--	--	--	--	--	--	C	C	C	--	P	C	P	P	--	--	--	--	--	--	20.39.505
All indoor recreation, except as listed below:	--	--	--	--	--	--	--	--	C	P	C	P	--	P	P	--	--	--	--	C	--	
Shooting range	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	--	--	C	20.39.510
Special event facility	--	--	--	--	--	--	--	--	--	C	C	C	C	C	C	C	C	--	C	C	C	20.39.510
Commercial Entertainment, except as follows:	--	--	--	--	--	--	--	--	--	P	P	P	P	P	P	P	--	--	--	--	--	
Adult Entertainment	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	--	--	--	20.39.515
All outdoor recreation, except as listed below:	--	--	--	--	--	--	--	--	C	C	C	P	--	P	P	--	--	--	--	C	C	
Campground, travel trailer park, RV park (does not include mobile home park)	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	20.39.530
Horse stable, riding academy, equestrian center	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	20.39.530
Shooting range	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	20.39.530
Marina (upland areas)	--	--	--	--	--	--	--	--	--	--	C	C	--	C	C	C	C	C	C	C	C	20.39.575
All overnight lodging, as listed below:																						
Level 1: Vacation rentals or similar short-term house/room rentals	P	P	P	P	P	P	P	P	P	P	P	P	P	--	--	--	--	--	--	--	--	20.39.535
Level 2: Bed and breakfast (up to 7 rooms)	C	C	C	--	--	C	C	--	P	--	--	--	P	--	--	--	--	--	--	--	--	20.39.535
Level 3: Motel	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--	--	--	--	--	20.39.535
Level 4: Hotel										P	P	P	--	P	P							20.39.535
All medical, except as listed below:	--	--	--	--	--	--	--	--	--	C	C	P	P	P	P	P	--	--	--	--	P	

Hospital	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	C	C	--	--	--	--	C	20.39.520
All office, except as listed below:	--	--	--	--	--	--	--	C	C	P	P	P	P	P	P	P	P	--	--	--	--	--	
Bail bonds	--	--	--	--	--	--	--	--	--	C	C	C	C	P	P	--	--	--	--	--	--	--	20.39.525
Surface parking: commercial parking, commuter lease parking or park and ride, remote parking	--	--	--	--	--	--	--	--	--	C	C	P	P	P	P	P	P	P	--	P	--	C	20.39.540
Commercial parking garage – standalone	--	--	--	--	--	--	--	--	--	C	C	C	C	P	P	P	--	--	--	--	--	C	20.39.540
Electric vehicle charging stations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	20.12
All personal service, except as listed below:	--	--	--	--	--	--	--	C	C	P	C	P	P	P	P	C	--	--	--	--	--	--	
Funeral home	--	--	--	--	--	--	--	--	--	P	--	P	P	P	P	--	--	--	--	--	--	--	20.39.545
Crematorium	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	P	--	--	--	20.39.545
Indoor animal care	--	--	--	--	--	--	--	--	C	P	--	P	--	P	P	P	--	--	--	--	--	--	20.39.550
Outdoor animal care	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	C	C	--	--	--	--	20.39.555
Business services	--	--	--	--	--	--	--	C	P	P	P	P	P	P	P	P	P	--	--	C	--	--	20.39.570
Conference center	-	-	-	-	-	-	-	-	-	-	C	C	C	C	C	-	-	-	C	-	C		20.39.310
All restaurants except as listed below:	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	P	--	--	--	--	--	--	
Food truck	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	P	--	--	P	--	--	--	20.39.562
All retail sales, as listed below:																							
Retail establishment (up to 5,000 gross floor area)	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	P	--	--	P	--	--	--	20.39.375
Retail establishment (5,001 - 15,000 gross floor area)	--	--	--	--	--	--	--	--	--	P	P	P	--	P	P	P	--	--	--	--	--	--	20.39.375
Retail establishment (15,001 - 50,000 gross floor area)	--	--	--	--	--	--	--	--	--	--	--	P	--	P	P	P	--	--	--	--	--	--	20.39.375
Retail establishment over (50,000 gross floor area)	--	--	--	--	--	--	--	--	--	--	--	--	--	C	P	P	--	--	--	--	--	--	20.39.375
Fireworks sales in accordance with POMC 5.60.	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--	--	--	--	--	
Recreational marijuana sales	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	P	--	--	--	--	--	20.64

Convenience store with fuel pumps	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	--	--	--	20.39.565
Convenience store without fuel pumps	--	--	--	--	--	--	--	--	C	C	C	--	--	P	P	P	--	--	--	--	20.39.565
Fuel station, including fuel pumps and fuel sales, without convenience store	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	P	--	--	--	--	
Automobile service station.	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	P	-	-	-	-	20.39.300
All vehicle and tool/construction equipment sales and rental, as listed below:																					
Light vehicle and light tool or construction equipment sales and rental	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	--	--	--	20.39.565
Heavy vehicle and heavy tool or construction equipment sales and rental	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	--	--	--	20.39.565
All vehicle service and repair, as listed below:																					
Car wash	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	--	--	--	20.39.625
Vehicle service and repair, minor	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	--	--	--	20.39.640
Vehicle service and repair, major	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	--	--	--	20.39.645
Vehicle service and repair, commercial vehicle	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	--	--	--	20.39.650
<b>Industrial Uses</b>																					
All heavy industrial	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	20.39.605
All light manufacturing, except as listed below:	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	--	--	
Commercial laundry, dry cleaning or carpet cleaning facility	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	--	--	20.39.610
Brewery, Distillery under 5,000 square feet	--	--	--	--	--	--	--	--	--	P	P	--	--	P	--	--	--	--	--	--	
Brewery, Distillery 5,001-15,000 square feet	--	--	--	--	--	--	--	--	--	C	C	--	C	P	P	--	--	--	--	--	
Brewery, Distillery over 15,000 square feet	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--	--	--	
Craft shop	--	--	--	--	--	--	P	P	P	P	P	--	P	P	P	P	P	--	--	--	20.39.610

Food and beverage processing, boutique (area used for processing less than 3,000 SF)	--	--	--	--	--	--	--	P	P	P	P	P	--	P	P	P	P	P	--	--	20.39.610
Food and beverage processing, industrial	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	--	--	--	20.39.610
Recreational marijuana production	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--	--	20.64
All research and development	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	P	--	--	--	20.39.615
Resource extraction – mining, dredging, raw mineral processing, except:	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	--	20.39.620
Timber harvesting in the absence of concurrent development	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
Sand and Gravel Mining	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	--	--	--	
Stockpiling of sand, gravel or other aggregate materials	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	P	--	--	P	20.39.620
Sheet metal, welding, machine shop, tool and equipment manufacturing, vehicle painting facility	--	--	--	--	--	--	--	--	--	--	--	--	--	C	P	P	P	--	--	P	20.39.610
All warehouse, storage and distribution, as listed below:	--	--	--	--	--	--	--	--	--	--	--	--	C	C	C	C	C	--	--	--	
Enclosed storage	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	--	--	20.39.655
Self-service storage, mini-warehouse	--	--	--	--	--	--	--	--	C	--	--	--	C	C	C	--	--	--	--	--	20.39.655
Storage yard	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	P	P	--	--	P	20.39.470
All waste-related service, including wastewater treatment facilities, decant facilities and recycling centers	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	P	20.39.660
Recreational marijuana processing	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--	--	20.64
<b>Agricultural Uses</b>																					
All agriculture, as listed below:																					
Agricultural processing, excluding marijuana processing	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	P	P	--	--	--	20.39.705
Community garden	P	P	P	P	P	P	--	P	P	P	--	--	--	--	--	--	--	--	P	P	20.39.705

Nursery	--	--	--	--	--	--	P	--	--	--	--	--	--	P	P	P	P	--	--	--	20.39.705	
Winery	--	--	--	--	--	--	C	--	--	C	C	C	--	P	P	P	P	--	--	--	20.39.705	
Accessory uses not otherwise listed below, as determined by the [Administrator]:																						
Accessory dwelling units, as listed below:																						
Accessory apartment (attached dwelling)	P	P	P	--	--	P	P	--	--	--	--	--	P	--	--	--	--	--	--	--	--	20.68, 20.39.805
Backyard cottage dwelling	P	P	P	--	--	P	P	--	--	--	--	--	P	--	--	--	--	--	--	--	--	20.39.805
Drive-thru facility	--	--	--	--	--	--	--	--	--	C	--	--	--	P	P	P	P	--	--	--	--	20.39.870
Home occupation	P	P	P	P	P	P	P	P	P	--	--	--	P	--	--	--	--	--	--	--	--	20.39.830
Home business	P	P	P	--	--	P	P	--	--	--	--	--	P	--	--	--	--	--	--	--	--	20.39.835
Livestock keeping	P	P	P	--	--	--	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	20.39.845
Outdoor display	--	--	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	P	--	--	--	20.39.850
Outdoor storage as listed below:																						
Low-impact	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	--	--	--	20.39.855
High-impact	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	--	--	20.39.855
Self-Storage as accessory use to Apartment Building	--	--	--	P	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	20.39.860
Vehicle service and repair, accessory to a residential use	P	P	--	--	--	P	P	--	--	--	--	--	--	P	P	--	--	--	--	--	--	20.39.900
Park as accessory use to residential development	P	P	P	P	P	P	--	P	P	P	P	P	P	--	--	--	--	--	--	--	--	
Medical marijuana cooperative	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	--	--	--	--	Ch. 20.64

Key: P = Permitted Use C = Conditional Use -- = Use Not Permitted

## Residential Uses.

**20.39.100 Household Living.** Defined: Residential occupancy of a dwelling unit by a household. Household living includes the following:

- Single-family detached (including a new manufactured home);
- Two-Family;
- Multi-Family;
- Designated Manufactured Home, Manufactured Homes or Mobile Homes (Excluding a new designated manufactured home);
- New Designated Manufactured Home;
- Manufactured or Mobile Home Park;
- Group Home; and;
- Adult Family Home;

(1) Single-Family Detached. One dwelling unit in a single principal structure; may also contain an accessory unit in an attached accessory apartment or a backyard cottage. A new manufactured home shall be treated as a single family detached home for the purposes of this chapter.

(2) Two-Family. Two dwelling units in a single principal structure.

(3) Single-Family Attached. Two or more dwelling units where each unit is attached vertically by a common side wall. Units cannot be vertically mixed.

(4) Multi-Family. Three or more dwelling units in a single principal structure that do not meet the definition of single-family attached, above. Where multi-family is allowed as a limited use, it is allowed only in the upper stories of a mixed-use building. A lobby or other entrance is allowed on the ground floor.

(5) Designated manufactured home, manufactured home or mobile home. Designated Manufactured Homes, manufactured homes or mobile homes (excluding new designated manufactured homes) shall only be permitted within an existing manufactured or mobile home park.

(6) Manufactured or Mobile Home Park. A cluster of manufactured or mobile homes configured such that more than one mobile home is located on a lot, parcel, or tract. A Manufactured or Mobile Home Park typically features land or un-subdivided lots leased or rented by the manufactured home owner. New manufactured or mobile home parks are not permitted in the City. Existing manufactured or mobile home parks may be maintained insofar as the individual homes within a manufactured or mobile home park may be swapped out, but the number of manufactured homes in the manufactured home park may not be increased.

(7) Medical Marijuana Cooperative.

(8) Group Home.

- (a) A dwelling unit containing up to 8 unrelated persons who are mentally or physically impaired who are protected under the Fair Housing Act, along with support or supervisory personnel or family members who may reside at the facility.
- (b) The term mental or physical impairment includes conditions such as blindness, hearing impairment, mobility impairment, HIV infection, mental retardation, alcoholism, drug addiction, chronic fatigue, learning disability, head injury, and mental illness.
- (c) Current users of illegal controlled substances, persons convicted for illegal manufacture or distribution of a controlled substance, sex offenders, and juvenile offenders, are not considered mentally or physically impaired under the Fair Housing Act.

(d) The Fair Housing Act affords no protections to individuals with or without disabilities who present a direct threat to the persons or property of others. Determining whether someone poses such a direct threat must be made on an individualized basis, however, and cannot be based on general assumptions or speculation about the nature of a disability.

(9) Adult Family Home.

(a) A dwelling, licensed by the State of Washington, in which a person or persons provide personal care, special care, room and board to more than one but not more than 6 adults who are not related by blood or marriage to the person or persons providing the service.

**20.39.110 Group Living.** Defined: Residential occupancy of a structure by nine (9) or more people that does not meet the definition of household living. Generally, group living facilities have a common eating area for residents, and residents may receive care or training. Group living includes the following:

- (1) Assisted living facility;
- (2) Boarding house, rooming house, or lodging house;
- (3) Congregate care facility;
- (4) Dormitory;
- (5) Hospice;
- (6) Monastery or convent;
- (7) Nursing or care home;
- (8) Independent living facility; and
- (9) Skilled nursing care facility.

**20.39.120 Social Services.** Defined: A facility that provides treatment for persons not protected under the Fair Housing Act or who present a direct threat to the persons or property of others. Includes persons convicted for illegal manufacture or distribution of a controlled substance, sex offenders, and juvenile offenders. Also includes facilities that provide transient housing related to post-incarceration and social service programs.

### **Public and Civic Uses**

**20.39.200 Animal shelter.** A facility for the temporary housing of abandoned, surrendered, sick or wounded domestic or wild animals subject to licensing conditions by appropriate county and state officials.

**20.39.210 Transit bus base (includes school bus bases).** A facility for the storage, dispatch, repair and maintenance of buses and other vehicles of a public transit system.

**20.39.220 Transit park-and-ride lot.** Vehicle parking specifically for the purpose of access to a public transit system.

**20.39.230 Transfer station.** A staffed collection and transportation facility used by private individuals and route collection vehicles to deposit solid waste collected off site into larger transfer vehicles for transport to permanent disposal sites. May also include recycling facilities involving collection or processing for shipment.

**20.39.240 Civic Uses.** Defined: Places of public assembly that provide ongoing governmental, life safety, educational, and cultural services to the general public, as well as meeting areas for religious practice. Civic includes the following:



- Community College or University;
- Club or Lodge;
- Museum or Library;
- Place of Worship;
- Public Use;
- Trade or Technical School
- Schools (K-12); and
- Jail or Detention Center.

(1) Community College or University. A facility of higher education having authority to award associate and higher degrees.

(2) Club or Lodge. A facility used for associations or organizations of an educational, fraternal, or social character, not operated or maintained for profit. Representative organizations include but are not limited to Elks, VFW, Lions, and Rotary.

(3) Museum or Library. A facility having public significance by reason of its architecture or former use or occupancy, or a building serving as a repository for a collection of books, natural, scientific, literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be viewed by members of the public, with or without an admission fee.

(4) Place of Worship. A facility that by design and construction is primarily intended for conducting organized religious services.

(5) Public Use. Any building, structure, or use owned and operated by the federal government, state, county, the city, port, utility district, or other municipality, or any authority, agency, board, or commission of the above governments that is necessary to serve a public purpose, including but not limited to government administrative buildings; post offices; police, fire and EMS stations; public health facilities; public works facilities; community centers; and jails and correctional facilities.

(6) Trade or Technical School. A facility having a curriculum devoted primarily to industry, trade, or other vocational-technical instruction.

(7) Schools (K-12). A facility for students in grades pre-kindergarten through grade 12.

(8) Jail or Detention Center. A facility operated by a governmental agency that is designed, staffed, and used for the incarceration of persons for the purpose of punishment, correction, and rehabilitation following conviction of an offense.

**20.39.250 Parks and Open Space.** Defined: Uses focusing on natural areas consisting mostly of vegetation, passive or active outdoor recreation areas, and having few structures. Parks and open space includes the following:

(1) Golf course. A golf course is a public or private recreational facility that contains a golf course, and may contain ancillary facilities such as a driving range, pro shop, storage and maintenance buildings, clubhouse, meeting rooms and restaurant.

(2) Cemetery. Land or structures used for burial or internment of the dead. For purposes of this code, pet cemeteries are considered a subclassification of this use.

(3) Park, Recreation Field. An area used for outdoor play or recreation, often containing recreational equipment such as slides, swings, climbing frames, ballfields, soccer fields, basketball courts, swimming pools, and tennis courts. May include passive and active recreation.

**20.39.260 Utilities.** Defined. Public or private infrastructure serving a limited area with no on-site personnel (minor utility) or serving the general community with on-site personnel (major utility). Utilities includes the following:

(1) Minor utilities, including on-site stormwater retention or detention facility, neighborhood serving telephone exchange/switching center, gas/electric/telephone/cable transmission lines, water and wastewater pump station or lift station, gas gates, reservoir, control structure, drainage well, water supply, water well.

(2) Major utilities, including aeration facility, electrical substation, electric or gas generation plant, filter bed, transmission towers, waste treatment plant, water pumping facility, water tower or tank.

**20.39.270 Communications Facilities.**

(1) Wireless telecommunication facility means a facility for the provision of radio waves or wireless telephone or data services and includes the following:

(a) Amateur radio operator tower. Means a facility used for personal, non-commercial radio licensed by the Federal Communications Commission.

(b) Small cell wireless telecommunication facility. Means a wireless telecommunication facility that meets both of the following qualifications:

(i) Each antenna is located inside an antenna enclosure of no more than three (3) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three (3) cubic feet; and

(ii) All other equipment associated with the facility (excluding antennas) is cumulatively no more than twenty-eight (28) cubic feet in volume.

(c) Wireless telecommunication tower. Means any mast, pole, monopole, lattice tower or other structure designed and primarily used to support antennas.

(2) Small cell wireless telecommunication facilities shall be installed in accordance with the City's adopted public works and engineering standards and specifications (PWESS).

**Commercial Uses.**

**20.39.300 Automobile Service Station.**

Defined: Any building, and the lot on which it is located, that is used for the sale of gasoline or other motor fuels, oils, lubricants, and for the minor servicing of motor vehicles. Automobile service stations are primarily engaged in selling gasoline and lubricating oils; frequently selling other merchandise, such as tires, batteries, and other automobile parts, or performing minor repair work. An automobile service station may be a principal use that is combined with other activities, such as grocery stores, convenience stores, or car washes.

**20.39.305 Day Care Facility.** Defined: A facility providing care and supervision for compensation during part of a 24-hour day, for a child/adult or children/adults not related by blood, marriage, or legal guardianship to the person or persons providing the care, in a place other than the child's/adult's or children's/adults' own home or homes. Day care facilities include the following:

- Family day care home (6 or fewer children/adults)
- Mini day care center (7-12 children/adults)
- Day care center (13 or more children/adults)

(1) Family day care home. A facility in which regular care is provided during part of the 24-hour day to six (6) or fewer children/adults in the family abode of the person or persons under whose direct care the children/adults are placed.

(2) Mini day care center. A facility in which regular care is provided during part of the 24-hour day to twelve (12) or fewer children/adults in a facility other than the family abode of the person or persons under whose direct care the children/adults are placed, or for the care of seven (7) to twelve (12) children/adults in the family abode of such person or persons.

(3) Day care center. A facility in which regular care is provided for thirteen (13) or more children/adults during part of the 24-hour day.

**20.39.310 Conference Center.** Defined: An establishment developed primarily as a meeting facility, which may include facilities for recreation, events, seminars, and related activities.

**20.39.315 Indoor Recreation.** Defined: A commercial facility providing daily or regularly scheduled recreation-oriented activities in an indoor setting. Indoor recreation includes the following:

- Amusement center, game/video arcade;
- Assembly hall, auditorium, meeting hall;
- Billiard hall, pool hall;
- Bowling alley;
- Dance, martial arts, music studio or classroom;
- Extreme sports facility such as BMX, skateboarding or roller blading;
- Gym, health spa or yoga studio;
- Ice or roller skating rink;
- Indoor sports facility;
- Inflatable playground, indoor trampolines;
- Miniature golf facility;
- Motor track;
- Movie theater or other indoor theater;
- Shooting range; and
- Special event facility.

(1) Dance, Martial Arts, Music Studio or Classroom. A facility that offers or provides instruction to more than two (2) students at a time in dance, singing, music, painting, sculpting, fine arts or martial arts.

(2) Gym, Health Spa, Yoga Studio. A facility that, for profit or gain, provides as one of its primary purposes, services or facilities which assist patrons to improve their physical condition or appearance. Not included within this definition are facilities operated by nonprofit organizations, facilities wholly owned and operated by a licensed physician at which such physician is engaged in the practice of medicine, or any establishment operated by a health care facility.

(3) Shooting Range. A facility with an enclosed firing range with targets for archery, rifle or handgun practice.

(4) Special Event Facility. A facility or assembly hall available for lease by private parties or special events, such as weddings.

**20.39.320 Commercial Entertainment.**

Adult Entertainment. Defined: An enterprise whose predominant emphasis is involved in the selling, renting or presenting for commercial purposes of adult entertainment merchandise including books, magazines, motion pictures, films, video cassettes, or cable television for observation by patrons therein. Examples of such establishments include, but are not limited to, adult book or video stores and

establishments offering panoramas, or peep shows. "Predominant emphasis" means 50 percent or more of gross revenue generated or total volume of shelf space and display area, whichever is more restrictive.

**20.39.325 Medical Uses.** Defined: A facility providing medical or surgical care to patients. Some facilities may offer overnight care. Medical uses include the following:

- (1) Ambulatory surgical center;
- (2) Blood plasma donation center, medical or dental laboratory;
- (3) Hospital. A facility providing health services primarily for the sick or injured, and offering inpatient medical and/or surgical care;
- (4) Medical, dental office or chiropractor, osteopath, physician, medical practitioner;
- (5) Medical clinic; and
- (6) Urgent care, emergency medical office.

**20.39.330 Home Occupations.** Defined: A limited-scale activity with some on-site fabrication, sales and/or service which occurs in a dwelling unit or accessory building and is subordinate to the primary use of the premises as a residence, and which does not impact the character of the surrounding residential neighborhood. Home occupations shall be consistent with the requirements of Chapter 20.60 POMC.

**20.39.335 Office Uses.** Defined: A facility used for activities conducted in an office setting and generally focusing on business, professional or financial services. Office uses include the following:

- (1) Services including, but not limited to, advertising, business management consulting, computer or data processing, graphic design, commercial art or employment agency;
- (2) Professional services including, but not limited to, lawyer, accountant, auditor, bookkeeper, engineer, architect, sales office, travel agency, interior decorator or security system services;
- (3) Financial services including but not limited to, lender, investment or brokerage house, bank, bail bonds, insurance adjuster, real estate or insurance agent, mortgage agent or collection agency;
- (4) Counseling in an office setting;
- (5) Radio, TV station, recording studio;
- (6) Bail Bonds. A facility with a bail bond agent, or bondsman, that provides surety and pledges money or property as bail for the appearance of persons accused in court; and
- (7) Call Center. A facility used for the purpose of receiving or transmitting a large volume of telephone calls.

**20.39.340 Outdoor Recreation:** Defined: A commercial facility, varying in size, providing daily or regularly scheduled recreation-oriented activities. Activities take place predominately outdoors or within outdoor structures. Outdoor recreation includes the following.

- Drive-in theater;
- Campground, travel trailer park, RV park;
- Extreme sports facility such as BMX, skateboarding or roller blading;
- Horse stable, riding academy, equestrian center;
- Outdoor amusements such as batting cage, golf driving range, amusement park, miniature golf facility or water park;
- Outdoor theater; and
- Shooting range.

- (1) Campground, Travel Trailer Park, RV Park. A facility used for two (2) or more tent or recreational vehicle campsites. Does not include sites for manufactured homes.
- (2) Horse Stable, Riding Academy, Equestrian Center. A facility used primarily for the care, breeding, boarding, rental, riding or training of horses or for the teaching of equestrian skills. Where a horse stable, riding academy or equestrian center is allowed as a limited use, no part of any building, structure or run in which animals are housed may be closer than 50 feet from any property line, except property owned or occupied by an owner or operator of the facility.
- (3) Shooting Range. A facility with an outdoor firing range with targets for archery, rifle or handgun practice.

**20.39.345 Overnight Lodging.** Defined: Accommodations arranged for short term stays. Overnight lodging includes the following:

- (1) Level 1 Lodging (Vacation Rentals) . A vacation rental is a self-contained dwelling that may be rented by individuals or groups on a daily basis.
- (2) Level 2 Lodging (Bed and breakfast) (up to 7 rooms). A bed and breakfast is an owner-occupied dwelling which offers no more than seven [six?] bedrooms for paying guests on a daily basis.
- (3) Level 3 Lodging (Motel). A motel is an establishment providing overnight accommodations with a majority of all guest rooms having direct access to the outside without the necessity of passing through the main lobby of the building, with or without food services.
- (4) Level 4 Lodging (Hotel). A hotel is an establishment providing overnight accommodations with a majority of all guest rooms having direct access through the main lobby of the building, with or without food services.

**20.39.350 Parking.** Defined: A facility that provides parking as a principal use. Parking includes the following.

- Commercial parking; and
- Remote parking.

(1) Commercial Parking. A facility that provides parking as a principal use and where a fee is charged. A Type A or B buffer (see Section 20.128.060) must be established along all lot lines abutting a ground floor residential use. All surface parking areas must be landscaped in accordance with Section 20.128.070.

(2) Remote Parking. A facility that provides parking as a principal use and where a fee is not charged. Where remote parking is allowed as a limited use, it is subject to the following:

- (a) The remote parking facility must be located within the same or more intense zoning district as the principal use served;
- (b) A Type A or B buffer (see Section 20.128.060) must be established along all lot lines abutting a ground floor residential use; and
- (c) All surface parking areas must be landscaped in accordance with Section 20.128.070.

**20.39.355 Personal Services.** Defined: A facility involved in providing personal or repair services to the general public. Personal services include, but are not limited to the following:

- (1) Beauty, hair or nail salon;
- (2) Catering establishment;
- (3) Cleaning establishment, dry-cleaning or laundry drop-off facility, laundromat, washeteria;
- (4) Copy center, printing, binding, photocopying, blueprinting, mailing service;
- (5) Funeral home, funeral parlor, mortuary, undertaking establishment, crematorium;
- (6) Landscaping services;
- (7) Locksmith;

- (8) Optometrist;
- (9) Palmist, psychic, medium, fortune telling;
- (10) Repair of appliances, bicycles, canvas product, clocks, computers, jewelry, musical instruments, office equipment, radios, shoes, televisions, watch or similar items;
- (11) Tailor, milliner or upholsterer;
- (12) Tattoo parlor or body piercing;
- (13) Taxidermist;
- (14) Tutoring; and
- (15) Wedding chapel.

**20.39.360 Animal Care (Indoor).**

Defined: A facility designed or arranged for the care of animals without any outdoor activity. No outdoor activity associated with care of animals is allowed. Includes animal grooming, animal hospital, veterinary clinic, pet clinic, animal boarding, animal shelter, cattery, commercial kennel and doggy day care.

**20.39.365 Animal Care (Outdoor).** Defined: A facility designed or arranged for the care of animals that includes outdoor activity. Includes animal grooming, animal hospital, veterinary clinic, pet clinic, animal boarding, animal shelter, cattery, commercial kennel and doggy day care. Where outdoor animal care is allowed as a limited use, it is subject to the following:

- (1) All outdoor exercise areas and runs must be fenced for the safe confinement of animals;
- (2) A Type A or B buffer (see Section 20.128.060) must be established along any outside areas used to exercise, walk, or keep animals that abuts a ground floor residential use; and
- (3) No animal may be outdoors between 11 PM and 6 AM.

**20.39.370 Restaurant.** Defined: A facility for commercial use in which food and beverages are prepared and sold for on- or off-premises consumption. This definition also includes food trucks, which are mobile vehicles in which food is prepared and served.

**20.39.375 Retail Sales.** Defined: A facility involved in the sale, lease or rental of new or used products. Retail sales includes, but is not limited to, the following:

- (1) Recreational Marijuana Sales;
- (2) Convenience Store with Fuel Pumps. A facility with a floor area less than 5,000 square feet that sells convenience goods, such as prepackaged food items and a limited line of groceries. A convenience store with fuel pumps may sell vehicle fuel but cannot have any type of vehicle repair or service. Where a convenience store with fuel pumps is allowed as a limited use, it is subject to the following:
  - (a) A convenience store with fuel pumps is subject to the conditional use permit requirements of a Fuel Station (see Section 20.39.380).
  - (b) All fuel pumps must be located at least 25 feet from any public right-of-way or lot line, and all buildings and appurtenances must be located at least 100 feet from all lot lines abutting a residential use;
  - (c) A Type A or B buffer (see Section 20.128.060) must be established along all lot lines abutting a residential use; and
  - (d) All fuel must be stored underground outside of any public right-of-way.
- (3) Convenience Store without Fuel Pumps. A facility with a floor area less than 5,000 square feet that sells convenience goods, such as prepackaged food items and a limited line of groceries. A convenience store without fuel pumps cannot sell vehicle fuel or have any type of automotive service.

- (4) Vehicle Sales/Rental. A facility that sells, rents or leases passenger vehicles, light and medium trucks, and other consumer vehicles such as motorcycles, boats and recreational vehicles.
- (5) Light Vehicle/Equipment. Sales, rental or leasing of passenger vehicles, motorcycles, boats.
  - (a) A Type A or B landscape buffer (see Section 20.128.060) must be established along all lot lines abutting a ground floor residential use;
  - (b) Vehicle display areas may not be artificially elevated above the general topography of the site; and
  - (c) Parked or stored vehicles may not encroach upon any public right-of-way or sidewalk.
- (6) Heavy Vehicle/Equipment. Sales, rental or leasing of commercial vehicles, heavy equipment and manufactured homes. Includes recreational vehicles, 18-wheelers, commercial box trucks, high-lifts, construction, heavy earth-moving equipment and manufactured homes.
  - (a) A Type A or B landscape buffer (see Section 20.128.060) must be established along all lot lines abutting a ground floor residential use;
  - (b) Vehicle display areas may not be artificially elevated above the general topography of the site; and
  - (c) Parked or stored vehicles may not encroach upon any public right-of-way or sidewalk.

**20.39.380 Business Services.**

Defined: A facility providing other businesses with services including maintenance, repair and service, testing, and rental, such as business equipment repair services, document storage, document destruction, and soils and materials testing laboratories.

**20.39.385 Marina.**

Defined: A facility that provides launching, storage, supplies, moorage, and other accessory services for six or more pleasure and/or commercial water craft.

**20.39.390 Fuel Station.** Defined: A facility that provides gasoline and/or diesel fuel to retail consumers for motor vehicles.

(1) Where indicated in the use table, 20.39.040, a fuel station is required to obtain a conditional use permit per Chapter 20.50. In addition to the criteria for approval in Section 20.50.050, the hearing examiner must also make the following findings in order to issue the conditional use permit:

- (a) The proposed fuel station use will provide additional fueling pumps that are necessary to meet the needs of Port Orchard's population, as demonstrated by a demand analysis and report provided by the applicant.

**Industrial Uses.**

**20.39.400 Heavy Industrial Uses.** Defined: A facility that involves dangerous, noxious or offensive uses or a facility that has smoke, odor, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter, interference with radio, television reception, radiation or any other likely cause. Heavy industrial includes the following:

- (1) Animal processing, packing, treating, and storage;
- (2) Bottling plant;
- (3) Bulk fuel sales;
- (4) Bulk storage of flammable liquids, chemical, cosmetics, drug, soap, paints, fertilizers and abrasive products;

- (5) Concrete batch plant;
- (6) Prison (public or private);
- (7) Primary metal manufacturing; and
- (8) Sawmill, log production facility, lumberyard.

**20.39.410 Light Manufacturing.** Defined: A facility conducting light manufacturing operations within a fully-enclosed building. Light manufacturing includes the following:

- (1) Laundry, dry-cleaning, and carpet cleaning plant;
- (2) Brewery, distillery;
- (3) Clothing, textile or apparel manufacturing;
- (4) Craft shop;
- (5) Food and beverage processing, boutique;
- (6) Food and beverage processing, industrial;
- (7) Facilities engaged in the assembly or manufacturing of scientific measuring instruments; semiconductor and related devices, including but not limited to clocks, integrated circuits, jewelry, medical, musical instruments, photographic or optical instruments or timing instruments;
- (8) Pharmaceutical or medical supply manufacturing;
- (9) Recreational equipment manufacturing;
- (10) Sheet metal, welding, machine shop, tool repair;
- (11) Stone, clay, glass or concrete products;
- (12) Woodworking, cabinet makers or furniture manufacturing;
- (13) Marijuana production;
- (14) Marijuana processing;
- (15) Craft Shop. A facility devoted solely to the arts and crafts that produces or makes items that by their nature, are designed or made by an artist or craftsman by using hand skills Where a craft shop is allowed as a limited use, it is subject to the following:
  - (a) May have no more than five (5) employees;
  - (b) No more dust, fumes, gases, odors, smoke, or vapors are allowed to escape from the premises than that which is usual in the neighborhood;
  - (c) All by-products, including waste, are effectively confined to the premises or disposed of off the premises so as to avoid air pollution, other than that which is usual in the neighborhood;
  - (d) No noise or disturbance of adjoining premises takes place other than that which is usual in the neighborhood; and
  - (e) All equipment and material storage is kept in an enclosed structure.

(16) Food and Beverage Processing, Boutique. A facility in which food, beverages or alcohol are processed or otherwise prepared and distributed for eventual human consumption. The facility may, in addition to its processing operation and exclusive of the processing, bottling, and storage floor area limitation, have a restaurant, offer related and unrelated retail sales, and on-site consumption of free samples when permitted by the State. The use shall be conducted in a fashion that does not generate continuous, frequent, or repetitive noises or vibrations than that which is usual in the neighborhood.

(17) Food and Beverage Processing, Industrial. A facility in which food, beverage or alcohol are processed, or otherwise prepared and distributed for eventual human consumption. The establishment may, as a subordinate use, offer retail sales and on-site consumption of free samples with no associated seating area, when permitted by the State, of only products produced or processed by the principal use on site.



**20.39.420 Research and Development.** Defined: A facility focused primarily on the research and development of new products. Research and development includes the following:

- (1) Laboratories, offices and other facilities used for research and development by or for any individual, organization or concern, whether public or private;
- (2) Prototype production facilities that manufacture a limited amount of a product in order to fully investigate the merits of such a product; and
- (3) Pilot plants used to test manufacturing processes planned for use in production elsewhere.

**20.39.430 Resource Extraction.** Defined: A facility that extracts minerals and other solids and liquids from land. Resource extraction includes the following:

- (1) Extraction of phosphate or minerals;
- (2) Extraction of sand or gravel, borrow pit;
- (3) Metal, sand stone, gravel clay, mining and other related processing; and
- (4) Stockpiling of sand, gravel, or other aggregate materials.

**20.39.440 Vehicle Service and Repair.** Defined: Repair and service to passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Vehicle service includes the following:

- Car wash;
- Vehicle repair (minor);
- Vehicle repair (major); and
- Vehicle repair (commercial vehicle).

(1) Car Wash. A facility with mechanical or hand-operated equipment used for cleaning, washing, polishing or waxing of motor vehicles. Car wash facilities are subject to the following:

(a) No hand-operated car wash is permitted within 50 feet of a residential use (measured from the residential lot line to the lot line of the car wash facility).

(b) No mechanical car wash is permitted within 150 feet of a residential use (measured from the residential lot line to the lot line of the car wash facility).

(c) A Type A or B buffer (see Section 20.128.060) must be established along all lot lines abutting a ground floor residential use.

(d) When abutting a ground floor residential use, the car wash facility cannot operate before 6 AM or after 11 PM.

(2) Vehicle Repair (Minor). A facility where minor vehicle repair and service is conducted. Includes audio and alarm installation, custom accessories, quick lubrication facilities, minor scratch and dent repair, emissions testing, bed-liner installation, and glass repair or replacement. The following apply to vehicle repair (minor) facilities:

(a) A Type A or B buffer (see Section 20.128.060) must be established along all lot lines abutting a ground floor residential use; and

(b) The dismantling of vehicles for salvage and the storage of impounded vehicles is not allowed.

(3) Vehicle Repair (Major). A facility where general vehicle repair is conducted, including transmission, brake, muffler and tire shops, along with body and paint shops. The following apply to vehicle repair (major) facilities:

(a) A Type A or B buffer (see Section 20.128.060) must be established along all lot lines abutting a ground floor residential use; and

(b) The dismantling of vehicles for salvage and the storage of impounded vehicles is not allowed.

(4) Vehicle Repair (Commercial Vehicle). A facility conducting repair, service, washing or accessory installation for commercial vehicles, including box trucks, 18-wheelers and construction or other heavy equipment. The following apply to vehicle repair (commercial vehicle) facilities:

- (a) A Type A or B buffer (see Section 20.128.060) must be established along all lot lines abutting a ground floor residential use; and
- (b) The dismantling of vehicles for salvage and the storage of impounded vehicles is not allowed.

**20.39.450 Warehouse, Storage and Distribution.** Defined: A facility involved in the storage or movement of goods for itself or other firms. Goods are generally delivered to other firms or the final consumer with little on-site sales activity to customers. Warehouse, storage and distribution includes enclosed storage such as bulk storage, cold storage plants, frozen food lockers, household moving and general freight storage.

**20.39.460 Self Storage (Mini Warehouse).** Defined: A facility involved in the rental of storage space, such as rooms, lockers, or containers to individuals for the purpose of storing personal belongings.

(1) Self storage shall only be permitted in areas within the self storage overlay district (SSOD) in accordance with POMC 20.38.700-.740, and in zones where permitted outright or as a conditional use in the land use table in this chapter. Self storage facilities that are built and operated as an accessory to an apartment use are not subject to the limitations of the SSOD.

(2) Where indicated as a conditional use in the use table, Section 20.39.040, a self-storage facility is required to obtain a conditional use permit per Chapter 20.50. In addition to the criteria for approval in Section 20.50.050, the hearing examiner must also make the following findings in order to issue the conditional use permit:

- (a) The proposed self-service storage use will provide self storage units that are necessary to meet the needs of Port Orchard's population, as demonstrated by a demand analysis and report provided by the applicant.
- (b) The self-storage facility shall be at least two stories in height, as measured from ground level and not including any basement or below-grade area.

**20.39.470 Storage Yard.**

Defined: A facility used for the storage of any material or item, including motor or marine vehicles, that is not in a structure comprised of at least three (3) walls and a roof. Does not include facilities that are primarily used for the sale of motor and/or marine vehicles.

**20.39.480 Waste-Related Services.** Defined: A facility that processes and stores waste material. Waste-related service includes the following:

- (1) Automobile dismantlers and recyclers, junk yard, wrecking yard, salvage yard;
- (2) Recycling and recovery facility, including recyclable material storage, including construction material;
- (3) Scrap metal processors, secondary materials dealers; and
- (4) Wastewater treatment plant.

**Agricultural Uses**

**20.39.500 Agriculture.** Defined: The production of crops, livestock or poultry. Agriculture includes the following:

- Agricultural processing, excluding marijuana processing;
- Community garden;
- Nursery; and
- Winery.

(1) **Agricultural Processing.** Any operation that transforms, packages, sorts, or grades farm products into goods that are used for intermediate or final consumption, including goods for non-food use, such as the products of forestry. Agricultural processing includes milk plant, grain elevator, and mulch or compost production and manufacturing, but does not include animal processing, packing, treating, and storage. Agricultural processing also does not include marijuana processing pursuant to Chapter 20.64.

(2) **Community Garden.** An area of land managed and maintained by a group of individuals to grow and harvest food crops and non-food ornamental crops, for personal or group use, consumption or donation. May be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group, and may include common areas maintained and used by the group. Where a community garden is allowed as a limited use, it is subject to the following:

(a) A community garden must be primarily used for growing and harvesting food and ornamental crops for consumption or donation or for sale off-site; and

(b) Only mechanical equipment designed for household use may be used.

(3) **Nursery.** A facility for the sale of plants and plant materials grown on- or off-site, as well as garden supplies, equipment and related items.

(4) **Winery.** A facility for processing grapes or other fruit into wine for sale on-site or through wholesale or retail outlets.

### **Accessory Uses**

**20.39.600 Accessory Dwelling Units** (1) Defined: An accessory dwelling unit (ADU) is a separate, complete dwelling unit attached to or contained within the structure of the primary home or use. An ADU may be either an accessory apartment (attached dwelling) or a backyard cottage dwelling.

(2) Requirements: Refer to Section 20.68 of this Title.

**20.39.610 Drive-Thru Facility.** Defined: A facility at which the customer is served while sitting in a vehicle, typically associated with drive-thru restaurants, banks and pharmacies.

(1) No drive-thru window, lane or order box is permitted within 50 feet of a ground floor residential use (measured from the residential lot line to the closest point of the drive-thru lane).

(2) In all drive-thru areas, including but not limited to menu boards, stacking lanes, trash receptacles, ordering box, drive up windows, and other objects associated with the drive-thru, must be located to the side or rear of the building. Drive-thru windows and lanes may not be placed between a public street (not including an alley) and the associated building.

(3) Queuing, landscaping and screening requirements are specified in Section 20.124.060 and Chapter 20.128.

**20.39.615 Home Occupation.** Defined: A home occupation provides a service or product that is conducted wholly within a dwelling unit. Customers and employees coming to the dwelling to conduct business are not allowed. A home occupation does not include a bed and breakfast or day care facility.

(1) The use of the dwelling unit for a home occupation must be clearly incidental and subordinate to its use for residential purposes, and under no circumstances change the residential character of the building.

(2) No business, storage or warehousing of materials, supplies or equipment is allowed outside.

- (3) No equipment or process may be used that creates excessive noise, vibration, glare, fumes, odors, or electrical interference.
- (4) No display of products may be visible from the street.
- (5) No persons other than members of the family residing on the premises may be engaged in the home occupation.
- (6) No more than one vehicle may be used in the conduct of the home occupation, and it must be parked on-site.
- (7) Storage space and the operation of the business cannot exceed twenty-five percent of the total floor area of the dwelling (including any accessory structures on the lot).
- (8) Customers and employees are not allowed.
- (9) The delivery of materials may not exceed more than two (2) deliveries of per day. No delivery may be by a vehicle larger than typical delivery van.
- (10) No signs advertising the home occupation are allowed.

**20.39.620 Home Business.** Defined: A home business provides a service or product that is conducted wholly within a dwelling that requires employees, customers, clients or patrons to visit the dwelling. A home business does not include a bed and breakfast or day care facility.

- (1) The use of the dwelling unit for a home business must be clearly incidental and subordinate to its use for residential purposes, and under no circumstances change the residential character of the building.
- (2) No business, storage or warehousing of materials, supplies or equipment is allowed outside.
- (3) No equipment or process may be used that creates excessive noise, vibration, glare, fumes, odors, or electrical interference.
- (4) No display of products may be visible from the street.
- (5) The home business must be conducted by a person residing on the premises.
- (6) No employees of the business shall work on the premises.
- (7) No more than one vehicle may be used in the conduct of the home business, and the vehicle must be parked on-site.
- (8) Storage space and the operation of the business inside the dwelling cannot exceed twenty-five percent of the total floor area of the building (including any accessory structures on the lot).
- (9) Not more than six (6) clients a day are permitted to visit the home business.
- (10) The delivery of materials may not exceed more than two (2) deliveries of per day. No delivery may be by a vehicle larger than typical delivery van.
- (11) Retail sales of goods must be entirely accessory to any service provided on the site (such as hair care products sold as an accessory to hair cutting).
- (12) No mechanical equipment is installed or used except such that is normally used for domestic or professional purposes.

**Livestock Keeping.** Defined: Livestock includes any animals of the equine, swine or bovine class, including goats, sheep, mules, cattle, hogs, pigs and other grazing animals, and all ratites, including, but not limited to, ostriches, emus and rheas.

- (1) Prohibited:
  - (a) The keeping of any animal other than dogs, cats and other household domestic animals and those specifically allowed below is prohibited.
  - (b) Roosters are not allowed.
- (2) Rabbits, Turkeys, Ducks and Chickens:

- (a) One rabbit, turkey, duck or chicken is allowed per 1,500 square feet of lot area, provided that no more than five (5) rabbits, ducks or chickens, and no more than three (3) turkeys are located on a single parcel.
  - (b) An area of at least twenty (20) square feet or at least four (4) square feet for each rabbit, turkey, duck or chicken, whichever is larger, must be provided. The area must be adequately fenced, cannot be located in a front yard, be at least twenty-five (25) feet from any dwelling on an abutting lot and be at least fifteen (15) feet from any side or rear lot line.
  - (c) Coops or cages may not exceed 8 feet in height.
- (3) Alpacas, Llamas, Goats and Sheep:
- (a) A lot least one half (1/2) acre in size is allowed one (1) alpaca, llama, goat or sheep per 10,000 square feet of lot area.
  - (b) An area of at least five hundred (500) square feet or at least two hundred fifty (250) square feet for each alpaca, llama, goat or sheep, whichever is larger, must be provided.
  - (c) The containment area must be adequately fenced, cannot be located in a front yard and must be at least fifteen (15) feet from any side or rear lot line.

**20.39.630 Outdoor Display.** Defined: The outdoor display of products actively available for sale. The outdoor placement of propane gas storage racks, ice storage bins, soft drink or similar vending machines is considered outdoor display. Outdoor display does not include merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers (see limited outdoor storage). Where allowed, the outdoor sale or rental of vehicles or equipment as part of a properly permitted use is not considered outdoor display.

- (1) Outdoor display is only allowed with a permitted nonresidential use.
- (2) Outdoor display must abut the primary façade with the principal customer entrance, and may not extend more than six (6) feet from the facade or occupy more than twenty-five percent of the horizontal length of the façade.
- (3) Outdoor display may not exceed six (6) feet in height.
- (4) Outdoor display must be removed and placed inside a fully-enclosed building at the end of each business day, except propane gas storage racks, ice storage bins, soft drink or similar vending machines may remain outside overnight.
- (5) Outdoor display may not encroach upon any public right-of-way or sidewalk. Outdoor display may not impair the ability of pedestrians to use the sidewalk. There must be a minimum of six (6) feet of clear distance of sidewalk at all times.

**20.39.635 Outdoor Storage.**

Defined:

- (1) Low-Impact:
  - (a) Low-impact outdoor storage includes, but is not limited to:
    - i. The overnight outdoor storage of vehicles awaiting repair;
    - ii. The outdoor storage of merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers;
    - iii. Outdoor sale areas for sheds, building supplies, garden supplies, plants, lawn movers, barbecue's and other similar items; and
    - iv. The outdoor storage of vehicles, boats, recreational vehicles or other similar vehicles at a self-service storage, mini warehouse facility.
  - (b) Use Standards:

- i. All material stored outdoors cannot be located in a required setback;
- ii. All material stored outdoors may not be more than twelve (12) feet in height;
- iii. All material stored outdoors must be fully screened from view from the public right-of-way and abutting properties using a Type A or B buffer (see Chapter 20.128.060); and
- iv. Vehicles awaiting repair may only be stored up to fourteen (14) days within the screened storage area.

(2) High-Impact:

(a) High-impact outdoor storage includes, but is not limited to:

- i. The outdoor storage of contractors equipment, lumber, pipe, steel or wood;
- ii. The outdoor storage of salvage, recycled materials or scrap metal;
- iii. The outdoor storage of impounded or inoperable vehicles;
- iv. The outdoor storage or loading yard for vehicles, trailers or equipment;
- v. The outdoor storage of construction material; and
- vi. The outdoor storage of domestic or construction waste or debris.

(b) Use Standards:

- i. All material stored outdoors cannot be located in a required setback and must be located at least fifteen (15) feet from the public right-of-way; and
- ii. All material stored outdoors must be fully screened from view from the public right-of-way and abutting properties using a Type C or D buffer (see Chapter 20.128.060).

**20.39.640 Indoor Self Storage as Accessory Use to Apartment Buildings.** Indoor self-storage may be permitted as an accessory use to a site containing one or more apartment buildings as defined in POMC 20.32, provided that the gross floor area of self-storage does not exceed twenty percent of the gross floor area of the residential living space located within apartment buildings on the site.

**20.39.645 Vehicle Service and Repair Accessory to Residential Uses.** Vehicle service and repair, as an accessory use to an existing residential use, is allowed pursuant to the requirements of Chapter 20.66 and the land use table in Chapter 20.39.

**20.39.650 Medical Marijuana Cooperatives.** Medical marijuana cooperatives, as an accessory use to an existing residential use, are allowed pursuant to the requirements of Chapter 20.64 and the land use table in Chapter 20.39.

## Chapter 20.40

### SITE AND LOT DIMENSIONS

#### Sections:

**20.40.010 Site and Lot Dimensions**

**20.40.020 Building Setbacks**

**20.40.030 Build-to Zone**

**20.40.040 Setback Encroachments**

**20.40.050 Height**

**20.40.060 Neighborhood Compatibility**

#### **20.40.010 Site and Lot Dimensions**

(1) Site. A site is any lot or group of contiguous lots owned or controlled by the same person or entity, assembled for the purpose of a single development.

(a) Site Area. Site area is the cumulative area of all contiguous lots that make up the site. Site area does not include existing or proposed right-of-way, whether dedicated or not dedicated to public use.

(b) Site Width. Site width is the cumulative width of all contiguous lots that compose the site.

(c) Site Depth. Site depth is the cumulative depth of all contiguous lots that compose the site.

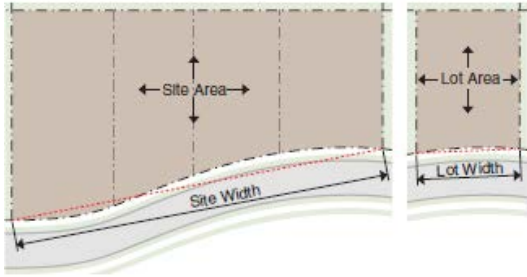
(2) Lot. A parcel of land either vacant or occupied intended as a unit for the purpose, whether immediate or for the future, of transfer of ownership, or possession, or for development.

(a) Lot Area. Lot area is the area included within the rear, side and front lot lines. Lot area does not include existing or proposed right-of-way, whether dedicated or not dedicated to public use. Minimum lot area may not include constrained land such as wetlands, fish and wildlife habitat area, floodways and floodplains, and slopes over twenty-five percent which are two thousand (2,000) square feet or more of contiguous sloped area. Where on-site waste treatment is required, Health Department standards will determine whether minimum lot area must be increased to accommodate the on-site waste treatment system.

(b) Lot Width. Lot width is the distance between the two side lot lines measured at the primary street property line along a straight line or along the chord of the property line on a curvilinear lot. For irregularly shaped lots or flag lots, lot width may determined by measuring the diameter of the largest circle that can be drawn within the lot's boundaries.

(c) Lot Frontage. Every lot must abut a public or private street, or a courtyard specifically for a cottage court building type .

(d) Lot, Flag. A lot with less length of property on a public street than is normally required, with no less than fifteen (15) feet abutting a public or private street generally intended to make deeper property accessible.



(3) Hard Surface Coverage. The area of the lot that is covered by buildings, including both principal structures, structured parking and roofed accessory structures, including gazebos. Hard surface coverage also includes paved and gravel areas such as driveways, walkways, uncovered porches or patios, decks, swimming pools, parking lots, and roof overhangs of over two (2) feet, driveways, walkways, steps, terraces and uncovered decks.

### 20.40.020 Building Setbacks

(1) Type of Setbacks. There are four (4) types of setbacks – primary street, side street, side interior and rear. Building setbacks apply to both principal and accessory buildings or structures except where it is explicitly stated otherwise.

(2) Measurement of Setbacks.

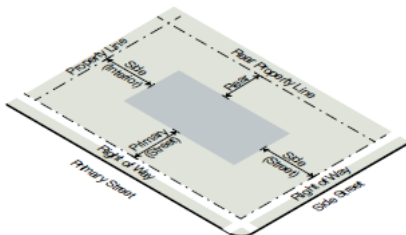
(a) The primary street setback is measured at a right angle from the primary street right-of-way line, or, from the proposed boundary line of a right of way acquisition area if area is including in an approved right of way acquisition plan.

(b) On corner lots, the side street setback is measured at a right angle from the side street right-of-way line.

(c) The rear setback is measured at a right angle from the rear property line or the rear right-of-way or easement line where there is an alley. The rear property line is the property line opposite to the primary street property line. Where there is more than one primary street, the director will determine the rear property line based on the criteria in section 20.40.020(4).

(d) All lot lines which are not primary street, side street or rear lot lines are considered side interior lot lines for the purpose of measuring setbacks. Side interior setbacks are measured at a right angle from the side property line.

(3) Irregular Shaped Lots. The director will determine setbacks for irregularly-shaped lots.





(4) Primary/Side Street Designation.

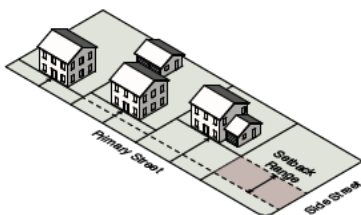
- (a) Where only one street abuts a lot, that street is considered a primary street.
- (b) A multiple street frontage lot must designate at least one primary street. A lot may have more than one primary street. The Director will determine which streets are primary streets based on (where applicable):
  - (i) The street or streets with the highest classification (highest classification is Principal Arterial, lowest is Local Access);
  - (ii) The established orientation of the block;
  - (iii) The street or streets abutting the longest face of the block;
  - (iv) The street or streets parallel to an alley within the block;
  - (v) The street that the lot takes its address from; and
  - (vi) The pedestrian orientation of adjacent or abutting development, existing or proposed.

(5) Primary Setback Averaging. The primary street setback requirements for principal buildings in R1, R2, R3, R4, R5, and R6 zones may be averaged as follows:

- (a) The proposed building must be located within the range of primary street setbacks, no closer than the smallest setback in the range and no further than the largest setback in the range.
- (b) On an interior lot, the range of setbacks is measured on the basis of the two (2) closest lots in either direction along the block face.



- (c) On a corner lot, the range of setbacks is measured on the basis of the three (3) closest lots along the block face.

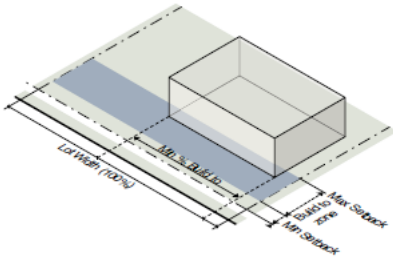


(d) Where the calculation cannot be applied to at least four (4) lots on an interior lot or three (3) lots on a corner lot, the building must meet the district standards.

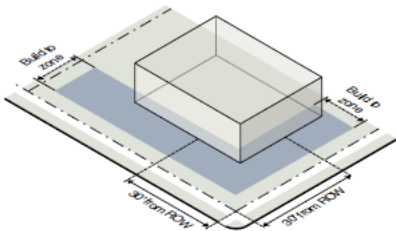
### 20.40.030 Build-to Zone

(1) Build-to Zone. The build-to zone is the area on the lot where a certain percentage of the front building façade must be located, measured as a minimum and maximum setback range from the edge of the right-of-way.

(2) Build-to Zone on interior lots. The required percentage specifies the amount of the front building façade that must be located in the build-to zone, measured based on the width of the building divided by the width of the lot.



(3) Build-to Zone on Corner Lots. On a corner lot, a building façade must be placed within the build-to zone for the first thirty (30) feet along the street extending from the block corner, measured from the intersection of the two right-of-way lines.



(4) Build-to zone – Uses Allowed. With the exception of parking spaces and outdoor storage, all structures and uses (including outdoor dining) allowed on the lot are allowed in the build-to zone.

### 20.40.040 Setback Encroachments

(1) All buildings and structures must be located at or behind the required setbacks, except as listed in subsections 2 through 5 below, and in accordance with applicable building codes. No building or structure may extend into a required easement or public right-of-way (except by written agreement with the City Council or through an approved street vacation).

(2) Building Features.

(a) Porches, stoops, balconies, galleries and awnings/canopies may extend into a required primary or side street setback as stated in POMC 20.122.

(b) Building eaves, roof overhangs, gutters, downspouts, light shelves, bay windows and oriels less than ten (10) feet wide, cornices, belt courses, sills, buttresses or other similar architectural

features may encroach up to three (3) feet into a required setback, provided that such extension is at least two (2) feet from the vertical plane of any lot line.

(c) Chimneys or flues may encroach up to four (4) feet, provided that such extension is at least three (3) feet from the vertical plane of any lot line.

(d) Unenclosed patios, decks, balconies, stoops, porches, terraces or fire escapes may encroach into a side interior or rear setback, provided that such extension is at least three (3) feet from the vertical plane of any lot line.

(e) Handicap ramps may encroach to the extent necessary to perform their proper function.

(f) Structures below and covered by the ground may encroach into a required setback.

(3) Site Features.

(a) Fences and walls may encroach into a required setback.

(b) Sidewalks and driveways may encroach into a required setback.

(c) Required buffers may encroach into a required setback.

(d) Signs under may encroach into a required setback provided that they meet any sign specific setbacks pursuant to POMC 20.132.

(4) Low Impact Stormwater Features.

(a) Low impact stormwater management features may encroach into a primary street setback (but not into the sidewalk), side interior setback, or rear setback including, but not limited to:

1. Rain barrels or cisterns, six (6) feet or less in height;
2. Planter boxes;
3. Bioretention areas; and
4. Similar features, as determined by the director.

(5) Mechanical Equipment and Utility Lines.

(a) Mechanical equipment associated with residential uses, such as HVAC units, swimming pool pumps or filters, and security lighting, may encroach into a side interior or rear setback, provided that such extension is at least three (3) feet from the vertical plane of any lot line.

(b) Minor structures accessory to utilities (such as hydrants, manholes, and transformers and other cabinet structures and related fences) may encroach into a required rear or side setback.

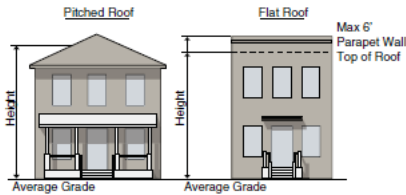
(c) Minor utilities below and covered by the ground may encroach into a required setback.

## 20.40.050 Height

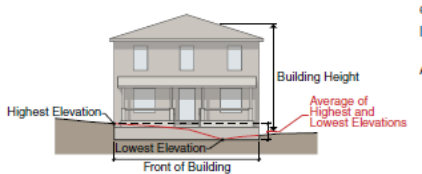
### (1) Building Height

(a) This section shall apply to all development in the City except for development in the View Protection Overlay District. This section shall not apply to signs.

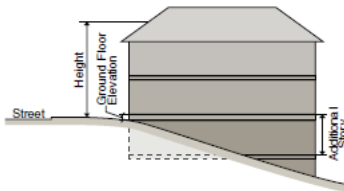
(b) Building height is regulated in both number of stories and feet and is measured from the grade plane to the mean height level between the eaves and ridge of a gable, hip, mansard, or gambrel roof or to the highest point of roof surface of a flat roof.



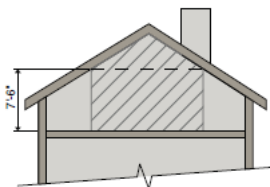
(b) Average grade is determined by calculating the average of the highest and lowest elevation along natural or improved grade (whichever is more restrictive) along the front of the building parallel to the primary street setback line.



(c) Where a lot slopes downward from the front property line, one story that is additional to the specified maximum number of stories may be built on the lower, rear portion of the lot.



(d) A half story has less than fifty percent of the attic floor area with a clear height of seven (7) feet or more; measured from the finished floor to the finished ceiling. If more than fifty percent of the attic floor area has a clear height of seven (7) feet or more, it shall be considered a full story.



(e) A basement with fifty percent or more of its perimeter wall area surrounded by natural grade is not considered a story.

(2) Height Encroachments. Any height encroachment not listed below is prohibited except where the Director determines that the encroachment is similar to a permitted encroachment listed below.

(a) The maximum height limits of the district do not apply to a spire, belfry, cupola, dome, or other similar feature that does not contain conditioned space and is not intended for human occupancy, or public utility facilities which by design or function must exceed the established height limits.

(b) The following may exceed the established height limit of the district provided they do not exceed the maximum height by more than six (6) feet:

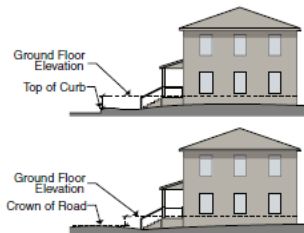
- (i) Chimney, flue or vent stack;
- (ii) Rooftop deck, patio, shade structure;
- (iii) Flagpole;
- (iv) Vegetation associated with a rooftop garden or landscaping;
- (v) Skylights;
- (vi) Parapet wall; and
- (vii) Solar panels, wind turbines and rainwater collection systems.

(c) The following may exceed the established height limits provided they do not exceed the maximum building height by more than ten (10) feet, do not occupy more than twenty-five percent of the roof area, and are set back at least ten (10) feet from the edge of the roof:

- (i) Elevator or stairway access to roof; and
- (ii) Mechanical equipment.

(3) Ground Floor Elevation. Ground floor elevation is the height of the ground floor relative to the height of the sidewalk and is measured from top of the abutting curb, or from the crown of the road where no curb exists, to the top of the finished ground floor.

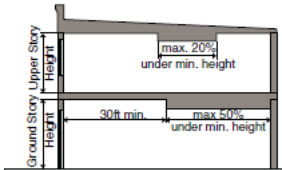
(a) Minimum ground floor elevation applies to the first twenty (20) feet of the lot measured from the right-of-way line.



#### (4) Story Height.

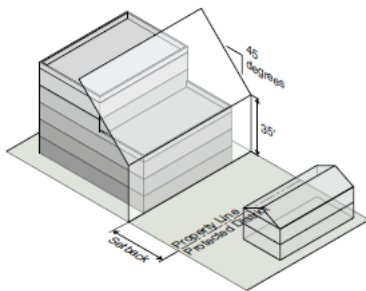
(a) Story height is the height of each story of building and it is measured from the top of the finished floor to the ceiling above.

(b) Minimum ground story height applies to the first thirty (30) feet of the building measured inward from the interior wall of the primary street-facing facade. At least fifty percent of the ground story must meet the minimum height provisions.



#### 20.40.060 Neighborhood Compatibility

(1) Height Plane. A height plane is required when a building taller than thirty-five (35) feet is located on a lot that abuts another lot with a R-1, R-2, or R-6 zoning designation. In such situations, a building cannot extend into a forty-five (45) degree angular plane projecting over the subject property measured from a height of thirty-five (35) feet at the side interior or rear setback line. One foot of additional setback is required for every foot of height above thirty-five (35) feet until the maximum height of the district is reached.



## Chapter 20.41

### TRANSFER OF DEVELOPMENT RIGHTS PROGRAM

#### Sections:

**20.41.010 Purpose**

**20.41.020 Authority**

**20.41.030 Applicability**

**20.41.040 General Requirements**

**20.41.050 Sending Areas**

**20.41.060 Sending Site Calculations**

**20.41.070 Receiving Areas**

**20.41.080 Use of Development Rights**

#### **20.41.010 Purpose.**

The purpose of this chapter is to create a process for certification and transfer of transferable development rights from designated sending areas within Kitsap County to designated receiving areas within Port Orchard that are zoned for multifamily residential development (apartment buildings). The transfer of development rights from one property within Kitsap County to another within Port Orchard is allowed in order to provide the following:

- (1) Flexibility and efficient use of land and building techniques;
- (2) Preservation of rural character, promotion of farming areas, and provision of long-term open space opportunities; and
- (3) A mechanism to work toward achieving policies outlined in the Kitsap County Countywide Planning Policies, Kitsap County Comprehensive Plan, the Port Orchard Comprehensive Plan and Port Orchard development regulations.

#### **20.41.020 Authority.**

The transfer of transferable development rights (“TDR”) system for Port Orchard is established. The base residential density of a sending site within Kitsap County may be transferred and credited to a receiving site within the City of Port Orchard in accordance with this chapter only when a TDR certificate is issued in accordance with the rules and procedures in this chapter and in Kitsap County Code Chapter 17.580.

#### **20.41.030 Applicability.**

This chapter supplements City and County land use regulations and other land protection efforts by establishing a TDR process, which may be employed at a landowner’s option to certify and transfer development rights from an eligible sending site in Kitsap County to an eligible receiving site in Port Orchard, and which may include transfer through an open market or TDR bank. This chapter regulates the following with respect to the transfer of development rights:

- (1) Provides a conversion formula to convert County development rights into City building height bonuses;

- (2) Provides a market-based TDR implementation system based on the issuance of TDR certificates by Kitsap County that may be freely sold or otherwise transferred for use in the City of Port Orchard; and
- (3) Requires the recording of conservation easements that restrict development on sending sites within Kitsap County.

**20.41.040 General Requirements.**

- (1) Development Rights. Residential development rights are considered to be interests in real property.
- (2) Transfer of Development Rights Permitted. The number of dwelling units allowed to be constructed on a sending parcel within Kitsap County under Kitsap County Code Section 17.580.050 may be transferred to a receiving parcel within the City of Port Orchard pursuant to the conversion provided in subsection 3 of this section. In approving a transfer of development rights to a receiving area within Port Orchard, the decision-maker (depending on permit type) must find that such a transfer is permitted under and consistent with the zoning applicable to the receiving property. A transfer of development rights is allowed only under the provisions in this chapter.
- (3) Transfer of Development Rights Conversion formula. Each development right (i.e., allowed dwelling unit) sent from a sending area in Kitsap County shall be worth a 1-story (10 foot) height bonus measuring two thousand (2,000) square feet on the receiving property within Port Orchard. To illustrate this conversion, if a mixed use storefront building (e.g., with retail on the ground floor and apartments on higher floors) in Port Orchard is proposed with a building footprint of twenty thousand (20,000) square feet at four (4) stories, but the zone allows for a height bonus pursuant to the TDR program to increase that height to five (5) stories, the purchase of ten (10) development rights from Kitsap County would allow one (1) additional 10-foot story measuring twenty thousand (20,000) square feet, thus increasing the allowed height of proposed building from four (4) to five (5) stories.

**20.41.050 Sending Areas.**

- 1. The City of Port Orchard will rely on Kitsap County sending area designations in place as of [ADOPTION DATE OF THIS ORDINANCE] and additionally shall only accept development rights transferred from properties located in zip codes 98366, 98367, 98312, and 98359, in accordance with Kitsap County Code Chapter 17.580.
- 2. Land already encumbered by a conservation easement shall not be eligible as a TDR sending site.
- 3. Any land below ordinary high water of any fresh or saltwater body shall not be eligible as a TDR sending site.
- 4. Development rights allocated to eligible sending sites may be converted to TDR certificates which may be transferred to eligible receiving sites through the TDR transfer process. After completion of the conveyance of a sending site's development rights, the property shall be maintained in a condition that is consistent with the TDR conservation easement imposed under Kitsap County Code Section 17.580.100.





## Chapter 20.68

### ACCESSORY DWELLING UNITS

#### Sections:

**20.134.010 Accessory dwelling units – Defined.**

**20.134.020 Accessory dwelling units - Purpose.**

**20.134.030 Accessory dwelling units – Decision type.**

**20.134.034 Accessory dwelling units - Administration.**

**20.134.050 Accessory dwelling units – Property ownership.**

**20.134.060 Accessory dwelling units – Commercial and industrial development – Code applicability.**

**20.134.070 Accessory dwelling units – Application procedures.**

**20.134.080 Inspection.**

**20.134.090 Violations.**

**20.134.100 General requirements.**

**20.134.110 Bulk, location and design requirements.**

#### **20.134.010 Accessory dwelling units – Defined.**

An accessory dwelling unit is a separate, complete dwelling unit associated with, attached to or contained within the structure of the primary home or use. An ADU may be either an accessory apartment (attached dwelling) or a backyard cottage dwelling.

#### **20.134.020 Accessory dwelling units – Purpose.**

A. Intent. Accessory dwelling units (hereinafter referred to as “ADUs”) are intended to:

1. Provide homeowners with a means of providing for companionship and security.
2. Add affordable units to the existing housing supply.
3. Make housing units within the City available to moderate income people.
4. Provide an increased choice of housing that responds to changing needs, lifestyles (e.g., young families, retired), and modern development technology.
5. Protect neighborhood stability, property values, and the single-family residential appearance by ensuring that ADUs are installed in a compatible manner under the conditions of this section.
6. Increase density in order to better utilize existing infrastructure and community resources and to support public transit and neighborhood retail and commercial services.
7. Provide a means for commercial and industrial sites to have a resident caretaker or security officer.

#### **20.134.030 Accessory dwelling units - Decision type.**

An ADU permit is a Type I action and shall be reviewed and considered in accordance with the procedures for such actions as set forth in Subtitle II of this Title.

#### **20.134.040 Accessory dwelling units - Administration.**

The planning director shall have the authority to develop and implement procedures to administer and enforce this chapter.

**20.134.050 Accessory dwelling units – Property ownership.**

For the purposes of this chapter, “property owner” and “homeowner” shall mean the owner of a property according to the title of record, or the beneficiary of a legal trust or guardianship.

**20.134.060 Accessory dwelling units – Commercial and industrial development – Code applicability.**

The following subsections of this chapter do not apply to the construction or establishment of an ADU that is accessory to a commercial or industrial use:

20.134.100.A. and D.

20.134.110.I and J

**20.134.070 Accessory dwelling units – Application procedures.**

A. Procedures. Any property owner seeking to establish an ADU shall apply for approval in accordance with the following procedures:

1. Application. Prior to installation of an ADU, the property owner shall apply for an ADU permit. A complete application shall include a properly completed application form, floor and structural plans for modification, a site plan if detached structures or an addition are proposed, and fees as prescribed in subsection 2 below.

2. Fees. Upon sale of the property, the new property owner shall be required to sign a new affidavit and to register the ADU, paying the applicable fee in accordance with the city’s adopted fee schedule. If new or upgraded water or sewer connections are required, water and/or sewer connection fees shall be required in accordance with Title 13.

3. Accessory dwelling unit agreement. The owner of any property containing an ADU shall record with the Kitsap County Auditor an accessory dwelling unit agreement and notice to title for the ADU. Such agreement and notice shall be approved by the planning director, on a form approved by the city council, and shall include as a minimum: (a) the legal description of the property which has been permitted for the ADU; (b) affirmation that the owner shall occupy either the main building or the ADU (unless the ADU is within a commercial or industrial development), and that the property owner agrees to all requirements provided in subsection B.; and (c) the conditions necessary to apply the restrictions and limitations contained in this section.

The property owner shall submit proof that the agreement and notice to title have been recorded prior to issuance of an ADU permit. The ADU agreement and notice to title shall run with the land as long as the ADU is maintained on the property. The property owner may, at any time, apply to the planning director for a termination of the ADU agreement. Such termination shall be granted upon proof that the ADU no longer exists on the property and that a notice to title has been recorded which that the ADU has been removed.

4. Permit. Upon receipt of a complete application, application fees, proof of recorded accessory dwelling unit agreement, and approval of any necessary building or other permits, an ADU permit shall be issued.

**20.134.080 Inspection.**

The city shall inspect the property to confirm that minimum and maximum size limits, required parking and design standards, and all applicable building, health, safety, energy, and electrical code standards are met.

**20.134.090 Violations.**

A. A violation of this chapter regarding provision of ownership shall be governed by subsection 20.134.090.D, and a violation of provision of legalization of nonconforming ADUs shall be governed by subsection 20.134.090.H. Violations of any other city permit or code requirements shall be governed by Chapter 20.02.

**20.134.100 General requirements.**

ADUs shall be subject to the following requirements, which shall not be subject to a variance.

A. ADU permits may only be issued for a legal lot of record zoned for single-family use containing not more than one (1) single family dwelling.

B. Occupancy. The maximum number of occupants in any ADU shall be 4 persons. Maximum occupancy may be further limited by Section 1004 (Occupant Load) of the International Building Code.

C. Composition. The ADU shall include facilities for cooking, living, sanitation, and sleeping.

D. Ownership and occupancy. The property owner must maintain his or her occupancy in the main residence or the ADU. For the purposes of this Chapter, "occupancy" means that the property owner, as reflected in title records, makes his or her legal residence at the site, as evidenced by property tax, voter registration, vehicle registration, or similar means, and actually resides at the site more than six months out of any given year, and at no time receives rent for the owner-occupied unit. Owners shall record a notice on title, as approved by the City, which attests to their occupancy and attests that, at no time, shall they receive rent for the owner-occupied unit. Falsely attesting owner-residency shall be a gross misdemeanor subject to a fine not to exceed \$5,000, including all statutory costs, assessments, and fees. In addition, ADUs shall not be subdivided or otherwise segregated in ownership from the main building.

E. Parking. No off-street parking is required for the ADU provided that the minimum required off-street parking per Chapter 20.124 for the primary use (single-family residence, commercial or industrial development) is met on the lot or if on-street parking is provided on both sides of the street(s) abutting the lot. One (1) parking stall shall be provided per ADU if either of the preceding conditions is not satisfied. If additional ADU parking is provided, parking for a commercial or industrial ADU shall be located in the rear portion of the lot and shall not be accessed from the front if suitable access to the rear is available, such as an abutting right-of-way that is or can practicably be developed. Driveways shall comply with the vehicular access and driveway standards in Chapter 20.139.020(2) and the City's development guidelines.

F. Home occupations. Home occupations shall be allowed, subject to existing regulations. However, for residential ADUs if both the main residence and the ADU contain home occupations, only one of the two is permitted to receive customers on the premises.

G. Short-term rental. The use of an ADU as a short-term rental shall be allowed, subject to compliance with the bed and breakfast regulations in Chapter 20.46.

H. Legalization of Nonconforming ADUs. Existing ADUs that are made nonconforming by this ordinance, or ADUs legally existing prior to the enactment of these requirements, may be maintained as a legal non-conforming use in accordance with Chapter 20.54.

I. Utilities. An ADU must be connected to the utilities of the main residence, or the associated commercial or industrial development, and may not have separately billed services, with the exception of telephone and cable television or internet.

**20.134.110 Bulk, location and design requirements.**

A. In commercial or industrial developments, detached ADUs are not allowed, and the ADU shall be located on or above the second floor of the building in which it is located.

B. For attached ADUs, the lot must meet the minimum lot dimensional and size requirements of the applicable zoning designation per Chapter 20.24. Attached ADUs that do not increase the building envelope of an existing residential structure are exempt from this requirement.

C. Size. For backyard cottage detached ADUs, refer to Section 20.32.030 of this Title. For an attached apartment ADU that is accessory to a detached residential dwelling, the ADU shall not exceed 40 percent of the total square footage of the residential dwelling and the ADU combined, after modification or construction, or 1,000 square feet, whichever is greater. For an attached apartment that is accessory to a commercial or industrial use, the ADU shall not exceed 1,000 square feet.

D. Height. For a backyard cottage detached ADU, refer to Section 20.32.030 of this Title. For an attached apartment that is accessory to a commercial or industrial use, refer to the appropriate building type in Section 20.32.

E. Location. A backyard cottage ADU shall be permitted as a second dwelling unit accessory to a detached dwelling unit and shall be located in the rear yard, in accordance with Section 20.32.030.. An accessory apartment ADU shall be permitted within a detached residential dwelling, or within a commercial or industrial building.

F. Setbacks and lot coverage. For a backyard cottage ADU, refer to Section 20.32.030 of this Title. For an attached apartment that is accessory to a commercial or industrial use, refer to the appropriate building type in Section 20.32.

G. Design - Attached ADUs. An attached ADU shall be designed to maintain the architectural design, style, appearance, and character of the main building as a single-family residence. If an attached ADU extends beyond the current footprint or existing height of the main building, such an addition must be consistent with the existing façade, roof pitch, siding, and windows. Any exterior modification or addition to a single-family residence shall comply with the design standards in Chapter 20.139. Additionally, only one entrance is permitted to be located in the front façade of the dwelling. If a separate outside entrance is necessary for an attached ADU, it must be located either off the rear or side of the main building. Such entrance must not be visible from the same view of the building which encompasses the main entrance to the building and must provide a measure of visual privacy.

H. Design – Attached ADUs Associated with a Commercial or Industrial Development. The ADU shall be part of an overall site and building design that complies with the requirements Chapter 20.128 (Design Standards), and shall be reviewed in conjunction with the underlying land use or building permit.

I Design - Detached ADUs. A detached ADU shall be designed to complement the architectural design, style, appearance, and character of the main building by utilizing complementary colors and finish materials, window styles, and roof design to the main building. The entrance door to a detached ADU shall not face the same property line as the entrance door to the main building except when the entrance door to the ADU is located behind the rear wall of the main building.

J. Other Accessory Buildings. The detached ADU structure shall be the only accessory building allowed on the parcel, although it can be integrated into a structure that includes a garage or other non-habitable space. Accessory buildings under 200 square feet in size may be exempted from this restriction, provided that such buildings meet the relevant zoning requirements for height, setbacks and maximum lot coverage.

K. Walkways. For ADUs with a separate exterior entrance, a pedestrian walkway shall be provided between the ADU and the nearest sidewalk, or where no sidewalk exists, the nearest street right-of-way. The walkway shall be composed of materials that are distinct from any adjacent vehicle driving or parking surfaces. The walkway may function as a shared pedestrian/vehicle space provided that it is constructed of distinct materials, is located along an exterior edge of a driving surface, and vehicles are not permitted to park on the walkway so that pedestrian use is hindered or prevented.

## Chapter 20.129

### SIGNIFICANT TREES

#### Sections:

**20.129.010 Purpose**

**20.129.020 Applicability**

**20.129.030 Definitions**

**20.129.040 Removal and replacement of all significant trees**

**20.129.050 Retention and protection of significant trees associated with development proposals.**

#### **20.129.010 Purpose.**

It is the purpose of this chapter is to:

- (1) Provide incentives for preserving significant trees and to require the replacement of significant trees at specified ratios when they are removed.
- (2) Mitigate the environmental and aesthetic consequences of tree removal in land development through tree replacement to achieve a goal of no net loss of significant trees throughout the city.
- (3) Provide measures to protect significant trees that may be impacted during construction activities.
- (4) Maintain and protect the public health, safety, and general welfare.
- (5) Preserve the aesthetic, ecological, and economic benefits of forests and tree-covered areas in Port Orchard including:
  - (a) Providing varied and rich habitats for wildlife;
  - (b) Absorbing carbon dioxide;
  - (c) Moderating the effects of winds and temperatures;
  - (d) Stabilizing and enriching the soil;
  - (e) Slowing runoff from precipitation and reducing soil erosion;
  - (f) Improving air quality;
  - (g) Improving water quality;
  - (h) Masking unwanted sound;
  - (i) Providing visual relief and screening;
  - (j) Providing recreational benefits;
  - (k) Enhancing the economic value of developments; and
  - (l) Providing a valuable asset to the community.

#### **20.129.020 Applicability.**

- (1) This section applies to all significant trees in the city.

- (2) No significant tree may be removed unless the requirements of this chapter are met.
- (3) The following situations, activities, and projects are exempt from the significant tree protection requirements of this section unless the tree is located in a critical area as identified in POMC 20.162:
  - (a) Utility developments.
  - (b) Roadway or street (including sidewalks) construction.
  - (c) Parks projects.
  - (d) Trees that interfere with overhead utility lines.
  - (e) Trees that are causing damage to building foundations.
- (4) This chapter shall not be construed to authorize the removal of trees where tree removal is not otherwise permitted in the POMC.

**20.129.030 Definitions.**

- (1) Significant trees are those trees with a DBH (diameter at breast height) of 18 inches or greater and which are not identified by a licensed arborist as damaged, diseased, or a safety hazard due to potential root, trunk or primary limb failure, or new exposure to wind after having grown in a closed, forested situation.
- (2) The root protection zone is equal to one-foot radius from the center of the tree for every one inch of tree DBH. A modified root protection zone may be established by a certified arborist's individual tree evaluation.

**20.129.040 Removal and replacement of all significant trees.**

- (1) Approval of the director is required for the removal of significant trees and shall be granted provided that all other applicable requirements and standards of the Port Orchard Municipal Code are met. The decision to authorize the removal of a significant tree shall be a Type 1 decision; however, an application that involves two or more procedures may be processed consistent with the procedures provided in POMC 20.22.020(2). Approval requires that the following condition and the replacement requirements of subsection (2) are met:
  - (a) All significant trees located within any required landscape buffer area or required landscape planting area shall be retained to the extent practical and feasible.
  - (b) This provision shall not be construed as to prohibit mass grading provided that significant trees are replaced in accordance with this chapter.
- (2) Significant trees that are removed shall be replaced with trees meeting the following requirements:
  - (a) Trees must be replaced at the rates described in Table 20.129.040 and at no less than a 1:1 ratio for any proposed development. If the number of replacement trees required in accordance with Table 20.129.040 results in a fraction, the number shall be rounded up to the nearest whole number.



<b>Table 20.129.040.Replacement tree quantity.</b>	
<b>Significant Tree Diameter</b>	<b>Number of Replacement Trees Required</b>
18-22 inches diameter	.5
22-28 inches diameter	1
28-36 inches diameter	2
Greater than 36 inches diameter	3

- (b) To incentivize significant tree retention, every significant tree that is retained shall reduce the required number of replacement trees by three (3) trees.
  - (c) Replacement deciduous trees shall be fully branched, have a dominant leader branch, have a minimum caliper of one-and-one-half inches (as measured 24 inches above the root ball), and a minimum height of six feet at the time of planting as measured from the top of the leader branch to the top of the root ball.
  - (d) A replacement deciduous tree that has a minimum caliper of three inches (as measured 24 inches above the root ball) and a minimum height of eight feet at the time of planting as measured from the top of the leader branch to the top of the root ball may substitute for two (2) required replacement trees.
  - (e) Replacement evergreen trees shall be fully branched and a minimum of six feet in height, measured from the top of the leader branch to the top of the root ball, at the time of planting.
  - (f) Replacement trees shall primarily be those species native to the Pacific Northwest. In making a determination regarding the species of replacement trees, the director shall defer to the species selected by the property owner unless the director determines that the species selected is unlikely to survive for a period of at least ten years, represents a danger or nuisance, would threaten overhead or underground utilities
  - (g) The property owner shall maintain all replacement trees in a healthy condition. The property owner shall be obligated to replace any replacement tree that dies, becomes diseased, or is removed. Replacement trees shall not be removed except when they are moved to another location in accordance with this chapter.
  - (h) The director may authorize the planting of fewer and smaller replacement trees if the property owner can demonstrate the reduction is suitable for the site conditions, neighborhood character, and the purposes of this section, and that such replacement trees will be planted in sufficient quantities to meet the intent of this section. The director may require a certifying statement from a Washington state licensed landscape architect, Washington-Certified Professional Horticulturalist (CPH), or certified arborist.
- (3) If the site does not allow for planting of replacement trees, the trees may be planted (1) on an alternative site within the city, or (2) on public property (such as in a city park) subject to the approval of the public works director. If the trees are not planted on public property, guarantees shall be provided (such as a conservation easement) to ensure that the replacement trees will not be removed prior to reaching 18 inches DBH (at which time they will be considered significant trees).

- (4) The director shall not authorize the planting of shrubs or bushes in lieu of required replacement trees.
- (5) For projects containing 5 or fewer significant trees, the required replacement trees planted shall be in addition to other required trees installed to satisfy street tree and landscaping buffer, parking lot, and other landscape area requirements. For projects on non-forested sites containing more than 5 significant trees, up to seventy-five percent (75%) of the required replacement trees to be planted may be satisfied by planting trees within required or proposed landscaping areas including but not limited to landscape buffers and parking lot islands as specified in POMC 20.128. For projects on forested sites containing more than 5 significant trees, up to one hundred percent (100%) of the required replacement trees to be planted may be satisfied by planting trees within required or proposed landscaping areas including but not limited to landscape buffers and parking lot islands as specified in POMC 20.128. For the purposes of this section, a site is considered forested if it contains more than 20 significant trees per acre.
- (6) Guidelines for significant tree replacement. The following guidelines and requirements shall apply to significant tree replacement:
  - (a) When individual trees or tree stands are protected, replacement trees should be planted to re-establish or enhance tree clusters where they previously existed.
  - (b) Replacement trees shall be planted in locations appropriate to the species' growth habit and horticultural requirements.
  - (c) Replacement trees shall be planted in areas that connect or are adjacent to native growth protection areas or other open space, where appropriate.
  - (d) Replacement trees shall be integrated into the required landscape plans, if any, for a development.
  - (e) Replacement trees to be planted next to or under power lines shall be selected with consideration of the trees' maturation and maintenance requirements.

**20.129.050 Retention and protection of significant trees associated with development proposals.**

- (1) Significant tree retention plan.** The applicant or property owner shall submit a tree retention plan prepared by a certified arborist, horticulturalist, landscape architect, forester or other qualified professional concurrent with the underlying development permit application (such as a land disturbing activity, short subdivision, binding site plan, conditional use, building, or preliminary subdivision permit application), whichever is reviewed and approved first. The tree retention plan shall consist of:
  - (a) A tree survey that identifies the location, size, and species of individual significant trees or the perimeter of stands of trees on a site;
  - (b) Identification of the significant trees that are proposed to be retained; and
  - (c) The location and design of root protection during construction and development activities.
- (2) Exemption:** Significant tree retention plans shall not be required for the construction of a detached house or backyard cottage, but these projects shall comply with all other sections of this chapter.

- (3) Protection of significant trees.** To provide protection for significant trees that are to remain during and after development activity the following standards apply:
- (a) Prior to construction, grading, or other land development, each root protection zone is identified with a temporary chain-link or orange mesh fence with a minimum height of five feet.
  - (b) No impervious surfaces, fill, excavation, or storage of construction materials shall be permitted within the root protection zone.
  - (c) Alternative protection methods may be used if determined by the director to provide equal or greater significant tree protection.

**EXHIBIT 2**  
**AMENDED CHAPTERS OF THE POMC**

**Chapter 20.06  
CODE AMENDMENTS**

**Sections:**

**20.06.025 Legislative zoning map amendments.**

**20.06.025 Legislative zoning map amendments.** For the purposes of Title 20, the city's zoning map shall be considered a development regulation. However, individual parcels or small groups of parcels shall not be rezoned through the process described in POMC 20.06, except in cases where a mapping error has occurred. Instead, the site-specific rezone process described in chapter 20.42 shall be used for these proposals. Changes to the zoning map affecting large areas of the city may be initiated through the process in chapter 20.06, provided that such changes are found to be consistent with the city's Comprehensive Plan and/or are part of an effort to implement the city's Comprehensive Plan.

## **Chapter 20.12 DEFINITIONS**

The definitions in this chapter shall apply to Title 20 unless a specific definition is set forth in a subsequent section, chapter, or subtitle in which case that definition shall apply but be limited to that section, chapter, or subtitle as specified therein.

“Accessible electric vehicle charging station” means an electric vehicle charging station where the battery charging station equipment is located within accessible reach of a barrier-free access aisle (minimum 44-inch width) and the electric vehicle.

“Accessory dwelling unit” means a separate, complete dwelling unit attached to or contained within the structure of the primary use or a detached single-family residential dwelling unit (accessory apartment), or contained within a separate structure that is accessory to the primary use or detached single-family dwelling unit (backyard cottage) on the premises.

“Adequate public facilities” means facilities which have the capacity to serve development without decreasing levels of service below locally established minimums. (WAC 365-196-210(3).)

“Aggrieved person” means:

- (1) The applicant and the owner of property to which the land use decision is directed; or
- (2) Another person aggrieved or adversely affected by the land use decision, or who would be aggrieved or adversely affected by a reversal or modification of the land use decision. A person is aggrieved or adversely affected within the meaning of this section only when all of the following conditions are present:
  - (a) The land use decision has prejudiced or is likely to prejudice that person;
  - (b) That person’s asserted interests are among those that the local jurisdiction was required to consider when it made the land use decision;
  - (c) A judgment in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the land use decision; and
  - (d) The petitioner has exhausted his or her administrative remedies to the extent required by law.

“Agricultural processing” means preparing harvested crops or products of animal or poultry husbandry for marketing, transportation or further processing.

“Agricultural products” means items resulting from the practice of agriculture, including crops such as flowers, fruits, vegetables, grains, seed, feed, and plants, or animal products such as eggs, milk, and meat, or animal byproducts such as fertilizer.

“Alley” means a public or private access way, either unimproved or improved, which provides a secondary means of vehicular access to abutting property. Alley width shall be considered the distance between the alley right-of-way lines.

“Alteration” means:

- (1) A change or rearrangement of the structural parts or exit facilities, or an enlargement by extending the sides or increasing the height or depth, or the moving from one location to another.

“Animal – Small” means animals, other than livestock or animals considered predatory or wild, which are kept outside a dwelling unit all or part of the time. Animals considered predatory or wild shall be considered small animals when they are taken into captivity for the purposes of breeding, domestication, training, hunting or exhibition.

“Appeal” means to seek review of a decision or determination from a higher authority. An appeal may be from a staff decision or determination to the examiner; or from an examiner decision to the city council; or from a city council decision to the superior court or other court of competent jurisdiction; however, some permit processes follow different appeal procedures, which procedures are set forth in the corresponding chapter.

“Applicant” means the owner of land proposed for land development or use or its representative who shall have express written authority to act on behalf of the owner. Written consent shall be required from the legal owner of the property.

“Arborist” means an individual trained in the art and science of planting, caring for, and maintaining individual trees, and who is currently certified by the International Society of Arboriculture.

“Available public facilities” means that public facilities are in place, or a financial commitment has been made to provide the facilities concurrent with development. For the purposes of transportation facilities, “concurrent with development” means that the improvements or strategies are in place at the time of development or that a financial commitment is in place to complete the improvements or strategies within six years. (RCW 36.70A.070 (6)(b).)

“Awning” means an architectural projection for a building that is wholly supported by the building to which it is attached and comprised of a lightweight rigid skeleton structure over which a covering is attached.

“Battery charging station” means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by Chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

“Battery electric vehicle (BEV)” means any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle’s batteries, and produces zero tailpipe emissions or pollution when stationary or operating.

“Biologist” means a person who has a minimum of a bachelor of science degree in biological sciences or a related field from an accredited college or university and two or more years of experience; or a person who has five or more years of experience as a practicing biologist.

“Binding site plan” means a drawing to scale which: (a) identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters identified in chapter 20.94 herein; (b) contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the decision-maker with authority to approve the site plan; and (c) contains provisions making any development be in conformity with the site plan.

“Block” is a group of lots, tracts or parcels within well-defined and fixed boundaries.

“Board” means the design review board (DRB), which reviews development applications in the downtown overlay district and makes recommendations to the development director or designee. Also see Chapter 2.76 POMC.

“Bond” means a form of security provided by a bonding company in an amount and form satisfactory to the city attorney, intended to ensure that required improvements are installed and/or maintained, and/or to otherwise guarantee compliance with applicable provisions of this Title.

“Boundary line adjustment” means a division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site or division nor create any lot, tract, parcel, site or division which contains insufficient area and dimensions to meet minimum requirements for width and area for a buildable lot pursuant to this Title.

“Brushing” means an allowed practice of removing ground cover, shrubs and vegetation not defined as a tree to create better visibility on a site for purposes of public safety, surveying or marketing.

“Buffer” means a nonclearing native vegetation area which is intended to protect the functions and values of critical areas.

“Building” means any structure used or intended for supporting or sheltering any use or occupancy.

“Building area” means the area included within the surrounding interior walls of a building or portion thereof, exclusive of courts.

“Building envelope” means the area of a lot that delineates the limits of where a building may be placed on the lot.

“Building façade” means that portion of any exterior elevation of a building extending from the grade of the building to the top of the parapet wall or eaves for the entire width of the building elevation.

“Building height” means, except when otherwise specified in this code, the vertical distance from grade plane to the average height of the highest roof surface.

“Building official” means the city employee designated as the building official, or the consultant to the city who has been designated by contract as the building official.

“Building permit” means the permit required for new construction and additions pursuant to the city’s adopted building code. The term “building permit,” as used herein, shall not be deemed to include: permits required for temporary dwellings; or permits required for remodeling, rehabilitation, or other improvements to an existing structure or rebuilding a damaged or destroyed structure, provided there is no increase in the applicable unit of measure (for nonresidential construction) or number of dwelling units (for residential construction) resulting therefrom.

“Building site” means the physical portion of the real property upon which the structures are situated within one lot, and which portion of the lot satisfies the applicable zoning code standards for physical placement, lot coverage, construction of structures, critical areas buffers and setbacks, and all other location and dimensional requirements for the structures.



“Business or occupation of outdoor advertising” shall mean the business of renting or selling space by the owner of any billboard or outdoor advertising structure to any other party for valuable consideration.

“Caliper” means the diameter of a tree trunk, applied only to new or replacement nursery-grown trees, measured six inches above the ground for up to and including four-inch caliper size trees and 12 inches above the ground for larger size trees.

“Campground” means an area of land on which accommodations for temporary occupancy, such as tents or recreational vehicles without hook-up facilities, are permitted and which is used primarily for recreational purposes on an extended basis over a season or year-round and/or as a commercial activity.

“Capital facilities” means the facilities or improvements included in a capital facilities plan.

“Capital facilities plan” means the capital facilities plan element of the city’s comprehensive plan adopted pursuant to Chapter 36.70A RCW, and any amendments to the plan, which may include by reference a capital facilities plan of the school district within the city.

“Charging level” means the standardized indicators of electrical force, or voltage, at which an electric vehicle’s battery is recharged. Levels 1, 2, and 3 are defined by the electrical output, per the following specifications:

- (1) Level 1. Voltage including the range from zero through 120.
- (2) Level 2. Voltage is greater than 120 and includes 240.
- (3) Level 3. Voltage is greater than 240 and is considered fast or rapid charging.

“City” means the City of Port Orchard, Washington.

“City clerk” means the city employee appointed to that position in accordance with the provisions of POMC Title 2.

“City Council” means the city council of the City of Port Orchard, Washington.

“City engineer” means the city employee appointed to that position in accordance with the provisions of POMC Title 2.

“Clearing” or “land clearing,” for purposes of this chapter, means the direct and indirect removal of trees, including topping and limbing, and the destruction, disturbance or removal of other vegetation from any public or private undeveloped, partially developed, or developed lot, public lands, public right-of-way, or utility easement by physical, chemical, or other means. This shall also include any destructive or inappropriate activity applied to a tree or other vegetation that will result in its death or effectively destroy the functionality. “Clearing” shall not include landscape maintenance, brushing, or pruning consistent with accepted horticultural practices which does not impair the health, survival or function of trees or other vegetation. Any proposed activities within a critical area or buffer requires compliance with POMC 20.162.

“Closed record appeal” means an administrative appeal that is heard by the Hearing Examiner. See POMC 2.76.150.

“Closed record appeal hearing” means a hearing held pursuant to POMC 2.76.150.

“Closed record public hearing” means a public hearing before the city council following an open record hearing, in which no new evidence is considered or allowed. Oral argument shall be permitted in favor or against the recommendation of the hearing examiner; however, such oral arguments shall be strictly limited in accordance with this provision.

“Commission” means the planning commission of the city of Port Orchard, Washington.

“Common ownership” means ownership by the same person, corporation, firm, entity, partnership or unincorporated association, or ownership by different corporations, firms, partnerships, entities or unincorporated associations, in which a stockbroker, partner or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity or unincorporated association.

“Community residential facility (CRF)” means living quarters meeting applicable federal and state standards that function as a single housekeeping unit and provide supportive services for a group of individuals comprising more than a family (eight or more individuals excluding staff), including but not limited to counseling, rehabilitation, and medical supervision, including drug and alcohol detoxification but excluding prisoner release participants.

“Community residential facility (CRF) – Prisoner release” means living quarters meeting applicable federal and state standards that function as a single housekeeping unit and provide supportive services for a group of individuals comprising more than a family (eight or more individuals excluding staff), including but not limited to counseling, rehabilitation, and medical supervision, excluding drug and alcohol detoxification, specifically for prisoner release participants and programs such as halfway houses.

“Comprehensive plan” or “Comprehensive land use plan” means the plan adopted in chapter 20.03 of the Port Orchard Municipal Code, pursuant to Chapter 36.70A RCW.

“Concurrency” or “concurrent with development” means that adequate public facilities are available when the impacts of development occur, or within a specified time thereafter. This definition includes the concept of “adequate public facilities” as defined above. For the purposes of transportation facilities, concurrent with development means that strategies or improvements are in place at the time of development or that a financial commitment is in place to complete the improvements or strategies within six years. (RCW 36.70A.070(6)(b).)

“Consistency” means that no feature of a plan or regulation is incompatible with any other feature of a plan or regulation. Consistency is indicative of a capacity for orderly integration or operation with other elements in a system.

“Construction – New” means structures for which the start of construction commenced on or after the effective date of the ordinance codified in this title and preceding ordinances.

“Council”: See “City Council”.

“Courtyard” means a space, open and unobstructed to the sky, located at or about grade level on a lot and bounded on three or more sides by the walls of a building.

“Coverage – Site” means the percentage of the area of a lot or site that is built upon or covered over with impervious materials.

“Critical areas” means any of those areas in the city which are subject to natural hazards or those lands with features which support unique, fragile, or valuable natural resources, including fish, wildlife, and other organisms and their habitat and such resources which in their natural state carry, hold or purify water.

“Critical areas” means those areas identified as:

- (1) Wetlands;
- (2) Areas with a critical recharging effect on aquifers used for potable water;
- (3) Fish and wildlife habitat conservation areas;
- (4) Geologically hazardous areas; and
- (5) Frequently flooded areas.

“Critical facilities” means those facilities necessary to protect the public health, safety and welfare. These facilities include but are not limited to schools, hospitals, police stations, fire departments and other emergency response facilities, and nursing homes. Critical facilities also include sites of hazardous material storage or production.

“Critical root zone” means the area where the tree’s roots are located and is the area surrounding a tree measured at a radial distance from the trunk equal to one foot for every one-inch diameter of tree.

“Cul-de-sac” means a road closed at one end by a circular area of sufficient size for turning large emergency response vehicles.

“DBH” means diameter at breast height. DBH is a tree’s diameter in inches at four and one-half feet above the ground at the lowest point surrounding the trunk, and is used to measure existing trees on a site. On multi-stemmed or multi-trunked trees, the diameter shall be the diameter equivalent to the sum of trunk areas measured at DBH.

“Dedication” means the deliberate appropriation of land or rights in land by its owner for any general and public use, reserving to himself or herself no other rights than such as are compatible with the full exercise and enjoyment of the public use to which the property has been devoted. The intention to dedicate shall be evidenced by deed, or other instrument of conveyance, or by dedication on a duly filed and recorded plat (or short plat). Dedications by Short Plat may require City Council acceptance.

“Density” means:

- (1) “Density (gross)” means the acreage of a lot or parcel multiplied by the stated permitted allowed units per acre.
- (2) “Density (net)” means the acreage of a lot or parcel minus critical areas multiplied by the density credits as described in POMC 20.122.040.

“Department” means the City of Port Orchard, Washington Department of Community Development or its successor agency, unless otherwise specified.

“Designated accessible space” means an accessible parking space required by WAC 51-50-005 and designated for the exclusive use of parking vehicles with a State Disabled Parking Permit.

“Design review board” or “Board” means the advisory board that makes design recommendations to the city council on downtown overlay district applications; see POMC 20.38.228.

“Detention facilities” means stormwater facilities designed to store runoff while gradually releasing it at a predetermined controlled rate. “Detention facilities” shall include all appurtenances associated with their designed functions, maintenance and security.

“Developer” means the person or entity that owns or has development control over property for which development activity is proposed.

“Development activity” or “development” means any construction or expansion of a building, structure, or use; any change in the use of a building or structure; or any changes in the use of the land that creates additional demand for public facilities (such as a change which results in an increase in the number of vehicle trips to and from the property, building or structure) and requires a development permit from the city. (RCW 82.02.090(1)).

“Development agreement” means the agreements authorized in RCW 36.70B.170.

“Development approval” means any written authorization from the city that authorizes the commencement of a development activity.

“Development approval authority” means the city official or tribunal having code authority to approve a development.

“Development site” means the legal boundaries of the parcel or parcels of land for which an applicant has or should have applied for authority from the City to carry out a development activity.

“Director” or “development director” means the Community Development Director of the City of Port Orchard or his or her duly authorized designee, or as otherwise indicated in this title.

“Dock” means a floating or fixed platform used as a landing place for marine transport or for recreational purposes and attached to the shore or a fixed pier by a loosely coupled ramp.

“Domestic water system” means any system providing a supply of potable water which is deemed adequate pursuant to RCW 19.27.097 for the intended use of the development.

“Downtown marquee” means the marquee located at the 700 and 800 blocks of Bay Street and adjacent streets and which was constructed with funds from LID No. 65.

“Drip line” of a tree means an imaginary line on the ground created by the horizontal projection of the foliage at its greatest circumference.

“ Dwelling unit” means one or more rooms designed for occupancy by a person or family for living and sleeping purposes, containing kitchen facilities, lavatory, and closet, and rooms with internal

accessibility, for use solely by the dwelling's occupant, including but not limited to bachelor, efficiency, and studio apartments, and modular and manufactured homes.

"Easement" means a right granted by the owner of land to another party for specific limited use of that land.

"Electric scooters and motorcycles" means any two-wheel vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle's batteries and produces zero emissions or pollution when stationary or operating.

"Electric vehicle" means any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for motive purpose. "Electric vehicle" includes: (1) a battery electric vehicle; (2) a plug-in hybrid electric vehicle; (3) a neighborhood electric vehicle; and (4) a medium-speed electric vehicle.

"Electric vehicle charging station" means a public or private parking space that is served by battery charging station equipment and that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. An electric vehicle charging station equipped with Level 1 or Level 2 charging equipment is permitted outright as an accessory use to any principal use.

"Electric vehicle charging station – Restricted" means an electric vehicle charging station that is: (1) privately owned and restricted access (e.g., single-family home, executive parking, designated employee parking); or (2) publicly owned and restricted (e.g., fleet parking with no access to the general public).

"Electric vehicle charging station – Public" means an electric vehicle charging station that is: (1) publicly owned and publicly available (e.g., park and ride parking, public library parking lot, on-street parking); or (2) privately owned and publicly available (e.g., shopping center parking, nonreserved parking in multifamily parking lots).

"Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

"Electric vehicle parking space" means any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle due to the presence of electric vehicle charging equipment.

"Enhancement" means an action or actions performed to improve the condition of an existing degraded critical area (e.g., wetlands or streams) such that the functions or values are of a higher quality; provided, that this activity does not significantly degrade another existing function or value.

"Equipment – Heavy" means high-capacity mechanical devices for moving earth or other materials, and mobile power units including, but not limited to:

- (1) Carryalls;
- (2) Graders;
- (3) Loading and unloading devices;
- (4) Cranes;
- (5) Drag lines;

- (6) Trench diggers;
- (7) Tractors;
- (8) Augers;
- (9) Bulldozers;
- (10) Concrete mixers and conveyers;
- (11) Harvesters;
- (12) Combines; or
- (13) Other major agricultural equipment and similar devices operated by mechanical power as distinguished from manpower.

“Equipment – Light” means such construction machinery as chainsaws, wheelbarrows, posthole diggers and all handheld tools.

“Erosion” means the process whereby the land surface is worn away by the action of water, wind, ice or other geologic agents, by processes such as gravitational creep or events such as landslides caused by natural or manmade impacts.

“Escrow” means a deposit of cash with the City or escrow agent, pursuant to a written agreement, in order to secure the promise to perform some act.

“Evergreen” means a plant species with foliage that persists and remains green year-round.

“Examiner”: See “Hearing examiner”.

“External buffer” means a naturally vegetated area or vegetated area along the exterior boundaries of an entire development processed in accordance with a subdivision application, which is landscaped and maintained as open space in order to eliminate or minimize conflicts between such development and adjacent land uses.

“Façade” means the entire building front or street wall face, including grade, to the top of the parapet or eaves and the entire width of the building elevation.

“Family” means any number of persons related by blood, marriage or legal adoption and including foster children and exchange students living together as a single housekeeping unit. “Family” also means the following when living together as a single, not-for-profit housekeeping unit:

- (1) A group of not more than four related and unrelated adults and their related minor children, but not to exceed a total of eight related and unrelated persons; or
- (2) Not more than eight disabled persons, whether adults or minors, living together in a consensual residential living arrangement, but not to exceed a total of eight persons; or
- (3) State licensed adult family homes as defined by RCW 70.128.010; or
- (4) State licensed foster family homes and group care facilities as defined in RCW 74.15.020.

For the purposes of this definition, an adult is a person eighteen years of age or older, and a minor child is a person under the age of eighteen years.

“Fee” or “filing fee” means the fee for filing an application, as said fee is established annually by resolution of the city council. Unless otherwise indicated, all fees must be paid at the time the application is submitted to the city.

“Fence” means a barrier for the purpose of enclosing space or separating lots, composed of: wood, metal or concrete posts connected by boards, rails, panels, wire, mesh, masonry, or concrete, excluding retaining walls.

“Financial commitment” means those sources of public or private funds or combinations thereof that have been identified as sufficient to finance public facilities necessary to support development and that there is reasonable assurance that such funds will be timely put to that end.

“Final plat”: See “Plat – Final plat”.

“Floor – Ground” means the ground floor of a building defined as the three-dimensional interior building space which sits immediately above the basement, crawl space, or floor slab and below the ceiling or joists supporting a roof or second floor and which is nearest in floor elevation to the lowest street elevation located adjacent to the parcel on which the building is located. This includes any loft space.

“Floor – Lowest” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than basement area, is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this code.

“Floor – Second” means the second floor defined as the three-dimensional interior building space which sits above the ground floor and which is not a loft.

“Forest land” means land devoted primarily to growing and harvesting forest and timber products and designated as a forest production district.

“Forest practice” means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, or removing forest biomass, including but not limited to:

- (1) Activities in and over typed water;
- (2) Road and trail construction;
- (3) Harvesting, final and intermediate;
- (4) Precommercial thinning;
- (5) Reforestation;
- (6) Fertilization;
- (7) Prevention and suppression of diseases and insects;
- (8) Salvage of trees; and
- (9) Brush control.

“Forest practice” does not include: Forest species seed orchard operations and intensive forest nursery operations; or preparatory work such as tree marking, surveying and road flagging; or removal or harvest of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber or public resources.

“Geologist” means a person who has a bachelor of science degree in geologic sciences from an accredited college or university and has a minimum of four years’ experience in soil or slope evaluation under the direct supervision of a practicing geologist or licensed geotechnical engineer.

“Geotechnical engineer” means a practicing geotechnical/civil engineer licensed as a professional civil engineer with the state of Washington, with professional training and experience in geotechnical engineering, including at least four years’ professional experience in evaluating geologically hazardous areas.

“Golf facility” means a recreational facility, under public or private ownership, designed and developed for uses including, but not limited to:

- (1) Golf course;
- (2) Driving range;
- (3) Pro shops;
- (4) Caddyshack buildings;
- (5) Restaurants;
- (6) Office and meeting rooms; and
- (7) Related storage facilities.

“Grade Plane” means a reference plane representing the average of the finished ground level adjoining the building at its exterior walls. Under conditions where the finished ground level slopes significantly away from the exterior walls, that reference plane is established by the lowest points of elevation of the finished surface of the ground within an area between the building and lot line, or where the lot line is more than 6 feet (1829 mm) from the building, between the building and a line 6 feet (1829 mm) from the building.

“Grading” means any excavating, filling, grubbing, recontouring or removal of earth materials on the surface layer, or any combination thereof.

“Grazing area” means any open land area used to pasture livestock in which forage is maintained at an average height of three inches over 80 percent of the area.

“Ground cover” means any living plant material normally terrestrial, growing low to the ground, or other small trees less than four inches at DBH and not defined as a tree, all of which are intended to stabilize soils and protect against erosion.

“Group home: senior citizen assisted”: See “Dwelling unit – group: senior citizen assisted”.

“Growth Management Act – GMA” means the Washington State Growth Management Act (GMA), Chapter 17, Law of 1990, First Extended Session, Chapter 36.70A RCW et seq., and Chapter 32 Laws of 1991, First Special Session, RCW 82.02.050 et seq., as now in existence or hereafter amended.



“Grubbing” means the removal of vegetative matter from underground, such as sod, stumps, roots, buried logs, or other debris, and shall include the incidental removal of topsoil to a depth not exceeding 12 inches.

“Hard surface” means an impervious surface, a permeable pavement, or a vegetated roof.

“Healthy soil” means soil that is of good quality, with the capacity to sustain plant, animal, and human life by providing nutrients, air and water space to infiltrate, pollutant absorption and filtering, and habitat.

“Hearing examiner” means a person appointed to hear or review certain land use decisions pursuant to Article XI, Section 11 of the Washington State Constitution, Chapters 35.63 and 58.17 RCW, and Chapter 2.76 POMC.

“High intensity non-residential use” means manufacturing/industrial (POMC 20.36) land uses and any commercial or mixed use (POMC 20.35), civic or institutional (POMC 20.37.010), or public facilities (20.37.030) land use with over 120,000 square feet gross floor area.

“Hospital” means an establishment primarily engaged in providing diagnostic services, extensive medical treatment including surgical services, and other hospital services, as well as continuous nursing services. A hospital has an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care. “Hospital” does not include convalescent homes.

“Impact” means any additional demand and need for public facilities or services that is reasonably related to the proposed development.

“Impact fee” means the amount of money determined necessary by the city or the school district and imposed upon new development activity as a condition of development approval or permitting to pay for public facilities needed to serve new growth and development, and that is reasonably related to the new development that creates the additional demand and need for public facilities, that is a proportionate share of the cost of the public facilities and that is used for facilities that reasonably benefit the new development. “Impact fee” does not include a reasonable permit or application fee. (RCW 82.02.090(3)).

“Impervious surface” means a non-vegetated or compacted surface area that either prevents or retards the entry of water into the soil mantle as it entered under natural conditions preexistent to development, or a non-vegetated or compacted surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions preexistent to development. Common impervious surfaces include, but are not limited to, roof tops, concrete or asphalt paving, paved walkways, patios, compacted gravel, driveways, parking lots and storage areas, packed earthen materials, and oiled, macadam, or other surfaces which similarly impede the natural infiltration of surface water.

“Landscape architect” means an individual currently licensed by the State of Washington as a landscape architect.

“Landscaping” means an area devoted to or developed and maintained predominantly with native or non-native plant materials, including lawn, groundcover, trees, shrubs, and other plant materials; and

also including accessory decorative outdoor landscape elements such as ornamental pools, fountains, paved or decorated surfaces (excluding driveways, parking, loading, or storage areas), and sculptural elements.

“Landslide” means episodic down-slope movement of a mass of soil or rock, including snow avalanches.

“Level of service” means an established minimum capacity of public facilities or services that must be provided per unit of demand or other appropriate measure of need.

“Livestock” means grazing animals kept either in open fields or structures for training, boarding, home use, sales, or breeding, and production, including but not limited to cattle, riding and draft horses, hogs, sheep, and goats.

“Loading space” means a space for the temporary parking of a vehicle while loading or unloading cargo or passengers.

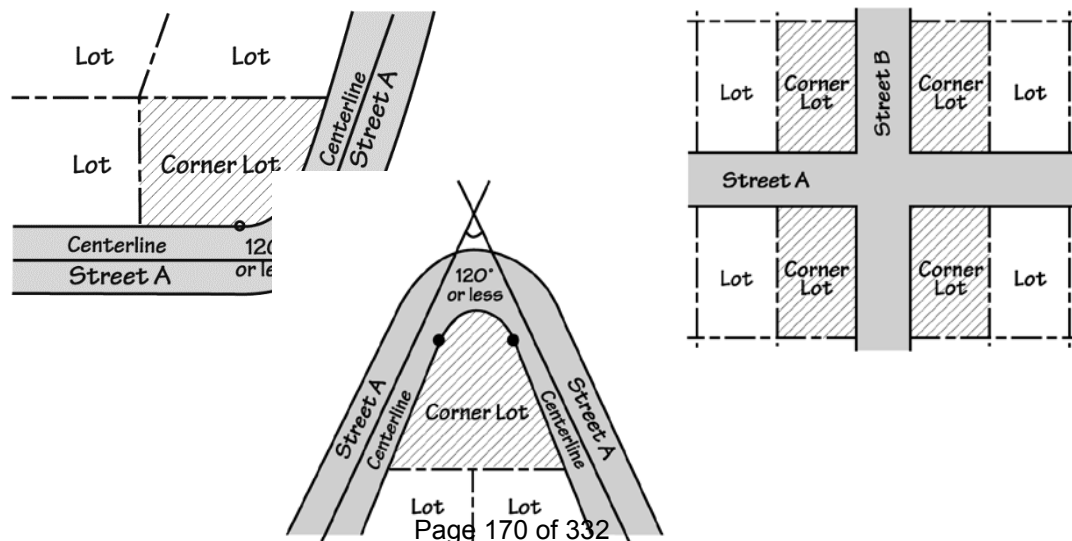
“Loft” means an upper interior space of a building, typically consisting of an open unpartitioned floor area that is accessible from the ground floor and that is below the second floor or roof.

“Long Subdivision”: See “Subdivision”.

“Lot” means a fractional part of legally divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels. For purposes of this code, adjoining lots under common ownership, which were created without subdivision or short subdivision approval from applicable city or county governments, shall be considered as one lot and subject to the regulations contained herein. The terms of this section shall apply regardless of whether the individual adjoining lot meets current zoning requirements.

“Lot – Corner lot” means a lot that has frontage on more than one intersecting street. A street that curves with angles of 120 degrees or less, measured from the center line of the street, is considered two intersecting streets for the purpose of evaluating whether a lot is a corner lot. See Figures below.

### Corner Lots



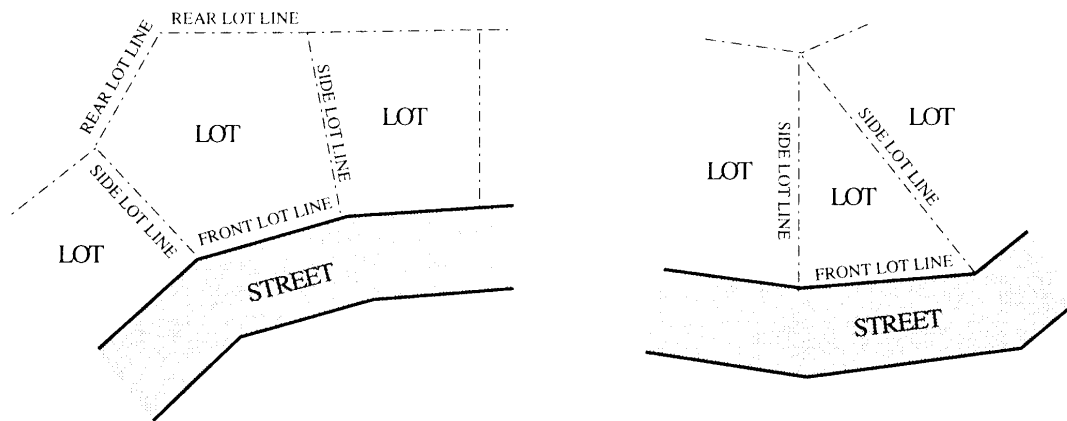
“Flag lot” means an irregular lot with two distinct parts:

- (1) The flag, which is the only building site; and is located behind another lot; and
- (2) The pole, which connects the flag to the street; provides the only street frontage for the lot; and at any point is less than the minimum lot width for the zone.

“Lot – Interior lot” means a lot that has frontage on one street only.

“Lot – Irregular lot” means a lot that is shaped so that application of setback requirements is difficult. Examples include a lot with a shape that is not close to rectangular, or a lot with no readily identifiable rear lot line, or a flag lot.

### Lot Lines on Irregular Lots



“Lot – Through” means a lot having frontage on two parallel or approximately parallel streets.

“Lot area – Minimum” means the minimum or smallest amount of total lot area in a single ownership, expressed in square feet, necessary to satisfy the physical development standards defined in this code.

“Lot lines” means:

- (1) “Lot front line” means a lot line at which vehicular access is off of a public right-of-way, private street, access easement or tract;
- (2) “Lot rear line” means a lot line which is opposite and most distant from the lot front line. For the purpose of establishing the lot rear line of a triangular or trapezoidal lot, or of a lot the rear line of which is formed by two or more lines, the following shall apply:
  - (a) For a triangular- or gore-shaped lot, a line 10 feet in length within the lot and farthest removed from the lot front line and at right angles to the line comprising the depth of such lot shall be used as the lot rear line;
  - (b) In the case of a trapezoidal lot, the rear line of which is not parallel to the front line, the lot rear line shall be deemed to be a line at right angles to the line comprising the depth of such lot and drawn through a point bisecting the recorded lot rear line;
- (3) “Lot side line” means any lot boundary line that is not a lot front line or a lot rear line.

“Lot line – Interior” means a lot line that delineates property boundaries along those portions of the property which do not abut a street.

“Lot line interior – Zero” means the elimination of one side setback so that a side building line can be constructed on the lot line. Zero lot lines must be designated on a plat.

“Low impact development (LID)” means a stormwater and land management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation, and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.

“Low impact development best management practices (LID BMPs)” means distributed stormwater management practices integrated into a project design that emphasize pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation, and transpiration. LID BMPs include, but are not limited to, bioretention, rain gardens, permeable pavements, roof downspout controls, dispersion, soil quality and depth, vegetated roofs, minimum excavation foundations, and water re-use.

“Low impact development principles” means land management strategies that emphasize conservation, use of onsite natural features, and site planning to minimize impervious surfaces, native vegetation loss, and stormwater runoff.

“Low intensity non-residential use” means a small scale commercial or mixed use (POMC 20.35), civic or institutional (POMC 20.37.010), or public facilities (20.37.030) land use which does not have outdoor storage along the site edge requiring a landscape buffer per POMC 20.128.070, and which has less than 25,000 square feet gross floor area.

“Manufactured home”: See “Dwelling unit – manufactured home”.

“Marijuana” has the meaning established pursuant to RCW 69.50.101, as currently adopted or hereafter amended.

“Marijuana business” or “marijuana businesses” means and incorporates all marijuana uses licensed by the Washington State Liquor and Cannabis Board, including, but not limited to, marijuana producers, marijuana processors, marijuana retailers, and marijuana retail outlets, each as separately defined herein.

“Marijuana infused products” has the meaning established pursuant to RCW 69.50.101, as currently adopted or hereafter amended.

“Marijuana processor” has the meaning established pursuant to RCW 69.50.101, as currently adopted or hereafter amended.

“Marijuana producer” has the meaning established pursuant to RCW 69.50.101, as currently adopted or hereafter amended.

“Marijuana retail outlet” has the meaning established pursuant to RCW 69.50.101, as currently adopted or hereafter amended, and shall also include marijuana retailers with a medical marijuana endorsement, as defined herein.

“Marijuana retailer” has the meaning established pursuant to RCW 69.50.101, as currently adopted or hereafter amended.

“Marijuana retailer with a medical marijuana endorsement” has the meaning established pursuant to RCW 69.51A.010, as currently adopted or hereafter amended.

“Marquee”: See “Downtown Marquee”.

“Material error” means substantive information upon which a permit decision is based that is submitted in error or is omitted at the time of permit application.

“Maximum Lot Coverage” means the maximum percentage in area of a lot that may have a hard surface constructed thereon.

“May” means optional and permissive, and does not impose a requirement.

“Medical marijuana cooperative” means a cooperative established and registered with the Washington State Liquor and Cannabis Board pursuant to 69.51A RCW, and that may produce and process marijuana for the medical use of its members pursuant to the regulations under RCW 69.51A.250, as currently adopted or hereafter amended.

“Medium-speed electric vehicle” means a self-propelled, electrically powered four-wheeled motor vehicle, equipped with a roll cage or crush-proof body design, whose speed attainable in one mile is more than 25 miles per hour but not more than 35 miles per hour and otherwise meets or exceeds the federal regulations set forth in 49 CFR 571.500.

“Metes and bounds” means a description of real property which starts at a known point of beginning and describes the bearings and distances of the lines forming the boundaries of the property, and is completed when the description returns to the point of beginning.

“Mid-block connection” means a thoroughfare connecting two sides of a residential block, usually located near the middle of said block and intended for pedestrian and bicycle use.

“Mitigation” or “mitigate” means any action which avoids any negative or adverse impact, or which ameliorates any such impact.

“Mobile Home”: See “Dwelling unit – mobile home”.

“Mobile home – Park” means a tract of land developed with individual sites and facilities to accommodate two or more mobile homes.

“Model home” means a dwelling unit used initially for display purposes, which typifies the type of units that will be constructed in the subdivision and which will not be permanently occupied during its use as a model.

“Moderate intensity non-residential use” means any commercial or mixed use (POMC 20.35), civic or institutional (POMC 20.37.010), or public facilities (20.37.030) land use featuring at least 25,000 square

feet gross floor area or featuring outdoor storage along the site edge requiring a landscape buffer per POMC 20.128.070.

“Modification – Major” means a major alteration of a site plan that includes any one of the following:

- (1) Any enlargement of proposed building(s).
- (2) Any site relocation of proposed building(s).
- (3) Any change in exterior design.
- (4) Any modification that creates new traffic circulation patterns.

“Modular home”: See “Dwelling unit – modular home”.

“Must” means the same as “shall” herein, and is mandatory and imposes a requirement.

“Native vegetation” means plant species that are indigenous and naturalized to the city’s region and which can be expected to naturally occur on a site. Native vegetation does not include noxious weeds.

“Neighborhood electric vehicle” (or a low speed electric vehicle) means a self-propelled, electrically powered four-wheeled motor vehicle whose speed attainable in one mile is more than 20 miles per hour and not more than 25 miles per hour and conforms to federal regulations under 49 CFR 571.500.

“New evidence” means any and all evidence that is submitted or received after the date the examiner, or city council as the case may be, closes the official record. The official record is closed at the end of the hearing, unless the examiner specifically allows the official record to remain open for a time certain.

“Nonelectric vehicle” means any motor vehicle that does not meet the definition of “electric vehicle.”

“Noxious weed” means any plant which when established is highly destructive, competitive, or difficult to control by cultural or chemical practices (see Chapter 17.10 RCW). The state noxious weed list in Chapter 16-750 WAC is the officially adopted list of noxious weeds by the noxious weed control board and recognized by Port Orchard.

“Official file” means:

- (1) All materials accepted by the examiner, or the city council as the case may be, for purposes of the hearing, or created during the hearing, including but not limited to:
  - (a) All application materials submitted by the applicant;
  - (b) The staff report for the hearing;
  - (c) All written comments received by the city prior to the hearing, or received into the official record during the hearing;
  - (d) The list of persons who signed in to the public hearing indicating a desire to testify, or who wish to be notified of a decision or recommendation on the matter;
  - (e) The electronic recording of the hearing on the matter, or a transcript of the electronic hearing on the matter, certified under oath to be a transcript of the electronic recording of the hearing on the matter;
  - (f) The recommendation or decision of the examiner.
- (2) If a decision of the examiner is appealed to the council, the following will also be included in the official file:
  - (a) The letter or notice of appeal;
  - (b) The staff report on the appeal;

(c) Any legal motions, briefs or other written appeal documents submitted by a party of record.  
(3) If the decision of the council is appealed to superior court, the following will also be included in the official file:

- (a) The electronic recording of the appeal to council and minutes of the same, or a transcript of the electronic hearing on the matter, certified under oath to be a true and correct transcript of the electronic recording of the hearing on the appeal;
- (b) The decision of the council.

“Official plans” means the comprehensive plan, these development regulations, and other documents adopted by the city council of the city of Port Orchard.

“Official record” means the written and oral information, exhibits, reports, testimony and other evidence submitted in a timely manner and accepted by the examiner, or the city council, if applicable. An electronic recording or transcript certified as a true and correct transcript of an electronic recording of the hearing is a part of the official record.

“Off-site” means any premises not located within the area of the property proposed for a development or use activity, whether or not in the common ownership of the applicant.

“Open record hearing” means a hearing, conducted by a single hearing body or officer authorized by the City to conduct such hearings, that creates the City’s record through testimony and submission of evidence and information, under procedures prescribed by the hearing body or officer.

“Open space” means a portion of land, excluding building sites and parking areas, which is designated and maintained as an area for leisure, recreation and other activities normally carried on outdoors. Open space may include greenbelt and recreational areas.

“Ordinances” means legislative enactments of a city or county.

“Owner” means the owner of record of real property, although when real property is being purchased under a real estate contract, the purchaser shall be considered the owner of the real property, if the contract is recorded. (RCW 82.02.090(4).)

“Parapet” means that portion of a building wall that extends above the roof of the building.

“Park” means a site designed or developed for recreational use by the public, including but not limited to: indoor facilities, such as gymnasiums, swimming pools, or activity centers; and outdoor facilities, such as playfields, courts, playgrounds, fishing and boating access areas, or picnicking and other group activity areas, and areas and trails for hikers, equestrians, or bicyclists.

“Parking lot aisle” means that portion of the off-street parking area used exclusively for the maneuvering and circulation of motor vehicles and in which parking is prohibited.

“Parking space” means an area accessible to vehicles, improved, maintained, and used for the sole purpose of parking a motor vehicle.

“Parking space – Off-street” means a space on private property with access to a public street or alley used to park a motor vehicle.

“Party” or “party of record” means the applicant, the property owner of the property for which a land use application has been filed, and any person who has submitted written comments or testified as part of the official record of a land use action.

“Pavement width” means the actual paved surface measured from edge to edge of a street or alley road surface.

“Peak hour” means the hour during the morning or afternoon when the most critical level of service occurs for a particular roadway or intersection.

“Permit” or “Project permit” means any land use or environmental permit or license required from the City, including, but not limited to: building permits, land disturbing activity permits, subdivisions, binding site plans, conditional use permits, variances, shoreline substantial development permits, site development permits, temporary use permits, permits or approvals required by critical areas regulations, and site-specific rezones.

“Permit – Temporary use” means a permit to allow a use for a limited duration and/or frequency.

“Person” means any individual, organization, society, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, governmental agency, public or private utility, cooperative, interstate body or other legal entity.

“Pervious surface” means a surface material that allows stormwater to infiltrate into the ground. Examples include, but are not limited to, lawn, landscape, pasture, native vegetation area, and permeable pavements.

“Place of worship” means a place where religious services are conducted, and including accessory uses in the primary or accessory buildings, such as religious education, reading rooms, assembly rooms, and residences for nuns and clergy.

“Planning commission” means the City of Port Orchard, Washington planning commission.

“Plat” means a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys or other divisions and dedications.

“Plat – Final plat” means the final drawing of the subdivision and dedication prepared for filing of record with the County auditor, and containing all elements and requirements set forth in Chapter 58.17 RCW and Chapter 20.90 of this Title.

“Plat – Long plat” means the map or representation of a long subdivision, showing thereon the subdivision of a tract or parcel of land with lots, blocks, streets, and alleys or other subdivisions, easements and dedications as authorized by Chapter 58.17 RCW and in Title 20 Subtitle V.

“Plat – Preliminary plat” means a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks and other elements of a subdivision consistent with the requirements of this title. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision of five (5) or more lots.



“Plat – Short plat” means the map or representation of a short subdivision.

“Plat certificate” means a title report by a title insurance company certifying the ownership, deed restrictions, covenants, etc., of the land being subdivided.

“Plug-in hybrid electric vehicle (PHEV)” means an electric vehicle that: (1) contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor; (2) charges its battery primarily by connecting to the grid or other off-board electrical source; (3) may additionally be able to sustain battery charge using an on-board internal-combustion-driven generator; and (4) has the ability to travel powered by electricity.

“Port Orchard” means the City of Port Orchard, Washington.

“Preliminary plat”: See “Plat – Preliminary Plat”.

“Private” means solely or primarily for the use of residents or occupants of the premises, e.g., a noncommercial garage used solely by residents or their guests is a private garage.

“Private street” means a privately owned right-of-way which provides access for up to ten (10) residential units and meets the requirements of the City’s Public Works Standards.

“Project improvements” means site improvements and facilities that are planned and designed to provide service for a particular development and that are necessary for the use and convenience of the occupants or users of the project, and are not system improvements. No improvement or facility included in a capital facilities plan approved by the city council shall be considered a project improvement. (RCW 82.02.090(5)).

“Project permit” or “project permit application” means any land use or environmental approval required from the city for a project action, including but not limited to building permits, subdivisions, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by POMC Title 20, critical areas and natural resources, site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations except as otherwise specifically included in this land use regulatory code.

“Property owner”: See “Owner”.

“Protected area” means all land where no construction activity, tree removal, vegetation removal, or soil compaction is allowed and includes the critical root zone of those trees to be preserved.

“Pruning” means cutting back of limbs larger than one and one-half inches in diameter.

“Public agency” means any agency, political subdivision, or unit of local government of this state, including but not limited to municipal corporations, special purpose districts, counties, and local service districts; any agency of the state of Washington, the United States or any state thereof; or any Indian tribe recognized as such by the federal government.

“Public agency yard” means a facility for open or enclosed storage, repair, and maintenance of vehicles, equipment, or related materials, excluding document storage.

“Public facilities” means facilities which are owned, operated and maintained by a public agency.

“Public right-of- way” means any road, alley, street, avenue, arterial, bridge, highway, or other publicly owned ground or place used or reserved for the free passage of vehicular and/or pedestrian traffic or other services, including utilities.

“Public Street”: See “Public Right of Way”.

“Rapid charging station” means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels and that meets or exceeds any standards, codes, and regulations set forth by Chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

“Reasonable use” has the meaning established by the most recent applicable state or federal court decision.

“Recreational vehicle (RV)” means a vehicle designed primarily for recreational camping, travel or seasonal use, which has its own motive power or is mounted on or towed by another vehicle, including but not limited to: travel trailer, folding camping trailer, park trailer, truck camper, motor home, and multi-use vehicle.

“Recreational vehicle parks” means the use of land upon which two or more recreational vehicle sites, including hookup facilities, are located for occupancy by the general public of recreational vehicles as temporary living quarters for recreation or vacation purposes.

“Recyclable material” means a nontoxic, recoverable substance that can be reprocessed for the manufacture of new products.

“Regional utility corridor” means a right-of-way tract or easement which contains transmission lines or pipelines for utility companies, excluding distribution lines contained within street rights-of-way or lines serving individual lots or developments.

“Reserve strip” means a strip of land dedicated or created in fee for the purpose of controlling the access to streets or other public rights-of-way from adjoining property.

“Resident” means a person who occupies a residential dwelling within the city of Port Orchard on an ongoing and continual basis, and who actually lives within the home, as distinguished from a visitor or transient.

“Restoration” means the actions to return a stream, wetland or other critical area to a state in which its stability, functions, and values approach its unaltered state as closely as possible.

“Retention facilities” means drainage facilities designed to store runoff for gradual release by evaporation, plant transpiration, or infiltration into the soil. Retention facilities shall include all such drainage facilities designed so that none of the runoff entering the facility will be discharged as surface

water. Retention facilities shall include all appurtenances associated with their designed function, maintenance, and security.

“Right-of-way” or “ROW” means a strip of land platted, dedicated, condemned or established by prescription, or otherwise legally established, for the use of pedestrians, vehicles or utilities.

“Sale or lease” means any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, intestate succession, or other transfer of an interest in a subdivision or part thereof, whether by metes and bounds or lot and block description.

“Sanitary sewer systems” means all facilities, including approved on-site disposal facilities, used in the collection, transmission, storage, treatment, or discharge of any water borne waste, whether domestic in origin or a combination of domestic, commercial or industrial waste.

“School district” means South Kitsap School District No. 402.

“Seasonal decoration” means temporary decorations for holidays which do not fall under the definition of a sign. Decorations, which fall under the definition of a sign, must conform to all provisions of the sign code.

“Senior” means a person aged 55 or older.

“School” means an institution primarily for academic instruction, public, private or parochial, and accredited by the state Department of Education.

“School bus base” means an establishment for the storage, dispatch, repair, and maintenance of coaches and other vehicles of a school transit system.

“School district support facility” means uses (excluding schools and bus bases) that are required for the operation of a school district, including centralized kitchens, and maintenance or storage facilities.

“Sensitive Area”: See “Critical Area”.

“SEPA responsible official” means the development director, or such other person as the development director has designated in writing to serve as the SEPA responsible official.

“Setback” means the minimum required distance between a structure or portion thereof and a lot line of the lot on which it is located, or another line as described in a particular section of this Title. See POMC 20.40.020 for additional information.

“Shall” means the same as “must” herein, and is mandatory and imposes a requirement.

“Shoreline jurisdiction” means the area extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplains areas landward 200 feet for such floodways, and all wetlands associated with streams, lakes and tidal waters.

“Shoreline master program” means the shoreline master program for the City of Port Orchard, and the use regulations, together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020.

“Short plat”: See “Plat – Short Plat”.

“Short subdivision” means the division or re-division of land into four (4) or fewer lots, tracts, parcels or divisions for the purpose of sale or lease.

“Should” means strongly advisable, unless the context clearly indicates otherwise.

“Site area – Minimum” means the minimum or smallest amount of total site area in a single ownership expressed in acres necessary to support development consistent with the zoning district provisions of this code.

“Soil amendments” means materials added to soil to improve its physical or chemical properties. Unlike fertilizers, the exact ingredients and chemical composition of soil amendments vary among different sources. Examples could include compost, lime, gypsum, and clay. Soil amendments can be used to improve the permeability and water retention characteristics of soil.

“Specified sexual activities” means human genitalia in a state of sexual stimulation or arousal; acts of human masturbation; sexual intercourse or sodomy; erotic fondling, touching or display of human genitalia, pubic region, buttock, or female breast; peep shows, topless dancing, and nude dancing.

“State” means the state of Washington.

“Stream” has the meaning established pursuant to Chapter 90.58 RCW as currently adopted or hereafter amended.

“Street” (including the words “Avenue,” “Boulevard,” “Circle,” “Court,” “Drive,” “Lane,” “Loop,” “Parkway,” “Place,” “Road,” “Spur,” “Terrace,” and “Way”) means:

(1) Any public way, either unimproved or improved, which affords the principal means of access to abutting properties. A street width shall be considered the distance between its right-of-way lines.

(2) A public or recorded private thoroughfare providing the main pedestrian and vehicular access through neighborhoods and communities and to abutting property.

“Street block” means a group of lots or properties on the same side of a street between two street intersections or a street intersection and a dead end.

“Street frontage” means the portion of a lot property line that abuts a public right-of-way.

“Street standards” means the City of Port Orchard “Public Works Engineering Standards and Specifications” (PWESS) for streets as adopted by ordinance of the Port Orchard City Council.

“Structure” means anything permanently constructed, walled, and roofed, including a gas or liquid storage tank that is principally in or on the ground, or over the water, excluding fences less than six feet.

“Subdivider” means any person, firm or corporation who subdivides or develops any land deemed to be a subdivision.

“Subdivision” means the division or re-division of land into five (5) or more lots, tracts, parcels, sites or divisions for the purpose of sale or lease, or transfer of ownership, and includes all re-subdivision of land.

“Substantial development or improvement” means:

(1) Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

(a) Before the improvement repair is started; or

(b) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

(2) The term does not, however, include either:

(a) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or

(b) Any alteration of a structure listed on the National Register of Historical Places or a State Inventory of Historical Places.

“Survey monument” or “monument” means the physical structure, along with any references or accessories thereto, used to mark the location of a land boundary survey corner, geodetic control point, or local control point.

“Surveyor” means a registered professional land surveyor licensed to practice surveying in the state of Washington.

“System improvements” means public facilities that are included in the city’s capital facilities plan and are designed to provide service to areas within the city and community at large, in contrast to project or on-site improvements. (RCW 82.02.090(9).)

“Testamentary” means given or bequeathed by a will.

“Trails” means manmade pathways designed and intended for use by nonmotorized transportation modes, including walking, biking, horseback riding, and/or recreational uses.

“Tract” means a nonbuildable or buildable unit of land created by a subdivision, short subdivision, deed, or other instrument recorded with the appropriate county recorder. Tracts are usually held in common by the owners of an organization, such as a homeowners’ association, for common benefit and are not in every instance required to meet minimum lot size and dimensional requirements of the applicable zone.

“Transportation facilities” means capital facilities related to air, water or land transportation.

“Transportation level of service standards” means a measure which describes the operational condition of the travel stream and acceptable adequacy requirements, as identified in the City’s comprehensive plan (as required by RCW 36.70A.070(6)(b)).

“Transportation system management (TSM)” means low cost projects that can be implemented in a short time frame designed to increase the efficiency of existing transportation facilities. This also includes transit and/or ride-sharing measures to decrease single-occupancy vehicle trips.

“Tree” means any woody plant characterized by one main stem or trunk and many branches, or multi-stemmed trunks which have a diameter individually or cumulatively of four inches DBH or larger.

“Tree enhancement plan” means a plan prepared by a certified arborist, licensed landscape architect, or certified forester and required of all commercial or industrial properties greater than two acres in size when any tree removal or tree clearing takes place. The tree enhancement plan shall combine tree preservation of existing trees to the extent feasible, along with tree replacement and replanting equal to at least 15 percent of the number of significant trees existing on the site prior to any tree removal. The tree enhancement plan shall incorporate trees in as many areas as feasible, such as tree tracts, boundary trees, perimeter landscaping, parking lot landscaping, street and driveway trees, façade landscaping, or other viable stands of trees, considering the type of commercial or industrial development.

“Tree inventory” means a detailed list of all trees of four inches DBH or larger, located on a site for which a tree permit is required, and which is prepared by a certified arborist, licensed landscape architect, certified forester, or other qualified tree professional. A tree inventory shall be included on a site plan drawn to scale, and provide the number, size, approximate height, specific location, and tree species of all trees of four inches DBH or larger, with a summary of all significant trees in sufficient detail for the City to review.

“Tree owner” means the owner of the real property where 51 percent or more of the diameter of the trunk of the tree at ground level is located.

“Tree topping” means the severe cutting back of limbs to stubs larger than three inches in diameter within the tree’s crown to such a degree so as to remove the normal canopy and disfigure the tree.

“Tree, vegetation and soil protection area (TVSPA)” means a separate tract of land, which may or may not be deeded as such, specifically set aside for the preservation of healthy soil and the preservation or planting of existing and/or native vegetation and trees. Stormwater retention/detention facilities, critical area buffers and other common areas may be considered TVSPA if they currently, or are improved to an extent where they can, support healthy soils and the growth of native vegetation and trees. The purpose of these areas (for preserving healthy soils, preserving and/or planting native vegetation and trees) is stated on the face of the plat when applicable.

“Ultimate roadway section” means a designation that the maximum roadway or intersection capacity has been reached and further right-of-way acquisition and/or improvements are not feasible to increase peak hour vehicle capacity.

“Understory” means the low layer of plants forming an underbrush or underwood.

“Use – Principal” means the primary use for a lot, structure, or building or the major portion thereof, as designated or actually used.

“Use – Secondary” means an incidental or accessory use for which a lot, structure or building is designated or employed in conjunction with, but not subordinate to, its primary use.

“Utilities” or “public utilities” means enterprises or facilities serving the public by means of an integrated system of collection, transmission, distribution and processing facilities through more or less permanent physical connections between the plant of the serving entity and the premises of the customer. Included are systems for the delivery of natural gas, electricity, telecommunications services and water, and for the disposal of sewage.

“Vacation rental” means a self-contained single-family residence including condominiums, apartments and detached residences that may be rented by groups or individuals. Not to be confused with hotels/motels or bed and breakfast facilities.

“Vegetation” means any and all organic plant life growing at, below or above the soil surface.

“Wall frontage” means the length of an outside building wall on a public right-of-way.

“Wall plane” means the flat vertical surface on a building façade, which may include doors, windows, openings, or other incidental recessions that do not extend through to the roofline.

“Wastewater treatment facility” means a plant for collection, decontamination, and disposal of sewage, including residential, industrial, and agricultural liquid wastes, and including any physical improvement within the scope of the definition of “water pollution control facility” set forth in WAC 173-90-015(4) as amended.

“Waterwise plant” means a plant that requires regular water while being established. However, once established, it will need less water than most traditional plants, but will not necessarily withstand periods of drought.

“Wetland” or “wetlands” means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands.

**Chapter 20.22**

**PERMITTING AND DEVELOPMENT APPROVAL – PERMIT PROCESS TYPES**

**Sections:**

- 20.22.010 Classification.**
- 20.22.020 Determination of types – Table.**
- 20.22.030 Type I (administrative decision, judicial appeal).**
- 20.22.040 Type II (administrative decision, hearing examiner appeal).**
- 20.22.050 Type III (hearing examiner decision, judicial appeal).**
- 20.22.060 Type IV (city council decision, judicial appeal).**
- 20.22.070 Type V (legislative actions).**

**20.22.010 Classification.**

The review and approval of land use and development permit applications shall be classified as either Type I, II, III, IV, or V based on who makes the decision, the amount of discretion exercised by the decision maker, the level of impact associated with the decision, the amount and type of public input sought, and the type of appeal opportunity. The types of decisions are set forth in this chapter. The application procedures identified in this chapter shall be pursuant to Chapter 20.24 POMC.

**20.22.020 Determination of types – Table.**

(1) Determination of Proper Decision Type. The director shall determine the proper review procedure for all land use and development permit applications and actions. If there is a question as to the appropriate type of process, the director shall resolve it in favor of the higher process type number.

(2) Optional Consolidated Permit Processing. An application that involves two or more procedures may be processed collectively under the highest numbered procedure required for any part of the application or processed individually under each of the procedures identified by the code. The applicant may determine whether the application shall be processed collectively or individually. If the application is processed under the individual procedures option, the highest numbered type procedure must be processed prior to the subsequent lower numbered procedure. If the individual procedure option is chosen, the applicant will be eligible for any fee reduction contained in the current fee schedule.

**Table 20.22.020 – Permit Review Type Classifications**

<b>Type I Director Decision Judicial Appeal</b>	<b>Type II Director Decision HE Appeal</b>	<b>Type III HE Decision Judicial Appeal</b>	<b>Type IV City Council Decision Judicial Appeal</b>	<b>Type V City Council Decision GMHB Appeal</b>
Building Permit <sup>1</sup> (Subtitle X of this title) Binding Site Plan, Final (Chapter 20.94 POMC)	Short Plat, Preliminary, Alteration of Preliminary, Alteration of Final, Vacation of Final	Preliminary Plat, Preliminary Plat Major Modifications, Alteration of Final, Vacation of Final	Final Plat (Chapter 20.90 POMC) Site-Specific Rezone without Comprehensive Plan Amendment	Development Agreement (Chapter 20.26 POMC) Comprehensive Plan Amendment –



<b>Type I Director Decision Judicial Appeal</b>	<b>Type II Director Decision HE Appeal</b>	<b>Type III HE Decision Judicial Appeal</b>	<b>Type IV City Council Decision Judicial Appeal</b>	<b>Type V City Council Decision GMHB Appeal</b>
Preliminary Plat – Minor Modifications (Chapter 20.88 POMC) Land Disturbing Activity Permit (Chapter 20.140 POMC and POMC 20.150.100) Boundary Line Adjustment (Chapter 20.84 POMC) Code Interpretation (Chapter 20.10 POMC) Legal Nonconforming Permit (Chapter 20.54 POMC) Short Plat, Final (Chapter 20.86 POMC) Sign Permit (if SEPA not required) (Chapter 20.132 POMC)	(Chapters 20.86 and 20.96 POMC) Temporary Use Permit (Chapter 20.58 POMC) Binding Site Plan – Preliminary, Alteration of Preliminary, Alteration of Final, Vacation of Final (Chapter 20.94 POMC) Stormwater Drainage Permit (Chapter 20.150 POMC) Sign Permit (if SEPA required) (Chapter 20.132 POMC) Shoreline Substantial Development Permit, Administrative (Chapter 20.164 POMC)	(Chapters 20.88 and 20.96 POMC) Variance (Chapter 20.28 POMC) Conditional Use Permit (Chapter 20.50 POMC) Shoreline Substantial Development Permit, Conditional Use Permit, and Nonadministrative Variance (Chapter 20.164 POMC) Planned Residential Developments Comprehensive Sign Design Plan Permits Final Plat – Alteration or Vacation (Chapter 20.96 POMC) View Protection Overlay District (VPOD) Variance (POMC 20.38.713)	(Chapter 20.42 POMC)	Land Use Map Amendment, Text Amendment (Chapter 20.04 POMC) Legislative Zoning Map Amendment (Chapter 20.06 POMC) POMC Title 20 Code Amendment (Chapter 20.06 POMC) Annexations
Sign Variance (Chapter 20.132 POMC) Shoreline Permit Exemption (Chapter 20.164 POMC) Temporary Use Permit, Extension (Chapter 20.58 POMC)	Variance – Administrative (Chapter 20.28 POMC)			

Untyped review and decision actions: preapplication meeting (Chapter 20.24 POMC), design review board review and recommendation (POMC 20.38.228), tax exemption for multifamily development (Chapter 3.48 POMC),

capacity reservation certificate (Chapter 20.180 POMC), public works design variation, right-of-way permit (Chapter 12.04 POMC), street use permit (Chapter 12.24 POMC), water/sewer connection permit (Chapter 13.04 POMC).

<sup>1</sup> If a building permit application does not require SEPA review, no public notice is required. If a building permit application requires SEPA review, public notice shall be provided consistent with the requirements for Type II applications pursuant to Chapter 20.25 POMC.

**20.22.030 Type I (administrative decision, judicial appeal).**

(1) General. Type I applications are defined pursuant to POMC 20.22.020. All Type I actions must meet all applicable requirements of the POMC in addition to the requirements specified in this subtitle.

(2) Preapplication Conference. Type I applications do not require a preapplication conference.

(3) Notice of Application. Type I applications do not require a notice of application, unless environmental review is required under SEPA pursuant to Chapter 20.160 POMC.

(4) Review of Application.

(a) The director shall commence permit review pursuant to Chapter 20.24 POMC. The director shall determine which city departments are responsible for reviewing or commenting on an application and shall ensure the affected departments receive a copy of the application, or appropriate parts of the application.

(b) Following a determination of technical completeness and determination of consistency pursuant to POMC 20.24.090, the director shall approve, deny, or approve with conditions all Type I applications. Conditions may be imposed directly on the plans (red-lining) or through other documentation reflected on the plans to ensure the requirements of city codes and regulations are met without going through another correction cycle before permit issuance.

(5) Decision.

(a) Unless a permit type has been excluded from the 120-day permit decision timeline established in POMC 20;24.100, pursuant to RCW 36.70B.140, all Type I applications are subject to the maximum 120-day timeline, but in most cases review may be complete within a much shorter time period. If no correction cycles are required, review should be complete within approximately 30 calendar days from the date of technical completeness. Correction cycles will extend review time in proportion to the time the city must wait for an applicant to submit additional or corrected information.

(b) The decision of the director may be reflected on the plans or permit itself or may be documented in a written report or letter of approval.

(6) Notice of Decision. Public notice of a Type I decision is not required. The applicant shall be notified in writing or by email that the permit is ready to issue or the application is approved.

(7) Administrative Appeal. There is no administrative appeal of a Type I decision except for decisions that are appealable to the building board of appeals in accordance with this title and the International Codes as adopted by the city.

(8) Judicial Appeal. A Type I decision not appealable to the building board of appeals may be appealed directly to superior court.

**20.22.040 Type II (administrative decision, hearing examiner appeal).**

(1) General. Type II applications are defined pursuant to POMC 20.22.020. All Type II applications must meet all applicable requirements of the POMC in addition to the requirements specified below.

(2) Preapplication Conference. Type II actions are required to participate in a preapplication conference pursuant to POMC 20.24.010. A limited preapplication conference may be allowed for projects that do not require substantial review by other departments such as variances and design review without SEPA or street improvement requirements.

(3) Notice of Application. Type II applications require a notice of application pursuant to Chapter 20.25 POMC.

(4) Review of Application.

(a) The director shall commence permit review pursuant to Chapter 20.24 POMC. The director shall determine which city departments are responsible for reviewing or commenting on an application and shall ensure the affected departments receive a copy of the application, or appropriate parts of the application.

(b) Following a determination of technical completeness and determination of consistency pursuant to POMC 20.24.090, the director shall approve, approve with conditions, or deny all Type II applications. Conditions may be imposed directly on the plans (red-lining), through other documentation reflected on the plans, or in a written staff report or other decision document, to ensure the requirements of city codes and regulations are met without going through another correction cycle before permit issuance.

(5) Public Hearing. No public hearing is required for Type II decisions.

(6) Decision. Type II decisions are subject to the maximum 120-day timeline requirement pursuant to POMC 20.24.100. A decision for a Type II action shall be made in writing by the director and shall include the following information:

- (a) A description of the proposal and a listing of permits or approvals included in the application;
- (b) A statement of the applicable criteria and standards in this code and other applicable law;
- (c) A statement of background information and facts relied upon by the department which show the application does or does not comply with the approval criteria;
- (d) A summary of public comment received and how the department or applicant responded to the public comments or concerns; and
- (e) The decision to deny or approve the application and, if approved, any conditions of approval necessary to ensure the proposed development will comply with applicable law.

(7) Notice of Decision. Public notice of a Type II decision shall be provided pursuant to POMC 20.24.100. Notice of a short plat or binding site plan shall be provided in the same manner as notice of application as set forth in Chapter 20.25 POMC.

(8) Administrative Appeal. A Type II decision, except for shoreline substantial development permits and shoreline variances, may be appealed to the hearing examiner within 14 calendar days of the notice of decision. A decision on a shoreline substantial development permit or shoreline variance may be appealed to the State Shorelines Hearings Board pursuant to Chapter 20.164 POMC. Shoreline appeal procedures and information are available from the department or from the State Department of Ecology. Administrative appeals of director decisions to the hearing examiner are to be made on forms provided by the city and shall include the following information:

- (a) A brief statement regarding how the appellant is significantly affected by or interested in the matter appealed;
- (b) A specific clear and comprehensible statement of the appellant's issues on appeal, noting appellant's specific exceptions and objections to the decision or action being appealed;
- (c) The specific relief requested, such as reversal or modification; and
- (d) Signature, address, and phone and fax number of the appellant, and name and address of appellant's designated representative, if any.

(9) Judicial Appeal. The decision of the hearing examiner on a Type II appeal may be appealed to superior court.

**20.22.050 Type III (hearing examiner decision, judicial appeal).**

(1) General. Type III applications are defined pursuant to POMC 20.22.020. All Type III applications must meet all applicable requirements of the POMC in addition to the requirements specified below.

(2) Preapplication Conference. Type III applications are required to have a preapplication conference pursuant to POMC 20.24.010.

(3) Notice of Application. Type III applications require a notice of application pursuant to Chapter 20.25 POMC.

(4) Review of Application.

(a) The director shall commence permit review pursuant to Chapter 20.24 POMC. The director shall determine which city departments are responsible for reviewing or commenting on an application and shall ensure the affected departments receive a copy of the application or appropriate parts of the application.

(b) Following a determination of technical completeness and determination of consistency pursuant to POMC 20.24.090, the director shall prepare a written recommendation to the hearing examiner. The director's recommendation shall provide a description of the proposal, a listing of the permits or approvals included in the application, a statement of the criteria and standards applicable to the proposal, and a review of the background information and facts relied upon by the director for the recommendation. The recommendation shall enumerate any conditions needed to ensure the application meets each of the applicable decision criteria.

(c) If a director recommendation is not available to the hearing examiner as provided in this section, the hearing examiner may reschedule or continue the hearing upon his or her own motion or upon

the motion of a party, or the hearing examiner may decide the matter without the recommendation.

(d) The director's recommendation, and any additional staff reports, shall be consistent with RCW 36.70B.060(5).

(5) Public Hearing. A Type III action requires an open record hearing before the hearing examiner.

(a) At least 14 calendar days before the date of the hearing, public notice of the hearing shall be provided consistent with the requirements of POMC 20.25.050.

(b) The director's recommendation shall be made available on the date the hearing notice is issued.

(c) SEPA appeals for Type III decisions may be consolidated with a public hearing as provided for in POMC 20.160.240(5).

(d) The burden of proof shall be on the applicant to demonstrate that the proposal conforms to applicable codes and standards; except that for any SEPA DNS appeal, the burden of proof is on the appellant.

(e) The public hearing shall be conducted pursuant to the hearing examiner's adopted rules and procedures and shall be recorded on audio or audiovisual tape. The hearing examiner may remand an application to staff at his or her discretion to allow staff to administratively address an issue or irregularity with the application or the processing thereof.

(6) Decision.

(a) A written decision for a Type III action shall be issued by the hearing examiner within 14 calendar days after the date the record closes, unless the applicant has consented in writing to an extension of this time period. The hearing examiner's decision shall include the following information:

(i) A description of the proposal and a listing of permits or approvals included in the application;

(ii) A statement of the applicable criteria and standards in the municipal code and other applicable law;

(iii) A statement of background information and facts relied upon by the hearing examiner which show the application does or does not comply with the approval criteria and standards;

(iv) A summary of public testimony and public comment received and how the department or the applicant responded to the public testimony and public comments; and

(v) The decision to deny or approve the application and, if approved, any conditions of approval necessary to ensure the proposed development will comply with applicable law.

(b) Notice of Decision. Public notice of a Type III decision shall be provided pursuant to POMC 20.24.100.

(7) Reconsideration.

(a) The hearing examiner may reconsider a Type III decision if a written request for such administrative appeal is filed by a party of record within 14 calendar days of the date of the notice of decision. Grounds for requesting reconsideration shall be limited to the following:

(i) The decision or conditions of approval are not supported by facts in the record;

(ii) The decision contains an error of law;

(iii) There is newly discovered evidence potentially material to the decision which could not reasonably have been produced prior to the open record pre-decision hearing; or

(iv) The applicant proposes changes to the proposal in response to deficiencies identified in the decision.

(b) Any request for reconsideration shall be mailed to all parties of record on the same day as the request is mailed or delivered to the hearing examiner.

(c) A request for reconsideration shall stop the running of the judicial appeal period on a Type III decision for seven calendar days. During this time period, the hearing examiner shall decide whether reconsideration is appropriate. If the hearing examiner decides to reconsider the decision, the judicial appeal period will be placed on hold until the reconsideration process is complete and a new decision is issued. If the hearing examiner decides to reconsider a decision, all parties of record shall be notified.

(d) The hearing examiner shall, by order, set a schedule for other parties of record to respond in writing to the reconsideration request and shall issue a decision no later than 14 calendar days following the due date for submittal of written responses. A new judicial appeal period shall commence from the date of the hearing examiner's decision on reconsideration.

(8) Judicial Appeal. Type III decisions, except shoreline conditional use permits and any associated shoreline permits, may be appealed to superior court. Shoreline decisions are appealable to the State Shorelines Hearings Board.

**20.22.060 Type IV (city council decision, judicial appeal).**

(1) General. Type IV applications are defined pursuant to POMC 20.22.020. All Type IV applications must meet all applicable requirements of the POMC in addition to the requirements specified below.

(2) Preapplication Conference. Type IV applications are required to have a preapplication conference pursuant to POMC 20.24.010.

(3) Notice of Application. Type IV applications require a notice of application pursuant to Chapter 20.25 POMC.

(4) Review of Application.

(a) The director shall commence review of the permit application pursuant to Chapter 20.24 POMC. The director shall determine which city departments are responsible for reviewing or commenting on an application and shall ensure the affected departments receive a copy of the application or appropriate parts of the application.

(b) Following a determination of technical completeness and determination of consistency pursuant to POMC 20.24.090, the director shall prepare a written recommendation to the hearing body. The director's recommendation shall provide a description of the proposal, a listing of the permits or approvals included in the application, a statement of the criteria and standards applicable to the proposal, and a review of the background information and facts relied upon by the director for the recommendation. The recommendation shall enumerate any conditions needed to ensure the application meets each of the applicable decision criteria.

(c) If a SEPA determination of nonsignificance (DNS) is issued for the proposal, the DNS will be issued in conjunction with the director's recommendation to the hearing body.

(d) Within 14 calendar days of holding a public hearing, the hearing body shall issue a recommendation on the application to the city council.

(5) Public Hearing. A Type IV action requires an open record hearing for a recommendation before either the hearing examiner or planning commission, pursuant to the requirements of the individual permit application requirements.

(a) At least 14 calendar days before the date of the hearing, public notice of the hearing shall be provided consistent with the requirements of POMC 20.25.050.

(b) The director's recommendation shall be made available on the date the hearing notice is issued.

(c) SEPA appeals for Type IV decisions may be consolidated with a public hearing as provided for in POMC 20.160.240(5). The burden of proof shall be on the applicant to demonstrate that the proposal conforms to applicable codes and standards; except that for any SEPA DNS appeal, the burden of proof is on the appellant.

(d) The public hearing shall be conducted pursuant to the hearing body's adopted rules and procedures and shall be recorded on audio or audiovisual tape.

(6) Decision. Following receipt of a recommendation from the hearing body, the city council shall approve, approve with conditions, or deny a Type IV application by ordinance.

(7) Administrative Appeal. There is no administrative appeal of Type IV decisions.

(8) Judicial Appeal. A Type IV decision may be appealed to superior court.

#### **20.22.070 Type V (legislative actions).**

(1) General.

(a) Type V actions are defined pursuant to POMC 20.22.020. All Type V proposals are legislative actions, but not all legislative actions are Type V decisions. Legislative actions involve the creation, amendment, or implementation of policy or law by ordinance. In contrast to other types of actions, legislative actions apply to large geographic areas and are of interest to many property owners and citizens.

(b) Type V actions are not subject to the application procedures in Chapter 20.24 POMC, unless otherwise specified.

(2) Public Hearing.

(a) The planning commission shall hold a public hearing and make recommendations to the city council on Type V actions. A notice for the public hearing shall be provided pursuant to POMC 20.25.050.

(b) The city council may hold a public hearing on Type V actions prior to passage of an ordinance or entry of a decision.

(c) The planning commission and/or city council may require more than one public hearing for Type V actions.

(d) Notice of a public hearing shall be provided to the public at least 14 calendar days prior to the hearing by publishing notice as provided for in POMC 20.25.050. In addition to publishing notice and posting notice at City Hall, at least 14 calendar days prior to the hearing the city shall mail notice of the public hearing to the applicant, relevant government agencies, and other interested parties who have requested in writing to be notified of the hearing. If the legislative action is for a comprehensive plan amendment, notice of the public hearing shall also be posted and mailed pursuant to Chapter 20.04 POMC. The city may also provide optional methods of public notice as provided in Chapter 20.25 POMC.

(3) Review. Review of Type V actions shall be pursuant to the applicable POMC chapter for each action.

(4) Decision. The city council shall issue a final decision on all Type V actions by passage of an ordinance.

(5) Appeals. A Type V decision may be appealed to the Growth Management Hearings Board pursuant to the regulations set forth in RCW 36.70A.290.

(6) Legislative Enactments Not Restricted. Nothing in this section, chapter, or Chapter 20.24 POMC shall limit the authority of the city council to make changes to the city's comprehensive plan, as part of a regular revision process, or to make changes to the city's municipal code.



## Chapter 20.38

### OVERLAY DISTRICTS

#### Sections:

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

**20.38.610 DHOD Intent**

**20.38.620 DHOD Applicability**

**20.38.630 DHOD Conflicts**

**20.38.640 DHOD Height Limits**

**20.38.650 DHOD Height Measurement**

**20.38.660 DHOD Variances**

**20.38.670 DHOD Map Amendments**

**20.38.700 Self Storage Overlay District (SSOD)**

**20.38.710 SSOD Intent**

**20.38.720 SSOD Applicability**

**20.38.730 SSOD Conflicts**

**20.38.740 SSOD Map Amendments**

**20.38.800 View Protection Overlay District (VPOD)**

**20.38.810 VPOD Intent**

**20.38.820 VPOD Applicability**

**20.38.830 VPOD Conflicts**

**20.38.840 VPOD Height Limits**

**20.38.850 VPOD Height Measurement**

**20.38.860 VPOD Variances**

**20.38.870 VPOD Map Amendments**

**20.38.880 VPOD Landscaping**

#### **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.

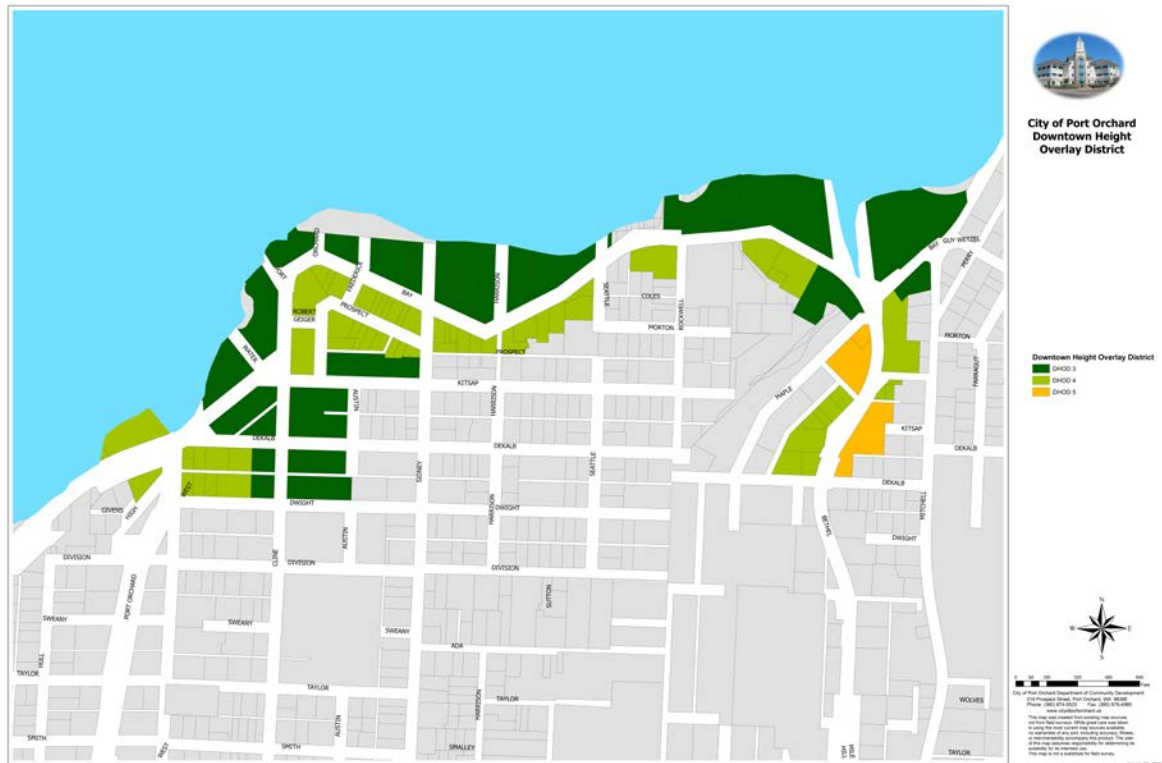


Figure 1: DHOD Height Zone Map

### 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 20.38.040 (c) (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.

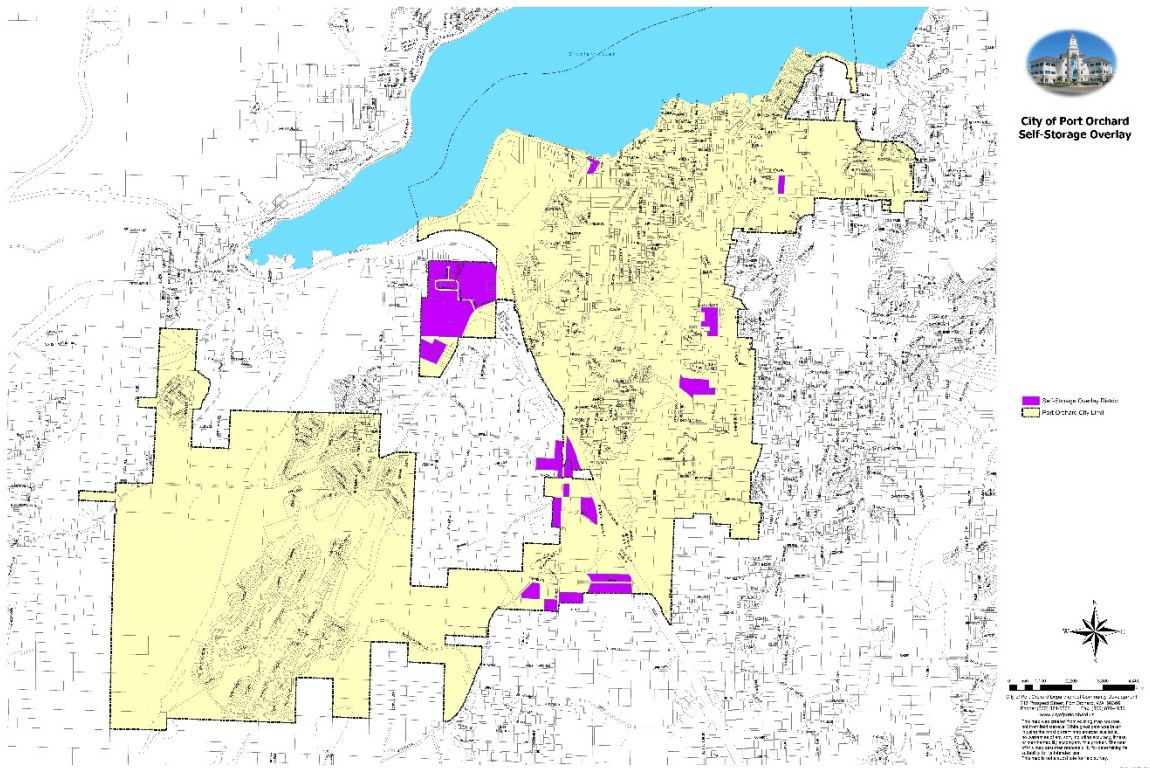


Figure 2: SSOD Map Included Parcels

#### **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.

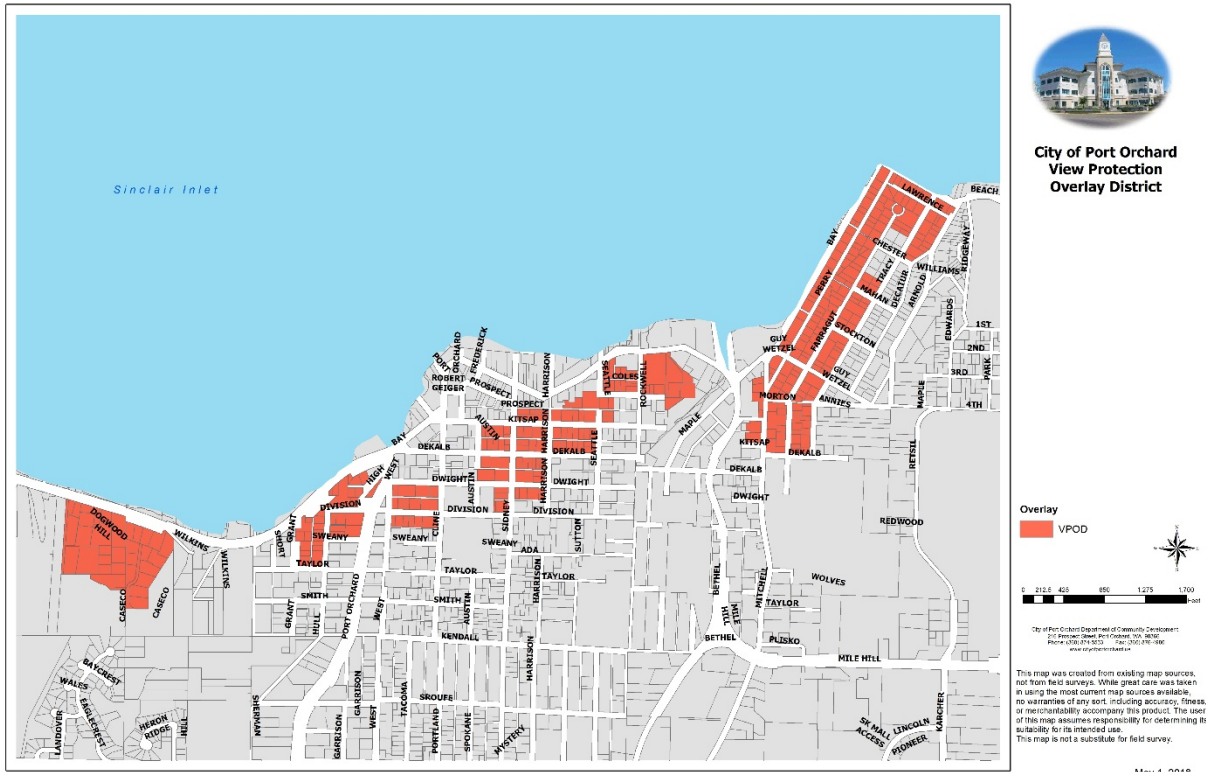


Figure 3: View Protection Overlay District included parcels.

### 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.

## Chapter 20.54

### NONCONFORMITIES

#### Sections:

20.54.010	Purpose.
20.54.020	Definitions.
20.54.030	Establishing a legal nonconforming building type, lot, use or structure for the record.
20.54.040	Establishing a legal nonconforming lot for the record.
20.54.050	Restrictions on legal nonconforming uses.
20.54.060	Restrictions on legal nonconforming building types and structures.
20.54.070	Restrictions on legal nonconforming lots.
20.54.080	Permit required.
20.54.090	Administration of nonconforming permits.
20.54.100	Requirements for a complete application.
20.54.110	Criteria for approval – Permit to establish legal nonconforming building type, use or structure for the record.
20.54.120	Criteria for approval – Permit to establish legal nonconforming lot for the record.
20.54.130	Final decision on nonconforming permit.
20.54.140	Appeal of nonconforming permit.
20.54.150	Nonconformities and Build-To Zone Requirements

#### **20.54.010 Purpose.**

This chapter provides standards and procedures for identifying nonconforming situations, establishing restrictions on the alteration or expansion of a nonconforming situation, and it also specifies when a nonconforming situation must be brought into compliance with the code. In addition, this chapter also establishes an optional process for a property owner to obtain a determination that a building, use or lot is legally nonconforming so that the property owner may use such determination for purposes of property sale/transfer, or to defend in a code enforcement action. For properties within the city's shoreline zone, the standards of the city's shoreline master program also apply, including regulations for nonconforming uses and structures within the shoreline zone. For nonconforming signs, please also see Chapter 20.132 POMC.

#### **20.54.020 Definitions.**

- (1) Nonconforming Building Type. A nonconforming building type is a building type which lawfully existed in a zoning district prior to the adoption of this zoning code, but which is not one of the building types allowed in the current zoning district pursuant to Chapter 20.32.
- (2) Nonconforming Lot. A nonconforming lot is a lot which lawfully existed prior to the adoption of this zoning code, but which does not comply with one or more of the lot standards for the applicable zoning district in the current code, such as minimum lot size, minimum lot width or required access.
- (3) Nonconforming Use. A nonconforming use is a use which lawfully existed in a zoning district prior to the adoption of this zoning code, but which is not one of the uses that is permitted or conditionally permitted in the current zoning district per Chapter 20.39.

(4) Nonconforming Structure. A nonconforming structure is a structure which lawfully existed in a zoning district prior to the adoption of this zoning code, but which does not comply with one or more requirements for the applicable zoning district in the current code for maximum height, minimum setbacks, maximum lot coverage or impervious surface coverage, or design standards.

**20.54.030 Establishing a legal nonconforming building type, lot, use or structure for the record.**

(1) Permit Required. A landowner may establish that he/she has a legal nonconforming building type, use or structure for the record by obtaining the permit described in POMC 20.54.080. This process is optional in situations other than code enforcement actions (in which the landowner may choose to utilize the process in order to establish the legality of the nonconforming building type, use or structure).

(2) Abandonment or Discontinuance. In order to establish a legal nonconforming building type, use or structure, the use or structure must not have been abandoned or discontinued, under the criteria in POMC 20.54.050(4).

(3) Destruction. Should a nonconforming building type, structure or nonconforming portion of a structure be destroyed by any means to an extent more than fifty percent of its replacement cost at the time of its destruction, as determined by the city building official, it shall be reconstructed only in conformity with this code, and only under the following conditions: (a) a complete application for a building permit (or other applicable permit) is filed with the city within twelve (12) months after the damage occurred, and the permit issues, with not more than one (1) 180-day extension; (b) the cause of the damage or destruction was not the willful act of the owner or the owner's agent; and (c) the cause of the damage or destruction was not due to the ongoing neglect of the owner or the owner's agent.

(4) Enforcement. If a landowner is not able to establish a legally nonconforming building type, use or structure, or, if the city proves that a legal nonconforming building type, use or structure was abandoned or discontinued, then the building type, use or structure may be subject to an enforcement action. In this enforcement action, the landowner will either be required to terminate the use, demolish the building or other structure or conform the building or other structure to the requirements of this code, including the provisions of Chapter 20.02 POMC, Administration and Enforcement.

(5) Applicability of New Regulations to Legal Nonconforming Building Types, Uses and Structures. Legal nonconforming building types, uses and structures have only a vested right not to have the building type, use or structure or other development immediately terminated when a new code provision is adopted that prohibits the building type, use or structure. The building type, use or structure may still be subject to newly adopted reasonable police power regulations.

A legal use of land does not become nonconforming because the zone in which it is located is changed to a zoning district which requires a conditional use permit for the use. However, any alteration, expansion or intensification of a use previously approved as a conditional use must follow the process in Chapter 20.50 POMC for approval of a new conditional use permit unless the zoning changes such that the use is now permitted outright.



#### **20.54.040 Establishing a legal nonconforming lot for the record.**

(1) Permit Required. A landowner may establish that he/she has a legal nonconforming lot for the record by obtaining the permit described in POMC 20.54.060 through 20.54.080. This process is optional in situations other than code enforcement actions.

(2) Enforcement. If a landowner is not able to establish a legally nonconforming lot, then the lot may be subject to an enforcement action. In this enforcement action, the landowner will either be required to establish a legally conforming lot through subdivision, boundary line adjustment, legal adjudication or other legally-accepted method of lot creation, or else abandon the claim to ownership of a legal lot of record, subject to the requirements of this code.

(3) Applicability of New Regulations to Legal Nonconforming Lots. Legal nonconforming lots have only a vested right not to have any use, structure or other development immediately terminated when a new code provision is adopted which creates or increases the nonconformity of a lot. The lot may still be subject to newly adopted reasonable police power regulations.

#### **20.54.050 Restrictions on legal nonconforming uses.**

(1) Enlargement, Increase, Intensification and Extension Prohibited. A legal nonconforming use may not be enlarged, increased, intensified or extended to occupy a greater area of land or space, including air space, than was occupied at the effective date of adoption or amendment of this code. No additional structure, building or sign shall be constructed on the lot in connection with such nonconforming use of land.

(2) Use Cannot Be Moved to New Location. No legal nonconforming use shall be moved in whole or in part to any portion of the building or any lot other than that occupied by such use except where that use is permitted outright at the effective date of adoption or amendment of this code.

(3) Change in Use. A nonconforming use cannot be changed to another nonconforming use. A change in tenancy or ownership is not considered a change to another nonconforming use, provided that the use itself remains unchanged.

(4) No Discontinuation or Abandonment. In order to retain its legally nonconforming status, the legal nonconforming use of land cannot be discontinued or abandoned for any reason for a period of more than one hundred eighty (180) days, or for eighteen (18) months in a three (3) year period. For purposes of calculating the 180-day or 18-month period, a use is discontinued or abandoned upon the occurrence of the first of any of the following events:

(a) On the date when the use of land is physically vacated;

(b) On the date the use ceases to be actively involved in the sale of merchandise or the provision of services;

(c) On the date of termination of any lease or contract under which the nonconforming use has occupied the land; or

(d) On the date a request for final reading of water and power meters is made to the applicable utility districts.

(5) Uses which vary seasonally (such as agricultural uses) shall be deemed abandoned if the seasonal use is not utilized during one full season, consistent with the traditional use.

(6) Application of Code Criteria and Standards. If the use is discontinued or abandoned for any reason (other than seasonal use as allowed by subsection (5) of this section) for a period of more than one hundred eighty (180) days or for eighteen (18) months in a three (3) year period, any subsequent use of land shall conform to the applicable standards and criteria specified by this code for the land use zone in which such land is located.

**20.54.060 Restrictions on legal nonconforming building types and structures.**

(1) Alterations and Maintenance. A nonconforming building type or structure may not be enlarged or altered in a way that increases its nonconformity, but any structure or portion thereof may be enlarged or altered in a way that satisfies the current requirements of this code or in a way that will not increase its nonconformity. Ordinary maintenance and repair shall be permitted.

(2) Roadway Access. The owner of a nonconforming access connection (i.e., street or highway access) may be required to bring the nonconforming access into conformance with this code and other applicable standards as a condition of the city or other roadway authority approving a new access connection permit, or a landowner's requested change in land use.

(3) Relocation or Removal. Should the nonconforming building type or structure be moved for any reason and by any distance, it shall thereafter conform to the regulations of this code. However, a structure may be moved on the same site without full compliance if the movement reduces the building type or structure's degree of nonconformity with the code.

(4) Historic Buildings and Structures. Nothing in this chapter shall prevent the full restoration by reconstruction of a building or structure which is either listed on the National Register of Historic Places, the Washington State Register of Historic Places, or the Washington State Cultural Resource Inventory, as shown in a historical survey meeting the standards of the State Department of Archaeology and Historic Preservation. "Restoration" means reconstruction of the historic building or structure with as nearly the same visual design appearance and materials as is consistent with full compliance with the State Building Code and any code provisions adopted by the city on the subject of historic preservation. The reconstruction of all such historic buildings and structures shall comply with the life safety provisions of the State Building Code.

(5) Mobile Homes or Manufactured Homes. Any mobile home or manufactured home located in a residential district which is a legal nonconforming use may be replaced with an approved manufactured home that conforms to the applicable requirements of this title.

**20.54.070 Restrictions on legal nonconforming lots.**

(1) A nonconforming lot may not be altered in size or shape in any way that increases its nonconformity, but it may be altered in a way that satisfies the current requirements of this code or in a way that will not increase its nonconformity.

(2) Use of Legal Nonconforming Lot as a Building Site. A legal nonconforming lot may be used as a building site, provided that all other requirements of the applicable zoning district are met or a variance is obtained.

#### **20.54.080 Permit required.**

A property owner may obtain a nonconforming permit to establish a legal nonconforming building type, lot, use or structure for the record. This permit is not required, unless the city has brought a code enforcement action relating to the property, or if the property owner desires the permit for another purpose, such as to obtain a building permit consistent with the desired legal nonconforming building type, lot, use or structure. In such event, the property owner has the burden to follow the procedures set forth herein to establish that the condition of the property is legally nonconforming. In the case of a code enforcement action, the director may place the code enforcement action in abeyance for a reasonable time in order to allow a property owner to gather the necessary information to demonstrate that the property is legally nonconforming.

#### **20.54.090 Administration of nonconforming permits.**

(1) The following steps shall be followed in the processing of nonconforming permits:

- (a) Determination of complete application (POMC 20.24.050);
- (b) Determination of consistency (POMC 20.24.090);
- (c) Notice of decision by director (POMC 20.24.100); and
- (d) Administrative appeal, if any (open record hearing, POMC 20.24.072).

(2) Because the processing of these permit applications requires the submission of different information for approval, imposes different burdens on the applicant and the city, and varies in other material respects from the processing of a project permit application, these permits are exempt under RCW 36.70B.140 from all project permit processing requirements (identified in Chapter 20.22 POMC), other than those set forth in this chapter.

#### **20.54.100 Requirements for a complete application.**

A complete application for a nonconforming permit shall include the following items as applicable to each classification of nonconformity (building type, lot, use, structure). Refer to the relevant city application form for numbers of copies of each item that must be included and the type of accompanying electronic submittal that is required (if relevant):

- (1) Completed application form;
- (2) Date, name, address, telephone number and email of the applicant;
- (3) Name, address, telephone number and email of the owner of the property identified in the application;
- (4) Legal description, street address and assessor's parcel number of the subject property;
- (5) A description and photographs of existing site conditions, any plans or permit approvals, and/or information relevant to the proposed applicant's demonstration of a legal nonconforming building type, lot, use or structure;

- (6) Information demonstrating that (a) the building type, structure or use is not permitted outright under the city's code, including, but not limited to, the use standards of the current zoning or applicable district; (b) the current zoning code or building code standards for the building type, lot, use or structure are not met; and (c) the use has not been abandoned or discontinued for the period identified in this chapter;
- (7) Proof of legal nonconforming status, including, but not limited to, planning permits/approvals, building permits, leases, aerial maps showing the structure and footprint, listings in business or phone directories (or directory with a list of businesses and residents referenced by address), etc.;
- (8) If the application is for a remodel, a complete description of the proposed remodeling relating to such section(s) of the structure or the entire structure;
- (9) The applicant's narrative statement describing the manner in which the application satisfies the criteria for approval in the applicable section of this chapter;
- (10) A SEPA checklist (unless categorically exempt);
- (11) The application fee established by the city; and
- (12) Any other required information as indicated by city staff in a preapplication meeting.

**20.54.110 Criteria for approval – Permit to establish legal nonconforming building type, use or structure for the record.**

(1) Criteria. A permit will be approved establishing the legal nonconforming status of the building type, use or structure if the applicant provides sufficient evidence and demonstrates to the director's satisfaction:

(a) That the building type, use or structure satisfies the definition for a legal nonconforming building type, use or structure in this chapter; and

(b) That the building type, use or structure has been in existence and maintained continuously, with no interruption that would constitute abandonment or discontinuance under either former or current city codes.

(2) Acceptable Documentation. The evidence presented by the applicant may include, but is not limited to, the following as documentation of the existence of a building type, use or structure from a time when it would have been permitted outright and as documentation of its uninterrupted continuation:

(a) Signed written statements from persons having no financial interest in the property and who are not relatives of the applicant or property owner. Notarization is not required.

(b) Occupancy listing from the Polk directory or reverse telephone directories.

(c) Business and/or licensing records.

(d) County records showing the previous permitted use if the property was formerly not part of the city.

(e) Assessment records.

(f) Evidence of more than one electric or gas meter or sewer hookup.

(g) Other evidence that the director deems useful and reliable, based on the circumstances of the individual case. Examples include, but are not limited to, photographs, U.S. Census reports, and signed written statements of experts.

(3) It is the responsibility of the applicant to furnish at least two different types of documentation from the sources listed above. The city may, in its discretion, require further documentation if the documentation submitted by the applicant does not demonstrate the existence of the building type, use or structure from a time when it was permitted outright, or fails to show continuous, uninterrupted maintenance of the use. The city may also accept only one type of documentation from the sources listed above, if that documentation is particularly persuasive. Any number of written, signed statements, however, are not sufficient by themselves to document the existence of a building type, use or structure.

#### **20.54.120 Criteria for approval – Permit to establish legal nonconforming lot for the record**

(1) Criteria. A permit will be approved establishing the legal nonconforming status of a lot if the applicant provides sufficient evidence and demonstrates to the director's satisfaction that the lot was lawfully created and recorded with the county auditor's office.

(2) Acceptable Documentation. The evidence presented by the applicant may include, but is not limited to, a recorded subdivision, large lot subdivision, testamentary subdivision (provided that the testamentary subdivision conformed to zoning at the time of recording), short plat or binding site plan; a recorded boundary line adjustment approved by the City if such approval was required at the time of recording; or a legal adjudication requiring the creation of the lot with subsequent recording with the county auditor's office.

#### **20.54.130 Final decision on nonconforming permit.**

Because the city has excluded nonconforming permits from the procedures set forth in RCW 36.70B.140, there is no deadline for the city's issuance of a final decision.

#### **20.54.140 Appeals of nonconforming permit.**

A nonconforming permit is a Type I decision per Section 20.22.020 of this Title. If an appeal of the director's decision is filed, the procedures in POMC 20.22.030(7) and (8) shall be followed.

#### **20.54.150 Nonconformities and Build-To Zone Requirements.**

"Build-to zone" requirements may apply to certain development proposals in residential, commercial and mixed-use zoning designations. For information on build-to zone requirements and their applicability to a proposal, refer to Chapters 20.34 and 20.35.

(1) Building Additions. When an existing building is being expanded and the building does not meet the build-to requirement, the following provisions apply:

(a) Front. Any addition to the front of the building must be placed in the build-to zone. The addition does not have to meet the build-to percentage for the lot.

(b) Rear. Rear additions are allowed because the addition does not increase the degree of the nonconformity.

(c) Side. Side additions are not allowed because the extension increases the width that is not located in the build-to zone.

(2) New Buildings. When a new building is proposed on a site with an existing building that does not meet the build-to requirement, the following provisions apply:

(a) Front. All new buildings must be placed in the build-to zone until the build-to percentage for the lot has been met.

(b) Rear. New buildings located outside of the build-to zone are not allowed until the build-to percentage for the lot has been met.

(c) Side. New buildings located outside of the build-to zone are not allowed until the build-to percentage for the lot has been met.

## Chapter 20.100

### DEVELOPMENT STANDARDS—SUBDIVISION DESIGN

#### Sections:

- 20.100.010 Purpose.**
- 20.100.020 General Requirements.**
- 20.100.030 Lot Layout.**
- 20.100.040 Street Standards.**
- 20.100.050 Intersections, Half-Streets.**
- 20.100.060 Street Length.**
- 20.100.070 Cul-de-sac Streets**
- 20.100.080 Dead-end Streets.**
- 20.100.090 Street Width and Design.**
- 20.100.100 Street Offsets.**
- 20.100.110 Curbs and Gutters.**
- 20.100.120 Private Streets.**

#### **20.100.010 Purpose.**

(1) The purpose of this section is to ensure that subdivisions, short plats, and binding site plans are compact, pedestrian-friendly, provide necessary infrastructure and services, and contribute to the character of the town and surrounding neighborhoods, by providing building and site design standards that:

- (a) Reduce the visual impact of large residential buildings from adjacent streets and properties;
- (b) Enhance the aesthetic character of large residential buildings;
- (c) Contain sufficient flexibility of standards to encourage creative and innovative site and building design;
- (d) Meet the on-site recreation needs of project residents;
- (e) Enhance aesthetics and environmental protection through site design;
- (f) Allow for continued or adaptive re-use of historic resources while preserving their historic and architectural integrity;
- (g) Create pedestrian-friendly neighborhoods; and
- (h) Provide for the orderly development of property.

(2) These guidelines do not alter the standards as provided in the underlying zoning districts defined in this title. Projects shall comply with all relevant criteria set forth in this chapter.

#### **20.100.020 General Requirements.**

(1) Design in accordance with city standards. All subdivisions, short plats, and binding site plans shall be designed in accordance with all city standards including but not limited to the adopted City

of Port Orchard Public Works Engineering Standards and Specifications (PWESS) and the Port Orchard Comprehensive Plan.

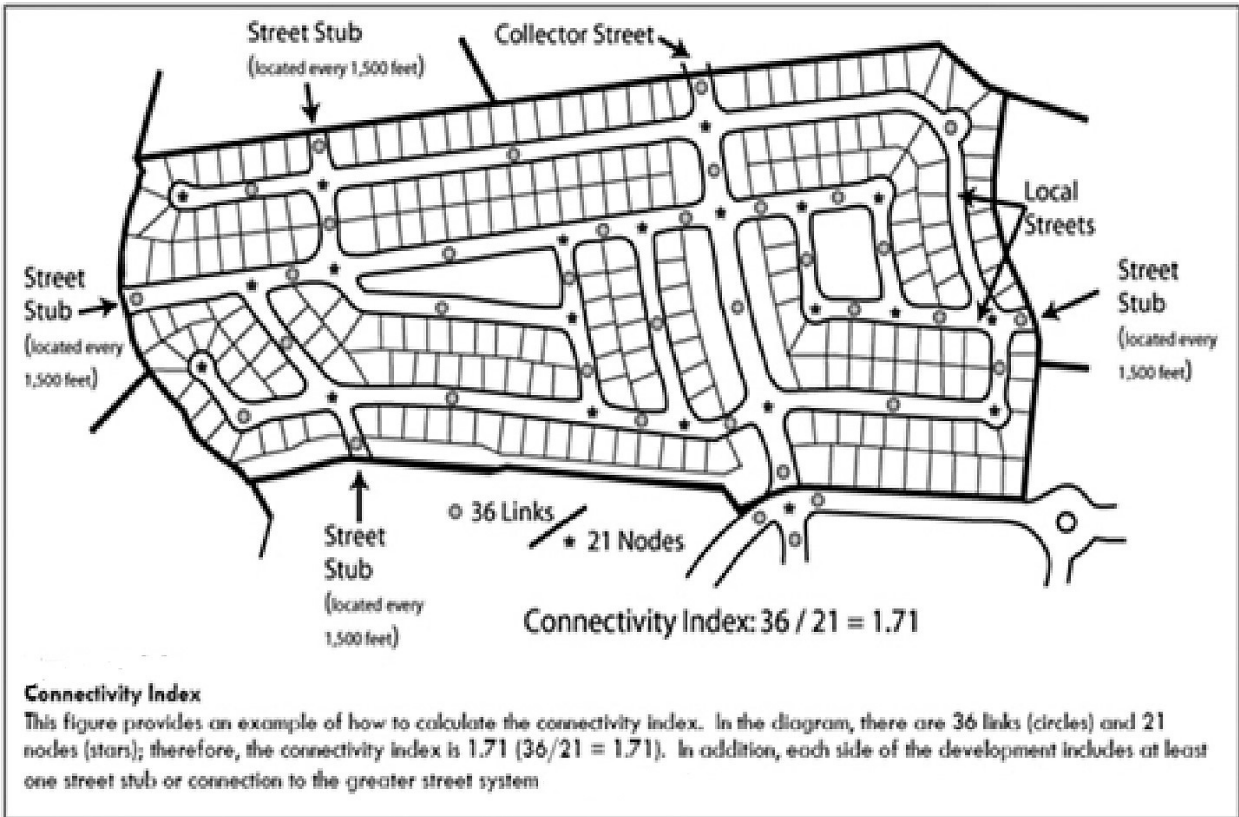
(2) Approach Roads and Access. All subdivisions, short plats, and binding site plans with a single point of access must have no roadway that exceeds three hundred (300) feet or sixty (60) dwelling units from the access point or an average daily traffic (ADT) of greater than one thousand two hundred (1,200). All other subdivisions, short plats, and binding site plans must have at least two points of vehicular access and must be connected with improved roadways to the city's improved thoroughfare and street system by two or more approach roads of the dimensions and standards hereinafter set forth. An access road that is divided with twenty feet in each direction to the intersection of two streets shall be considered two means of access.

- (a) Requirements for dedication of right-of-way and improvement of approach roads, signalization, median breaks, additional lanes and other traffic mitigation or safety improvements may be increased depending upon the size or density of the proposed development, or if the need is demonstrated by traffic impact analysis.
- (b) An exception to standards under subsection (2) above may be granted for a subdivision, short plat, or binding site plan may be allowed by the decision making authority provided a second emergency access that is controlled in a manner acceptable to Fire Authority shall be provided.
- (c) Adequate lighting of access points shall be coordinated and provided by the subdivider.

(3) Roadway Network Connectivity.

(a) All proposed developments must have a connectivity index of 1.4 or greater. The connectivity index shall be calculated by dividing the total number of links (streets including stub-out streets that connect nodes) by the total number of nodes (intersections, cul-de-sac, no-outlets, dead-ends).





- (b) The decision making authority may grant exceptions to these requirements only upon a finding that the development is constrained by topographic features, existing development or other impassible features.
- (c) Street right-of-way dedication. Street right-of-way dedications may be required as a condition of subdivision, short plat, or binding site plan.
- (d) Street Construction. All streets and thoroughfares providing access to a proposed subdivision, short-plat, or binding site plan shall be constructed and paved to city standards and within rights-of-way in accordance with the adopted PWESS, city's transportation plan, and other adopted city standards.
- (e) Intersection Improvements and Traffic Control Devices. Intersection improvements may be required to ensure public safety as a condition of subdivision, short plat, or binding site plan and shall be designed and improved in accordance with the city's transportation plan, adopted PWESS and/or nationally recognized standards subject to city review and acceptance. Intersection improvements and/or traffic control devices shall be required only as a result of the findings of a traffic impact analysis reviewed and accepted by the city.
- (f) Private Streets. See Section 20.100.120 - Private streets.
- (g) Access Management on City Streets. Subdivisions, short plats, and binding site plans shall meet the access management standards found in the adopted PWESS.

- (h) Access management on state highways. Subdivisions, short plats, and binding site plans shall meet WSDOT access management standards.

**20.100.030 Lot Layout.**

(1) Lots to be created within a proposed subdivision, short plat, or binding site plan should comply with the following requirements:

- (a) Lot lines should be at right angles to street lines or radial to curvilinear streets unless a variation will result in a better street or lot plan; and
- (b) Corner lots should be graded to provide sufficient sight clearance at intersections.

**20.100.040 Street Standards.**

(1) Arrangement of Streets and Conformance to the City of Port Orchard Comprehensive Plan Transportation Element. Except as provided in subsection (1)(a) below, the city's adopted Transportation Element shall be used to determine the minimum type of roadway, the general location of the roadway, and the areas that the roadway is intended to connect as part of the platting process. For streets that are not identified in the city's Transportation Element, such as local residential streets, the arrangement of such streets within a subdivision shall:

- (a) Conform to any plan for the neighborhood or subarea plan approved or adopted by the city to meet a particular situation where topographical or other conditions make continuance or conformity to existing streets impractical;
- (b) Provide for future access, by stubbing streets for future extension, to adjacent vacant or undeveloped areas which will likely not have incompatible land uses; and
- (c) Not conflict in any way with existing or proposed driveway openings (including those on the other side of an existing or planned median-divided arterial, in which case new streets shall align with such driveway openings such that median openings can be shared).

(2) Projections and Related Requirements. Where adjoining un-subdivided areas exist, the subdivision street arrangement shall make provision for projection of streets into such areas. Dead-end streets shall otherwise be prohibited, except where projections into un-subdivided land are necessary or where turnarounds are provided in accordance with Section 20.100.080 of this chapter. Private streets shall not be allowed to project beyond the subdivision boundary, and therefore shall not be allowed to dead-end at the subdivision boundary.

(3) Transitions of Right-of-Way Width. Wherever the right-of-way width of a residential, local, collector or arterial street must transition to a greater or lesser width, the transition shall not occur within an intersection but within the street right-of-way so that the right-of-way shall be the same on both sides of the street intersection.

(4) Configuration Shall Reduce Minimal Offsets. Intersecting streets onto an existing or future divided roadway must be configured in accordance with Section 20.100.100 – Street Offsets, such that the centerline off-set will accommodate the appropriate median opening and left-turn lanes (with required transition and stacking distances) on each divided roadway, and shall be aligned with any existing or

proposed streets or driveways on the opposite side of the divided roadway (in order to share the median opening). Median openings and off-sets should be analyzed in the traffic impact analysis, and a determination made if developments sharing a median opening may cause additional traffic conflicts, where an exception to sharing a median opening may be made.

(5) Extensions of Existing Streets. New streets which extend existing streets shall bear the names of the existing streets and shall be dedicated at equal or greater right-of-way widths than the existing streets for an appropriate transition length, if applicable, unless a lesser street is justified by a TIA.

(6) Street Grades and Horizontal Curves. Minimum and maximum street grades and horizontal curves shall conform to standards set forth in the Engineering Standards and Specifications the American Association of State Highway and Transportation Officials (AASHTO), or as otherwise approved by the City Engineer.

(7) Street Signs. Street signs shall be installed by the developer at all intersections within and abutting the subdivision. These signs shall be of a type approved by the city, and shall be installed according to city standards and in conformance with the Manual on Uniform Traffic Control Devices.

(8) Streetlights. Streetlights shall be installed in accordance with the requirements set forth in the adopted PWESS.

(9) Pedestrian Connectivity. Pedestrian connectivity and access shall be provided between subdivisions, schools (where access is allowed by the school district), cul-de-sacs (i.e., bulb-to-bulb access), adjacent areas available for future development, and park and open space areas.

(10) Reserve Strips. Reserve strips controlling access to streets shall be prohibited except where their control is required by the city and approved by the approving authority.

#### **20.100.050 Intersections, Half-Streets.**

(1) Intersections. Street intersections shall be situated at an angle of ninety (90) degrees, plus or minus fifteen (15) degrees, except where the intersection utilizes knuckles, turning heels or eyebrows in accordance with the adopted PWESS. Such intersections shall maintain proper intersection visibility as determined by the latest edition of AASHTO's "A policy on Geometric Design of Highways and Streets." The major access driveway to large multifamily, commercial and industrial developments shall also meet the requirements of this chapter.

(2) Half-Streets. Construction of half-streets shall be prohibited, except when essential to the reasonable development of the subdivision, short plat, or binding site plan in conforming with the other requirements of this code and the Transportation Element, and where the decision making authority makes a determination at the time of approval that there is no immediate benefit to be gained by constructing the full street section since no access from the street will be needed by the project in question.

### **20.100.060 Street Length.**

(1) Length of a block or street segment. The maximum length of any block or street segment (including a looped street) shall be six hundred (600) feet along arterial streets. Block faces shall not exceed eight hundred (800) feet along other streets and the full perimeter of a block shall not exceed two thousand four hundred (2,400) feet except where topographic or critical areas features on parcels of one-half acre or larger would justify an exception from this requirement. Cul-de-sac streets shall adhere to Table 20.100.070 (1) or other requirements herein. Measurements shall be measured along the centerline of the street from the centerline or center point of one intersection to the centerline or center point of the next intersection. For the purposes of measurement, either a full four-way intersection or a "T" three-way intersection shall be considered an intersection.

(2) The length of a block or street segment may exceed the maximum length stated in Subsection 1. above under the following conditions:

- (a) Blocks containing retention or detention ponds;
- (b) Blocks containing parks; and
- (c) Development where the proposed development abuts the rear of an existing development and no rights-of-way have been provided.

(3) Maximum Length of a Cul-De-Sac Street.

- (a) No cul-de-sac served by one access point in any single-family, multiple-family, industrial, or commercial subdivision shall exceed four hundred fifty (450) feet in length or the length as shown in Table 20.100.070 (1), whichever is less.
- (b) No cul-de-sac in any single-family subdivision district shall be designed to serve more than twenty-five (25) single-family dwelling units, unless an exception is granted by the Hearing Examiner to the maximum length, in which case the maximum number of dwelling units shall be increased in the same percentage as the maximum length has been increased.
- (c) For purposes of this paragraph, cul-de-sac length shall be measured along the centerline of the cul-de-sac from a point beginning at the intersection of the cul-de-sac street with the centerline of the street from which it extends to the center of the turnaround at the end of such cul-de-sac. (Also see Section 20.100.070 for cul-de-sac requirements.) For the purposes of measurement, either a full four-way intersection or a "T" three-way intersection shall be considered an intersection.
- (d) An exception to the maximum cul-de-sac lengths may be granted by the decision making authority to develop a parcel:
  - i. With significant topographic constraints such as those documented in a geological report or where the resulting roadway would exceed a 12% grade;
  - ii. With critical areas requiring protection on or adjacent to the parcel;
  - iii. That is effectively landlocked with no other alternative than a cul-de-sac exceeding four hundred fifty feet;
  - iv. Is in a proposed subdivision that has such a unique configuration that the only way to serve the area in question is with a cul-de-sac exceeding four hundred fifty (450) feet. Such exception shall not be granted if the length of the cul-de-sac can be reduced by connection to an adjacent and/or parallel street. The desire to gain additional lots from the cul-de-sac exception by itself is not reason enough to grant such exception to the maximum length;

- v. Additional modifications may be required by the decision making authority upon recommendation by the fire authority including intermediate turnarounds (eyebrows) to accommodate emergency vehicles being provided at a maximum distance of three hundred feet;
- vi. Building construction within the area of the cul-de-sac beyond the four hundred fifty (450) feet distance shall be fire sprinklered and a note shall be added to the recording plat and the subdivision improvement plans indicating that buildings are required to be sprinklered within the subdivision, and which lot numbers have such requirement.

(4) Cross-Reference. Also see Section 20.100.070 below for cul-de-sac requirements.

**20.100.070 Cul-de-sac Streets.**

Cul-De-Sac Streets. Except where projecting into adjacent unsubdivided areas, any street having only one vehicular access to another street shall be terminated by a permanent turnaround. Standards for both the turnaround and its street approach are set forth within this section. Exceptions to these standards shall be discouraged due to firefighting and solid waste collection requirements. Any turnaround, either temporary or permanent, that does not meet these requirements shall be permanently signed for no parking or marked as a fire lane in accordance with the adopted PWESS.

(1) That portion of any street extending from an intersection to a turnaround shall be improved and rights-of-way platted with the minimal dimensions provided in Table 20.100.080 (1) below.

Table 20.100.070 (1): Width for Cul-de-sac Streets for Certain Activities

Activity Served	Paving Width*	Right-of-way Width	Additional Requirements
Less than 12 dwellings	32'	52'	300 feet maximum length
1 – 25 dwelling units	34'	56'	450 feet maximum length – Single family, duplex only**
Nonresidential Zoning Districts (except as otherwise specified)	36'	56'	300 feet maximum length
Industrial Districts	40'	62'	300 feet maximum length

\* Measured from the front of adjoining curbs.

\*\* Cul-de-sacs (dead end streets) serving triplex, quadraplex and higher density multifamily uses shall be discouraged. Exceptions may be granted by the Hearing Examiner where no alternative exists and meeting the Industrial Districts Standard or in infill development situations.

(2) The turnaround portion of any cul-de-sac shall be improved, and rights-of-way platted, as prescribed below:

Table 20.100.070-2: Width for Cul-de-sac Turnarounds for Certain Activities

Activity Served	Paving Width*	Right-of-Way Width	Additional Requirements***
Residential and Nonresidential Zoning Districts (except as otherwise specified)	90' diameter	110' diameter or 100' with 10' utility and sidewalk easement**	Shall be a min. of 10' of ROW or ROW/Easement Combination behind curb
Industrial Districts	100' diameter	120' diameter	

\* Measured to front of adjoining curbs.

\*\* 7 feet to provide room for fire hydrants and other utilities, streetlights and traffic/no parking signs, and satisfy ADA compliance.

\*\*\* or in accordance with the Engineering Standards and Specifications.

**20.100.080 Dead-end Streets.**

Dead-end Streets. Except when recommended by the Department of Community Development, no public dead-end streets will be approved unless they are provided to connect with existing streets (including stubbed-out streets) or future platted streets on adjacent land.

- (1) In the case of dead-end streets which will eventually be extended into the adjacent property, no more than one lot (per side) can front onto the dead-end street stub unless a temporary turnaround bulb (with the appropriate temporary street easement) is provided at the end.
- (2) A temporary dead-end street shall not exceed the maximum allowed length of a normal cul-de-sac, and the temporary turnaround bulb must be constructed like a cul-de-sac, as provided in Section 20.100.070 Cul-de-sac streets, above.
- (3) A note shall be placed on the final plat, short plat, or binding site plan clearly labeling any temporary dead-end streets (if any) that will at some point be extended into the adjacent property. Any required temporary turnaround easements shall be shown on the final plat along with their appropriate recording information, if they are off-site or established by separate instrument.

**20.100.090 Street Width and Design.**

(1) Pavement Widths and Rights-of-Way. Pavement widths and design and rights-of-way shall be as designated in the adopted PWESS, provided that for Local Access Streets, the subdivision also meets the applicable block length requirements of 20.100.060 and connectivity index in 20.100.020.

(2) Design. Streets shall be designed according to the following requirements:

(a) Arterial. Streets shall be designed to accommodate cross-city traffic movement, distributing traffic to and from collector streets;

(b) Collector. Streets shall be designed to collect traffic from local streets and connect with arterial streets and freeways;

(c) Residential Collector. Generally, the term "subcollector" shall refer to streets designed to accommodate traffic movement from local streets to higher classifications of streets as well as provide direct access to activity on individual lots. Specifically, a subcollector may be defined as any street or portion thereof providing direct access to property within commercial or industrial districts as designated on the official zoning map of the City of Port Orchard, any street or portion thereof providing the shortest direct route to a collector street for twenty-five dwelling units or more, or any street segment extending without off-set from a collector street and connecting two or more collector streets. Where subcollector streets are terminated by a permanent turnaround, standards for street width and paving shall be as described in the Engineering Standards and Specifications;

(d) Local. Streets shall be designed to provide direct access to residential activity, and in such a way as to encourage connectivity of the roadway network, but discourage cut-through traffic.

#### **20.100.100 Street Offsets.**

Intersection Offsets. Where parallel streets intersect another street, the centerline of those streets shall be offset a minimum of one hundred twenty (120) feet, unless a stricter standard is adopted in a subarea or corridor plan.

#### **20.100.110 Curbs and Gutters.**

Curbs and Gutters. Curbs and gutters shall be installed according to the provisions of this chapter and to the adopted PWESS. Combination curb and gutter improvements shall be provided to mark the edge of pavement and carry surface water, as set forth below:

- (1) Beside Arterial and Collector Streets. The subdivider shall install curbs on both sides of all arterial and collector streets within the subdivision, and on one side of all such streets along the subdivision frontage.
- (2) Beside Local Streets. The subdivider shall install curbs on both sides of all local streets within the subdivision and at subdivision boundaries, except for existing boundary streets, in which case curb and gutter installation shall be required on the subdivision's frontage only.
- (3) At Street Intersections. The minimum curvature of curbs at street intersections shall be as prescribed in the adopted PWESS and shall maintain proper stopping sight distance as determined by the latest edition of AASHTO's "A policy on Geometric Design of Highways and Streets."

#### **20.100.120 Private Streets.**

(1) Permitted Only as Local Street. Private streets shall require approval as an exception at the time of preliminary plat approval by the Hearing Examiner in accordance with this title. No streets or thoroughfares shown in the adopted City of Port Orchard Comprehensive Plan may be a nonpublic street. Construction and development of private streets shall meet the standards for right-of-way width and improvement as set forth in this chapter as applied to public streets.

(2) Classification. At the time a private street is proposed, it shall be classified as either a local access or sub-collector street, as described herein and made to conform in all respects with right-of-way paving, curb and gutter, construction, and design requirements as applicable to a public street.

(3) Subdivision Boundary Streets. New subdivision boundary streets (streets proposed or constructed along a subdivision perimeter boundary) shall not be private.

(4) Private Streets, General. In order to be considered for an exception to allow the construction of private streets, the developer shall meet the requirements set out in this section.

(a) Construction: All private streets shall be designed, constructed, and maintained to meet city standards. The construction and improvement plans shall be reviewed by the city in the same manner as construction and improvement plans for public infrastructure. The city shall not participate in any portion of the cost of constructing a private street.

(b) Inspection During Construction: All private streets shall be subject to inspections by city staff in the same manner, at the same intervals, as public streets, including the payment of applicable inspection fees. A construction schedule shall be submitted with the construction and improvement plans in order to assist in scheduling the inspections. Failure to pass an inspection and meet city construction standards shall require re-inspection, and re-construction, as necessary. No certificates of occupancy shall be released for structures along a private street until all inspections shall have been completed satisfactorily.

(c) Traffic Control Devices: All private traffic control devices and regulatory signs shall conform to the "Manual of Uniform Traffic Control Devices", as amended, and to city standards.

(d) Restricted Access: The subdivision homeowners association shall clearly mark entrances to all private streets with a sign, in accordance with the adopted PWESS, placed in a prominent and visible location, indicating that the streets within the subdivision are private, and not maintained nor regularly patrolled by the city. All restricted access entrances shall be manned twenty-four (24) hours every day, or they shall provide a reliable, alternative means of ensuring access into the subdivision by the City, by emergency service providers, and by other utility or public service providers, such as postal carriers and utility companies, with appropriate identification. The method used to ensure city and emergency access into the subdivision shall be approved by South Kitsap Fire and Rescue and by any other applicable emergency service providers during the final platting process. Gates on private streets shall provide a traffic queue analysis and provide adequate on-street storage in advance of the gate. If the homeowners association fails to maintain reliable access as required by city codes, the city may enter the private street subdivision and remove any gate or device that is a barrier to access, and bill the expense to the association. If the bill is not paid, the city may file a lien for the expense against any property owned by the association.

(e) Waiver of Services: Certain city services may not be provided for private street subdivisions, including street maintenance, routine law enforcement patrols, enforcement of traffic and parking regulations, preparation of accident reports, and



payment of costs for street lighting. A note as to waiver of services may be required on the face of the plat.

- (f) Street Lighting: Street lighting as required by this title shall be entirely at the expense of the developer and subsequent property owners. Decorative poles or alternative spacing may be approved by the City Engineer, who shall make such recommendation based on the lighting type, the lumens necessary to effectuate safe traffic and pedestrian travel, and a finding that the proposed lighting plan provides as well or better for the health, safety and welfare of the future residents of the private street subdivisions.
- (g) Maintenance: The developer shall provide for the establishment of a homeowners or property owners association, in covenants, conditions, and restrictions (CCRs), to assume the obligation of perpetual maintenance of private streets and other improvements held privately, including a mandatory assessment for such private streets and improvements to be placed on all property owners within the subdivision, allowance for city staff to inspect the streets to assure they are being maintained to city standards, hold harmless provisions as required in subsection 5, and providing for notice to the city attorney and city manager of any amendments to these relevant sections. The city shall be a necessary party for the amendment of any portions of the CCRs dealing with these requirements. The proposed CCRs shall be submitted for review by the city attorney at the time of filing the preliminary plat. The city attorney shall review the CCRs to ensure that the requirements of this section are met, and shall submit recommended changes to the developer, who shall incorporate such changes. Absence of city attorney approval of the CCRs shall require the denial of the exception for private streets.
- (h) Petition to Convert to Public Streets: A property owners association may petition the city to accept private streets and any associated property as public streets and right-of-way upon written notice to all association members, and the favorable vote of a majority of the membership, or as required in the CCRs. A dedication instrument shall also be submitted, and shall be reviewed and the final form approved by the city attorney prior to submission of this request to city council.

The city shall not be required to accept any private streets for public dedication and maintenance. The staff shall review the request and make a recommendation to city council. City council shall make their decision based on the public health, safety and welfare considerations of the streets. As a condition of accepting the dedication and maintenance of private streets, the city may impose a requirement for repairs and improvements at private expense prior to acceptance, enter into an agreement for an assessment or pro-rata sharing of costs for repairs or improvements prior to acceptance, or other legal or equitable options to ensure that the streets being accepted are not a liability to the city. The city shall be the sole judge of the nature and extent of repairs or improvements needed. The city may also require, at the sole expense of the association's or property owner's expense, the removal of any guard houses, access control devices, landscaping or other amenities located within the streets or common areas prior to city acceptance.

(5) Hold Harmless: The property owners association, as owner of the private streets and appurtenances, shall release, indemnify, defend and hold harmless the city, any other governmental entity, and any public utility entity for damages to the private streets that may be occasioned by the reasonable use of the private streets by same, and for damages and injury (including death) arising from the condition of the private streets, out of any use of access gates or cross arms, or out of any use of the subdivision by the city or governmental or utility entity.

## Chapter 20.122

### BUILDING ELEMENTS

#### Sections:

**20.122.010 Intent**

**20.122.020 Awning and Canopy**

**20.122.030 Balconies**

**20.122.040 Forecourt**

**20.122.050 Gallery**

**20.122.060 Porch**

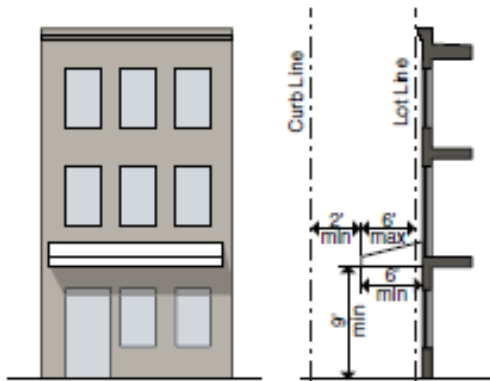
**20.122.070 Stoop**

#### **20.122.010 Intent.**

The following standards are intended to supplement POMC 20.32 and ensure that certain building elements, when added to a street-facing façade, are of sufficient size to be both usable and functional and be architecturally compatible with the building they are attached to.

#### **20.122.020 Awning and Canopy.**

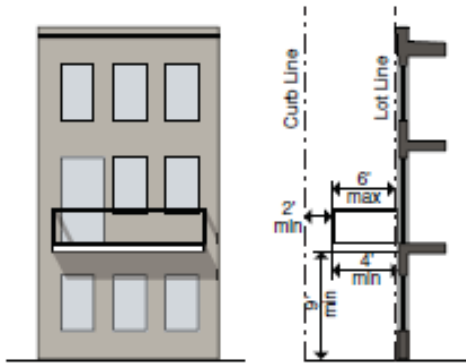
A wall-mounted, cantilevered structure providing shade and cover from the weather for a sidewalk.



- (1) An awning/canopy must be a minimum of nine (9) feet clear height above the sidewalk and must have a minimum depth of six (6) feet.
- (2) An awning/canopy may extend into a primary or side street setback.
- (3) An awning/canopy may encroach up to six (6) feet into the public right-of-way but must be at least two (2) feet inside the curb line or edge of pavement, whichever is greater.

#### **20.122.030 Balcony.**

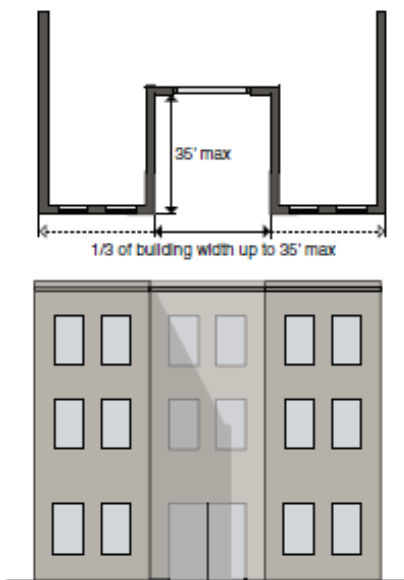
A platform projecting from the wall of an upper-story of a building with a railing along its outer edge, often with access from a door or window.



- (1) A balcony must be at least four (4) feet deep.
- (2) A balcony must have a clear height above the sidewalk of at least nine (9) feet.
- (3) A balcony may be covered and screened but cannot be fully enclosed.
- (4) A balcony may extend into a into a primary or side street setback.
- (5) A balcony may encroach up to six (6) feet into the public right-of-way but must be at least two (2) feet inside the curb line or edge of pavement, whichever is greater.

**20.122.040 Forecourt.**

An open area at grade, or within thirty (30) inches of grade, that serves as an open space, plaza or outdoor dining area.



- (1) A forecourt must be no more than one-third of the length of the building face, and in no case longer

than thirty-five (35) feet in width.

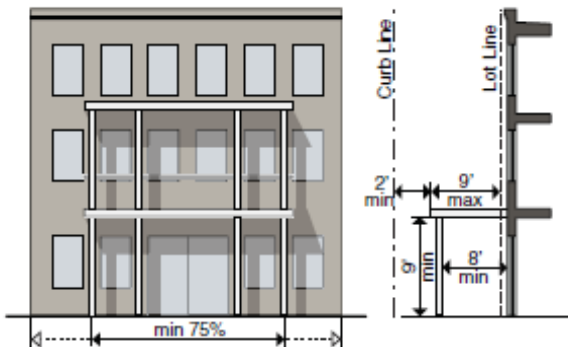
(2) The depth of the forecourt must not exceed the general width. A forecourt may be no more than thirty-five (35) feet in depth.

(3) A maximum of one forecourt is permitted per lot.

(4) A forecourt meeting the above requirements is considered part of the building for the purpose of measuring the build-to zone.

#### **20.122.050 Gallery.**

A covered passage extending along the outside wall of a building supported by arches or columns that is open on three (3) sides.



(1) A gallery must have a clear depth from the support columns to the building's facade of at least eight (8) feet and a clear height above the sidewalk of at least 9 feet.

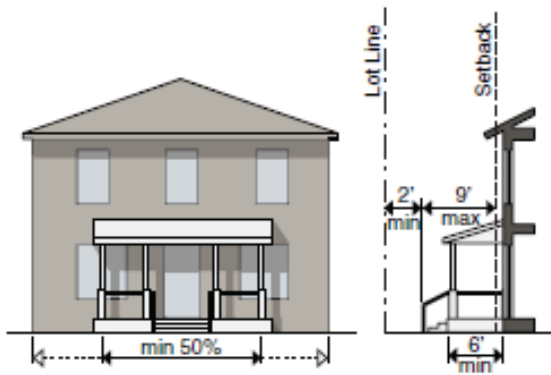
(2) A gallery must be contiguous and extend over at least seventy-five percent of the width of the building facade from which it projects.

(3) A gallery may extend into a primary or side street setback.

(4) A gallery may encroach up nine (9) feet into the public right-of-way but must be at least two (2) feet inside the curb line or edge of pavement, whichever is greater.

#### **20.122.060 Porch.**

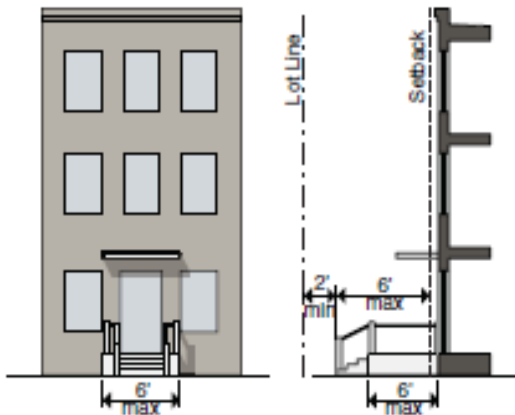
A raised structure attached to a building, forming a covered entrance to a doorway.



- (1) A front porch must be at least six (6) feet deep (not including the steps).
- (2) A front porch must be contiguous, with a width not less than fifty percent of the building façade from which it projects.
- (3) A front porch must be roofed and may be screened, but cannot be fully enclosed.
- (4) A front porch may extend up to nine (9) feet, including the steps, into a required front setback, provided that such extension is at least three (3) feet from the vertical plane of any lot line.
- (5) A front porch may not encroach into the public right-of-way.

**20.122.070 Stoop.**

A small raised platform that serves as an entrance to a building.



- (1) A stoop must be no more than six (6) feet deep (not including the steps) and six (6) feet wide.
- (2) A stoop may be covered but cannot be fully enclosed.
- (3) A stoop may extend up to six (6) feet, including the steps, into a required setback, provided that such extension is at least two (2) feet from the vertical plane of any lot line.
- (4) A stoop may not encroach into the public right-of-way.

## Chapter 20.124

### DEVELOPMENT STANDARDS – PARKING AND CIRCULATION

#### Sections:

- 20.124.010 Purpose.**
- 20.124.020 Applicability and Administration.**
- 20.124.030 Off-street parking spaces requirement.**
- 20.124.040 Bicycle parking required.**
- 20.124.050 Accessible parking requirements.**
- 20.124.060 Stacking spaces for drive-through facilities.**
- 20.124.070 Transit and rideshare provisions.**
- 20.124.080 Pedestrian circulation and access.**
- 20.124.090 Off-street parking design standards.**
- 20.124.100 Compact car allowance requirements.**
- 20.124.110 Internal circulation road standards.**
- 20.124.120 Downtown Mixed-Use parking standards.**
- 20.124.130 Minimum parking standards.**
- 20.124.140 Minimum parking stall dimensions.**

#### **20.124.010 Purpose.**

The purpose of this chapter is to:

- (1) Implement the city's Comprehensive Plan;
- (2) Ensure that the city's supply of available parking matches parking demand most of the time;
- (3) Encourage the continued development of Port Orchard as a walkable community;
- (4) Support the efficient provision of transit services including buses and passenger ferries;
- (5) Support transit-oriented development in local centers;
- (6) Limit the creation of unnecessary new impervious surfaces;
- (7) Ensure the efficient use of available and existing parking;
- (8) Provide alternatives to single occupant vehicle trips;
- (9) Encourage the creation of housing that is affordable to all segments of the population;
- (10) Provide housing, employment, and commerce opportunities to residents who by choice or other limitation, do not own a car;
- (11) Recognize innovations in transportation including car sharing, ride sharing, bike sharing, and other emerging technologies that are likely to change transportation patterns in the future;
- (12) Recognize that the city's goals related to the development of walkable local centers is hindered by restrictive parking minimums and that expansion of transit service as an alternative to single occupant vehicle ownership is hindered by the lack of development in local centers; and
- (13) Support the commitment expressed in the city's Comprehensive Plan to reduce greenhouse gas emissions.

#### **20.124.020 Applicability and Administration.**

- (1) The City shall not issue any land use approval (including building permits, subdivisions, conditional use permits, binding site plans, short subdivisions, or other similar approvals which have the effect

of creating a parking demand) or issue an occupancy permit for any new building or a change in use unless the use complies with the parking requirements found in this chapter.

- (2) Parking studies prepared by individuals with expertise in traffic and parking analysis may be required at the discretion of the director for unique projects which don't fit squarely in the land use categories contained herein. The director may require that such studies be evaluated and reviewed by outside experts hired by the city at the developer's expense prior to city acceptance.
- (3) Required parking may be provided off-site if contracts and/or deed restrictions are provided to ensure the satisfaction of the minimum parking quantity requirements found in this chapter in perpetuity. Should the parking quantity requirements found in this chapter change, a contract and/or deed restriction may be amended by agreement with the city so long as minimum parking quantity requirements continue to be met under the new standard.

#### **20.124.030 Off-street parking spaces requirement.**

(1) Off-street parking areas shall contain at a minimum the number of vehicle and bicycle parking spaces set forth in Sections 20.124.040 and 20.124.140. Off-street parking ratios expressed as number of spaces per square feet means the gross square footage of floor area. If the formula for determining the number of off-street parking spaces results in a fraction, the number of off-street parking spaces shall be rounded to the nearest whole number with fractions of 0.50 or greater rounding up and fractions below 0.50 rounding down.

(2) An applicant may request a modification of the minimum required number of parking spaces by submitting an application for an administrative variance type 2 pursuant to POMC 20.28.150.

(3) When the city has received a shell-and-core building permit application, off-street parking requirements shall be based on the possible tenant improvements or uses authorized by the zone designation and compatible with the limitations of the shell-and-core permit. When the range of possible uses result in different parking requirements, the director will establish the amount of required parking based on a likely range of uses.

#### **20.124.040 Bicycle parking required.**

(1) Bicycle parking facilities shall be provided for new buildings or facilities, additions to or enlargements of existing buildings, or for changes in the use of buildings or facilities that result in the need for additional auto parking facilities in accordance with the parking requirements in 20.124.140 and where required in table, Section 20.124.140. The director is authorized to approve modifications to these standards when the applicant successfully demonstrates that the proposed alternative layout, location, design or type of racking meets the intent of these standards.

(2) The number of required bicycle parking spaces shall be calculated as shown in table, Section 20.124.140.

(3) Individual bicycle parking spaces shall be a minimum of seventy-five (75) inches long by twenty-four (24) inches wide for each space. Where double-sided multi-racks are utilized resulting in overlapping of bicycle parking spaces, the minimum bicycle parking space for two bicycles shall be one hundred (100) inches long by thirty-six (36) inches wide.

(4) Bicycle parking racks shall be located in areas visible from public right-of-way and, shall be provided with adequate lighting if intended for use after dark. A minimum of fifty percent of the required number of bicycle parking spaces shall be located within fifty (50) feet of a public entrance to the building requiring bicycle parking spaces.

(5) Bicycle parking racks shall support the bikes in a stable, upright position, without damage to wheels, frame or other components.



- (6) Bicycle parking racks shall support the frame of the bicycle at two (2) points of contact and at least one (1) wheel. Racks shall allow the frame and one wheel to be locked to the rack, regardless of whether the front wheel is removed or not. Racks shall be securely anchored. Racks shall accommodate a wide variety of sizes and types of bicycles, including those with water bottles or without kick stands.
- (7) Bicycle parking racks shall be permanently mounted/installed within private property on solid surfaces. Racks placed adjacent to sidewalks shall not encroach upon required pedestrian access ways, accessible routes or accessible passing space areas.
- (8) Access shall be provided to each required bicycle parking space. Aisles shall have a width of at least three feet to the front, rear or side of the bicycle parking spaces.
- (9) Racks shall be placed a minimum of twenty-four (24) inches away from walls and other elements that may create an obstacle to accessing the bike parking spaces.
- (10) Where the required bicycle parking spaces cannot be properly located upon the property generating the need for bicycle parking, the owner or applicant of the property generating the need for bicycle parking may apply for a street use from the city for permission to locate the bicycle parking on city right-of-way.
- (11) New and existing building and facilities may substitute up to ten percent of the required vehicular spaces for additional bike parking. Substitutions shall be made based on one (1) vehicular parking space for at least six (6) bicycle parking spaces.

**20.124.050 Electric vehicle parking required.**

- (1) Beginning January 1, 2020, development for each of the land uses identified in table 20.124.050(1) shall be required to provide electric vehicle infrastructure as shown in the table. For the purposes of table 20.124.050(1), electric vehicle charging stations shall be provided when a proposed development contains one or more of the land uses specified in the table, and one of the following occurs:
  - (a) A new development of 10,000 gross square feet or more is proposed;
  - (b) A new multi-family residential development containing 10 or more residential units is proposed;
  - (c) An addition or improvement is made to an existing development that brings the total development to 10,000 gross square feet or more; or
  - (d) The parking capacity of an existing parking garage, lot or other site is increased by more than fifty percent.
- (2) The first column in table 20.124.050(1) shows the type of land use for which electric vehicle charging stations shall be provided, pursuant to this section. The second column shows the minimum percentage of the facility's parking spaces that shall provide a connection to electric vehicle charging stations.

**Table 20.124.050(1)  
Required Number of Electric Vehicle Charging Stations**

Land Use Type	Percentage of Parking Spaces
Multi-family residential	10%
Overnight Lodging (Levels 3-4)	3%
Retail establishment	1%
All Restaurants (excluding food trucks)	1%

Land Use Type	Percentage of Parking Spaces
All Office	3%
All Medical	3%
Industrial	1%
All Civic Uses	3%
Convenience Store with Fuel Pumps	5%, minimum of 2 spaces.
Other Uses	1%

(3) Design for Expansion. In order to allow for additional electric vehicle parking in the future as the market for such vehicles grows, beginning January 1, 2023, all development that meets the criteria of subsection (1) of this section shall be designed to allow for double the amount of electric vehicle parking shown in table 20.124.050(1).

(4) Site design must provide electrical, associated ventilation, accessible parking, and wiring connection to transformer to support the additional potential future electric vehicle charging stations.

(5) General station requirements.

(a) Size. A standard size parking space shall be used for an electric vehicle charging station where such a station is required or planned.

(b) Installation and Equipment. The station installation and equipment shall be consistent with the rules and regulations adopted pursuant to RCW 19.27.540, electric vehicle infrastructure requirements, and with applicable regulations under the city’s building and fire codes.

(c) Location, Design, and Maintenance. Where provided, parking for electric vehicle charging purposes shall meet the standards of subsections 1 through 5 of this section.

(i) Signage. Each charging station space shall be posted with signage indicating the space is only for electric vehicle charging purposes. Days and hours of operation shall be included if time limits or tow-away provisions are to be enforced.

(ii) Clearance. Charging station equipment mounted on pedestals, light posts, bollards or other devices shall be a minimum of twenty-four (24) inches clear from the face of curb.

(iii) Charging Station Equipment. Charging station outlets and connector devices shall be no less than thirty-six (36) inches or no higher than forty-eight (48) inches from the top of surface where mounted, and shall contain a retraction device and/or a place to hang permanent cords and connectors sufficiently above the ground or paved surface.

(iv) Charging Station Equipment Protection. When the electric vehicle charging station space is perpendicular or at an angle to curb face and charging equipment, adequate equipment protection, such as wheel stops or concrete-filled steel bollards shall be used.

(v) Maintenance. Charging station equipment shall be maintained in all respects, including the functioning of the charging equipment. A phone number or other contact information shall be provided on the charging station equipment for reporting when the equipment is not functioning or other problems are encountered.

(6) Data to Be Available. To allow for maintenance and notification, the owners of any private new electric vehicle infrastructure station that will be publicly available (see definition of “electric vehicle charging station – public”) shall provide information on the station’s geographic location, date of installation, equipment type and model, and owner contact information.

(7) Time limits may be placed on the number of hours that an electric vehicle is allowed to charge, prohibiting indefinite charging/parking. If applicable, warnings shall be posted to alert charging station users about hours of use and possible actions affecting electric vehicle charging stations that are not being used according to posted rules.

(8) Location. Placement of a single electric vehicle charging station is preferred at the beginning or end stall on a block face.

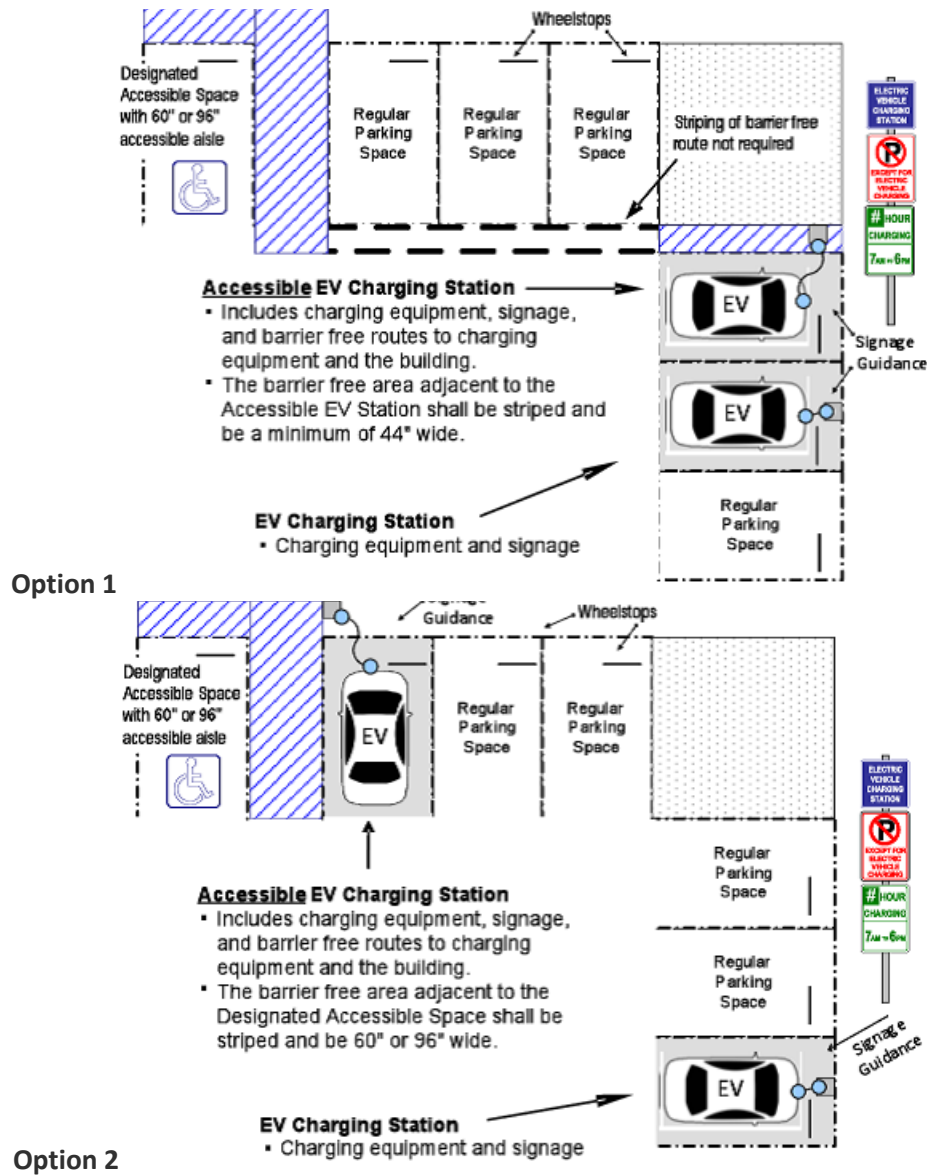
(9) Accessible facilities. Where electric vehicle charging stations are provided in parking lots or parking garages, excluding garages in single-household residential units, accessible electric vehicle charging stations shall be provided according to the ratios shown on Table 20.124.050. The first column indicates the number of electric vehicle stations being provided on site and the second column indicates the number of accessible charging stations that are to be provided for the corresponding number(s) of charging stations.

**Table 20.124.050(2)**

**Minimum Number of Accessible Electric Vehicle (EV) Charging Stations**

<b>Number of EV charging stations</b>	<b>Minimum accessible EV charging stations</b>
5–50	1
51–100	2
101–150	3
151–200	4
201–250	5
251–300	6

(10) Accessible electric vehicle charging stations should be located in close proximity to the building or facility entrance and shall be connected to a barrier-free accessible route of travel. It is not necessary to designate the accessible electric vehicle charging station exclusively for the use of disabled persons. Below are two options for providing for accessible electric vehicle charging stations.



- (11) Charging and parking. Electric vehicle charging stations, where provided for public use, are reserved for parking and charging electric vehicles only, except as otherwise provided by this chapter.
- (12) Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that would apply to any other vehicle that would park in that space.
- (13) Parking restrictions. No person shall stop, stand or park any nonelectric vehicle in a space designated through signage as an electric EV vehicle charging station. Any nonelectric vehicle is subject to removal by the property owner or the property owner's agent.
- (14) Any electric vehicle in an electric vehicle parking stall that is signed exclusively for electric vehicle charging and that either: (a) is not electrically charging; or (b) is parked beyond the days and hours designated on regulatory signs posted at or near the space shall be subject to removal as posted by the property owner or the property owner's agent. For purposes of this subsection, "charging" means an electric vehicle is parked at an electric vehicle charging station and is connected to the charging station equipment.

(15) Signage. Electric vehicle charging stations, other than in residential use, shall have posted signage, as identified in this section, allowing only charging electric vehicles to park in such spaces. (Exception: the director may allow an exemption for such signage at a portion of electric vehicle parking stalls within a publicly owned transit center upon the public transit agency demonstrating through a utilization study that not all of the electric vehicle charging stalls are needed for commuters using transit and that the amount of nonelectric vehicle parking is inadequate to meet existing needs; such exemption may be renewed by the director each year, based on a utilization study completed during the prior year.) For purposes of this subsection, “charging” means that an electric vehicle is parked at an electric vehicle charging station and is connected to the charging station equipment.



(16) Signage for parking of electric vehicles shall include:

(a) Information on the charging station to identify voltage and amperage levels and any time of use, fees, or safety information.

(b) As appropriate, directional signs to effectively guide motorists to the charging station space(s).

(17) Optional Signage. Optional information may be posted to alert potential charging station users to other expectations.

(18) An applicant may request a modification of the minimum required number of electric vehicle parking spaces by applying for an administrative variance type 2 pursuant to POMC 20.124.030 (2). Relief under an administrative variance type 2 pursuant to POMC 20.124.030 (2) may include but is not limited to allowing the installation of electrical conduits and sizing panels and electrical services to standard parking stalls in support of the future installation of charging facilities while waiving or delaying requirements for installing wiring and chargers as a condition of the project.

**20.124.060 Accessible parking requirements.**

Off-street accessible parking shall be provided in accordance with the Americans with Disabilities Act of 1990, or as subsequently amended, and all state and federal standards including but not limited to the minimum number of standard and van accessible spaces based on the total off-street parking facility size.

**20.124.070 Stacking spaces for drive-through facilities.**

(1) A stacking space shall be an area measuring eight feet by twenty (20) feet with direct forward access to a service window of a drive-through facility. A stacking space shall be located to prevent any vehicle from extending onto the public right-of-way or interfering with any pedestrian circulation, traffic maneuvering, or other parking space areas. Stacking spaces for drive-through or drive-in uses may not be counted as required parking spaces.

(2) Uses providing drive-up or drive-through services shall provide vehicle stacking spaces in the following serial or combined sequence per lane of drive-up window; such required spaces shall include the drive-up window space itself:

- (a) For each service window of a drive-through restaurant, a minimum of five stacking spaces shall be provided.
- (b) For all other uses, each drive-up window requires a minimum of three stacking spaces.
- (c) The director may require a vehicle stacking study for proposals if evidence exists to indicate that more than the minimum stacking spaces under sections a and b above are required to serve a particular use or development.

(3) Stacking spaces shall be screened from the right of way and adjacent properties using a five (5) foot type A or B landscape buffer as described in POMC 20.128.060.

**20.124.080 Transit and rideshare provisions.**

To support the use of ridesharing as an alternative mode of transportation that will aid the city in its efforts to reduce air pollution, traffic congestion, and fossil fuel consumption, the following shall apply:

(1) All land uses with twenty-five (25) employees working at any given work site during a single work shift listed under the government/business services and manufacturing tables shall be required to reserve parking spaces for registered rideshare vehicle parking as follows:

- (a) There shall be a minimum of one (1) open parking space reserved for an employee rideshare vehicle, and all registered rideshare vehicles shall have a reserved parking space.
- (b) A vehicle parked in a rideshare vehicle only parking space must be registered in Kitsap Transit's countywide public rideshare vehicle registration program, qualify as a rideshare vehicle as defined by Kitsap Transit, and display a valid car/vanpool pass.
- (c) Each rideshare vehicle parking space shall be clearly labeled with a Kitsap Transit carpool or vanpool parking sign.
- (d) Except for disabled parking spaces, rideshare vehicle parking spaces shall be located closer to the primary employee entrance than any other employee parking spaces.

(2) When one or more scheduled transit routes provide service within six hundred sixty (660) feet of the employment site and there is designated pedestrian access, the planning director may reduce the number of required off-street parking spaces.

(3) All uses which are located on an existing transit route and are required under the computation for required off-street parking to provide more than two hundred (200) parking spaces may be required to provide transit shelters, bus turnout lanes or other transit improvements as a condition of permit approval. Uses that reduce required parking pursuant to subsection 2 of this section may provide transit shelters if transit routes adjoin the site.

**20.124.090 Pedestrian circulation and access.**

The following general pedestrian design standards shall apply to all developments throughout the city in addition to those outlined elsewhere within the special design districts:

(1) All uses, except single-family detached buildings, shall provide pedestrian access onto the site.

Pedestrian access shall be located as follows:

- (a) Access points at property edges and to adjacent lots shall be coordinated with the existing development to provide circulation patterns between development sites. Pedestrian access to adjacent lots shall not be required if the topography is greater than three percent between the lots.
- (b) Residential developments shall provide links between cul-de-sacs or groups of buildings to allow pedestrian access from within the development and from adjacent developments to activity

centers, parks, common tracts, open spaces, schools or other public facilities, transit stops, and public streets.

- (2) Pedestrian walkways shall minimize the conflict between pedestrians and traffic at all points of pedestrian access to on-site parking and building entrances as follows:
  - (a) All developments which contain more than one building shall provide walkways between the principal entrances of the buildings.
  - (b) Pedestrian walkways across parking areas shall be located as either one of the following:
    - (i) Walkways running parallel to the parking rows shall be provided at a minimum of every two parking lot aisles.
    - (ii) Walkways running perpendicular to the parking rows shall be no further apart than twenty-five (25) parking spaces.
- (3) Pedestrian access and walkways shall meet the following minimum design standards:
  - (a) Access and walkways shall be physically separated from driveways and parking spaces by landscaping, berms, barriers, grade separation or other means to protect pedestrians from vehicular traffic. Lighting may be required.
  - (b) Access and walkways shall be a minimum of sixty (60) inches of unobstructed width and meet the surfacing standards of the Port Orchard road standards for walkways or sidewalks.
  - (c) Access shall be usable by mobility-impaired persons and shall be designed and constructed to be easily located by the sight-impaired pedestrian by grade change, texture or other equivalent means.
  - (d) A crosswalk shall be required when a walkway crosses a driveway or a paved area accessible to vehicles.
  - (e) Wherever walkways are provided, raised crosswalks or speed bumps may be located at all points where a walkway crosses the lane of vehicle travel.

**20.124.100 Off-street parking design standards.**

- (1) The most distant parking space shall not be located more than one thousand (1000) feet away from the nearest building entrance it is required to serve. Where the off-street parking areas do not abut the buildings they serve, the required maximum distance shall be measured from the nearest building entrance that the parking area serves:
  - (a) In designated local centers, required parking spaces may be located on consolidated off-site parking lots distributed at accessible locations within the center.
- (2) Minimum parking space and aisle dimensions shall be determined by the director. Regardless of the parking angle, one-way aisles shall be at least 10 feet wide, and two-way aisles shall be at least twenty (20) feet wide.
- (3) Any parking spaces abutting a landscaped area on the driver or passenger side of the vehicle shall provide an additional eighteen (18) inches above the minimum space width requirement to provide a place to step other than in the landscaped area. The additional width shall be separated from the adjacent parking space by a parking space division stripe. The parking space depth may be reduced when vehicles overhang a walkway under the following conditions:
  - (a) Wheelstops or curbs are installed; and
  - (b) The remaining walkway provides a minimum of sixty (60) inches of unimpeded passageway for pedestrians.
- (4) The amount of space depth reduction is limited to a maximum of eighteen (18) inches.
- (5) Lighting of off-street parking areas shall be provided for safety of traffic and pedestrian circulation on the site, as specified in the International Building Code. Lighting shall be designed to minimize direct illumination of abutting properties and adjacent streets. The director shall have the authority to

determine lighting requirements including requiring the preparation of lighting plans to determine the adequacy of onsite lighting as well as the off-site lighting impacts.

(6) Tandem or end-to-end parking is allowed in single-family detached residential developments. Driveways crossing required setback areas may be used for parking when serving single-family detached dwellings but shall not be considered for purposes of calculating required parking. Attached single-family and multifamily developments may have tandem parking areas for each dwelling unit but shall not combine parking for separate dwelling units in tandem parking areas.

(7) All vehicle parking and maneuvering areas serving a development activity shall be an asphalt or concrete surface, except in industrial zones where only required vehicle parking and related maneuvering areas must be paved.

(8) Low Impact Development (LID) best management practices (BMPs) shall be used for all parking lot design and construction, unless site and soil conditions make LID infeasible as determined by the city. LID BMPs for parking lot design and construction include, but are not limited to:

- (a) Pervious surfacing;
- (b) Integrating stormwater management facilities, such as bioretention swales, with required parking lot landscaping; and
- (c) Using native species in the landscape design.

LID BMPs shall be designed and constructed in accordance with the LID Technical Guidance Manual for Puget Sound (current edition).

#### **20.124.110 Compact car allowance requirements.**

Subject to director review and approval, up to forty (40) percent of the total number of spaces to be provided in any development may be sized to accommodate compact cars. Aisle widths shall conform to the standards set for standard size cars.

#### **20.124.120 Internal circulation road standards.**

Internal access roads to off-street parking areas shall conform with or exceed the surfacing and design requirements of the most recent adopted edition of the Port Orchard Public Works Design Standards manual.

#### **20.124.130 Downtown mixed-use parking standards.**

Except as otherwise provided in this section, development within Downtown Mixed-Use Zone (DMU) shall provide parking in accordance with the off-street parking requirements set forth in this chapter.

(1) Parking shall not be required for ground floor uses abutting Bay Street between Orchard Avenue and Harrison Avenue.

(2) For multifamily residential uses in the DMU zone, the off-street parking standard shall be a minimum of one parking space for each dwelling unit, regardless of the number of bedrooms.

(3) No new street level parking lot or parking garage that fronts directly on Bay Street shall be allowed between Robert Geiger Street and Seattle Avenue.

(4) Exemptions. The following uses and buildings within the DMU Zone shall be exempt from the parking standards set forth in this chapter:

- (a) Existing buildings and uses along both sides of Bay Street from Orchard Avenue to Seattle Avenue shall be exempt from the parking requirements set forth in this chapter.

#### **20.124.140 Minimum parking standards.**

- (1) Vehicle parking minimum quantities shall be provided in accordance with table 20.124.140 below.



Table 20.124.140

Land Use	Unit of Measure	Minimum Off-Street Parking Requirement	Supplemental Parking Requirement	Additional Off-street Parking required when lot does not have adjacent public on-street parking
<b>Residential Uses</b>				
Single-family detached (including manufactured homes, mobile homes)	Per Dwelling	2.0		1.0
Two-family	Per Dwelling	2.0		1.0
Single-family attached (2 units)	Per Dwelling	2.0		1.0
Single-family attached, multifamily:				
Studio	Per Studio Dwelling	1.25		.25
One Bedroom	Per One Bedroom Dwelling	1.5		.25
Two Bedroom	Per Two Bedroom Dwelling	1.75		.25
Three Plus Bedroom	Per Three Plus Bedroom Dwelling	2		.25
Boarding House	Per Bedroom	.5		.25
Congregate Living Facilities	Per Bedroom			
Lodging House				
Group home (up to 8 residents), except as follows:	Per Bedroom	.5		
Adult Family Home	Per Adult Family Home	2	Plus .5 spaces per bed.	1.0

All group living (9 or more residents)	Per Bed	.5		.25 per bed
All social service	Per Bed/Per 300 square feet office	.5 per bed and 1 per 300 square feet office		
<b>Public Uses</b>				
All civic uses, except as listed below:	Per 300 square feet office	1.0		
Community college, high school, university, trade or technical school	Per Class Room	1.0	Plus 1 per 5 students	
Elementary, Middle, or Junior High School	Per Class Room	1.0	Plus 1 per 50 students	
Club or lodge	Per 3 Fixed Seats	1.0		
Place of worship	Per 3 Fixed Seats	1.0		
All open space and park uses, except as listed below:				
Golf course	Per hole	1.0		
All utilities	No Min			
<b>Commercial Uses</b>				
All day care	Per 1,000 square feet	2.0		
All indoor recreation, except as listed below:	Per 1,000 square feet	1.0		
Shooting range	Per Target	1.0		
Bowling Alley	Per Lane	3.0		
All outdoor recreation, except as listed below:	Determined during application			
Shooting range	Per Target	1.0		
All overnight lodging	Per Room available for overnight	1.0		

	use by guests			
All medical:	Per 1,000 square feet	2.0		
All office	Per 1,000 square feet	2.0		
All personal and business services	Per 1,000 square feet	2.0		
All restaurants, (except that taverns, bars, and portions of buildings within restaurants primarily used for the consumption of alcohol shall not require any vehicle parking or be included in minimum parking calculations)	Per 1,000 square feet	5.0		
All retail sales	Per 1,000 square feet	2.0		
All vehicle and tool/construction equipment sales and rentals	Per 1,000 square feet	2.0		
All vehicle service and repair	Per 1,000 square feet	1.0		
<b>Industrial Uses</b>				
All light manufacturing	Per 1,000 square feet	1.0		
All research and development	Per 1,000 square feet	1.0		
All warehouse, storage and distribution, as listed below:	Per 1,000 square feet	2.0		

(2) Bicycle parking minimum quantities shall be provided in accordance with table 20.124.130 (2) below. In no case is a single use required to provide more than twenty-four (24) bicycle parking spaces.

Land Use	Unit of Measure	Minimum Off-Street Bicycle Parking Requirement
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<b>Residential Uses</b>		
Multi-family (5 or more units)	Per Dwelling	1.0
All other household living	None Required	
All group living	Per bed	.125
<b>Public Uses</b>		
All Civic	Percentage of Required Vehicle Parking	5% with a minimum of 3 spaces
All Parks and Recreation	None Required	
All Utilities	None Required	2
<b>Commercial Uses</b>		
All day care	Percentage of Required Vehicle Parking	5% of total Minimum Off-Street Parking Requirement (minimum 3)
All indoor recreation		
All outdoor recreation, except as listed below:		
All overnight lodging		
All medical:		
All office		
All personal and business services		
All restaurants		
All retail sales		
All vehicle and tool/construction equipment sales and rentals		
All vehicle service and repair		
<b>Industrial Uses</b>		
All light manufacturing	Percentage of Required	5% of total Minimum Off-Street
All research and development		

All warehouse, storage and distribution, as listed below:	Vehicle Parking	Parking Requirement (minimum 3)
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**20.124.150 Minimum parking stall dimensions.**

<b>Table 20.124.150 Minimum Parking Stall Dimensions</b>		
<b>Minimum Parking Stall Dimensions</b>	<b>Stall Width</b>	<b>Stall Depth</b>
Compact stall	8.0 feet	16.0 feet
Standard stall (required for single-family and duplex parking)	9.0 feet	20.0 feet
<b>Minimum Loading Requirements</b>		
	<b>Unit of Measurement</b>	<b>Minimum Loading Spaces</b>
<b>Nonresidential Buildings with Retail, Wholesale, Manufacturing, Storage Uses (1)</b>		
10,000 – 16,000	square feet	1.0
16,001 – 40,000	square feet	2.0
40,001 – 64,000	square feet	3.0
64,001 – 96,000	square feet	4.0
96,001 – 128,000	square feet	5.0
128,001 – 160,000	square feet	6.0
160,001 – 196,000	square feet	7.0
Each additional 36,000	square feet	2.0
<b>Retail, Hotel, Office, Restaurant, Hospital, Auditorium, Convention Hall, Exhibition Hall, Sports Arena/Stadium or Similar</b>		
40,000 – 60,000	square feet	1.0
60,001 – 160,000	square feet	2.0

**Table 20.124.150  
Minimum Parking Stall Dimensions**

Minimum Parking Stall Dimensions	Stall Width	Stall Depth
160,001 – 264,000	square feet	3.0
264,001 – 388,000	square feet	4.0
388,001 – 520,000	square feet	5.0
520,001 – 652,000	square feet	6.0
652,001 – 784,000	square feet	7.0
784,001 – 920,000	square feet	8.0
Each additional 140,000	square feet	1.0
(1) Excluding self-service storage facilities.		

## Chapter 20.128

### LANDSCAPING

#### Sections:

**20.128.010 - Purpose**

**20.128.020 - Applicability and compliance**

**20.128.030 - Landscape plans**

**20.128.040 - Integration with LID stormwater management facilities.**

**20.128.050 - Plant material and installation standards**

**20.128.060 - Landscaping types**

**20.128.070 - Landscape site design standards**

**20.128.080 - Development within required buffers**

**20.128.090 - Irrigation standards**

**20.128.100 - Maintenance of required buffers and landscaped areas**

**20.128.110 - Performance assurance/bonding**

**20.128.120 - Maintenance assurance/bonding**

#### **20.128.010 Purpose.**

It is the purpose of this chapter to:

- (1) Promote well-planned and attractive landscaping that enhances the visual and aesthetic appearance of the city.
- (2) Provide space definition and landscape continuity between the built environment and the natural environment.
- (3) Provide appropriate barriers and relief from traffic, noise, heat, glare, and the spread of dust and debris.
- (4) Reduce potential negative impacts between adjacent and neighboring uses.
- (5) Reduce flooding and reduce the impact of development on the city's storm drainage system.
- (6) Promote tree retention and the protection of existing native vegetation.
- (7) Provide for the long-term establishment and health of new landscape plantings.
- (8) Aid in the conservation of energy and replenish the atmosphere with oxygen.
- (9) Provide for a more pleasant and relaxing urban environment.
- (10) Ensure the long term maintenance and attractiveness of landscape plantings.
- (11) Maintain and enhance property values.

#### **20.128.020 Applicability and compliance.**

- (1) Applicability. The provisions of this chapter shall apply to all new non-residential, single family attached (three or more units), and multifamily (three or more units) development within the city.

Also:

- (a) The provisions of this chapter shall apply to building additions, remodels and site improvements per the Level I-III improvement thresholds set forth in POMC 20.127.020(3)(a-c).
- (b) The maintenance provisions of this chapter apply to existing and previously approved landscape plans and required landscape areas.
- (c) Temporary deferral. A certificate of occupancy shall be contingent upon the screening and landscaping requirements of this chapter being met. This provision may be temporarily deferred by the director in cases where it is not reasonable for the developer to install certain species of plant material prior to occupancy due to the recommended planting season not occurring at an appropriate phase in construction. In such case, the time deadline for planting such materials shall be extended only to the nearest seasonal period suitable for planting such materials. Additionally, the director shall require that the applicant obtain a temporary deferral when water restrictions are in place preventing regular irrigation or watering of plant material. The director may authorize a temporary deferral through the issuance of a temporary certificate of occupancy or through the approval of a performance bond in accordance with this Title.
- (d) Review in conjunction with other permits. Landscape plan review shall be performed in conjunction with other permit applications (i.e. land disturbing activity, stormwater drainage, building permit, etc.). Appeals of decisions related to the application of this chapter shall be connected to the underlying permit application to which the landscape code has been applied.
- (e) The provisions of this chapter may also apply to subdivisions and short plats as specified in POMC 20.100, but shall not apply to the construction of an individual detached house, duplex, or backyard cottage.

(2) Exceptions.

The director may waive the provisions of this chapter for Light Industrial (LI) zoned properties which do not front Old Clifton Road or SR-160 depending on the type of use, number of anticipated employees and customers, and the site's physical relationship and anticipated impacts to adjacent and neighboring zones, uses and development.

**20.128.030 Landscape plans.**

- (1) In order to implement the requirements of this section, landscape plans for the entire site are required as part of the following permit application submittals:
  - (a) Building permit applications.
  - (b) Preliminary plat applications.
  - (c) Short plat applications.
  - (d) Binding site plan applications.
  - (e) Conditional use permit applications (where new construction, or expansion of a building is proposed, or where landscaping is required to meet conditions for granting approval).
  - (f) Stormwater drainage permit applications.
  - (g) Land disturbing activity permit applications.
- (2) In order to implement the requirements of this section, landscape plans for the entire site shall be required as part of a Land Disturbing Activity Permit application submittal if the scope of the permit



application does not include restoration to pre-disturbance conditions or if the landscape plan approval is not issued under another permit approval as listed in POMC 20.128.030(1).

- (3) Plans shall be developed by a Washington state licensed landscape architect, Washington-Certified Professional Horticulturalist (CPH), or other qualified individual.
- (4) Landscape plans shall include:
  - (a) Boundaries and dimensions of the site.
  - (b) Location of existing and proposed easements, streets, curbs, utilities, sidewalks and any other hard surfaces.
  - (c) Location of buildings and structures, parking lots, driveways, loading areas, outdoor mechanical equipment, signs, refuse enclosures, overhead utilities, water meter location, swales, parking lot lighting, and any existing vegetation that is to remain on the site.
  - (d) The location and design of landscape areas to be preserved and planted, and plant list to include the location, number, height at maturity, and type of plant material by botanical and common name.
  - (e) Proposed irrigation system if a permanent or temporary system is proposed. All landscaped areas including adjacent right-of-way must be provided with an underground irrigation system.
  - (f) Specifications for soil amendments to provide suitable long term growing conditions.
  - (g) North arrow and scale.
  - (h) Planting detail section drawings.
  - (i) Name, address, and phone number of the person preparing the plan.
  - (j) Calculations demonstrating compliance with this chapter.
  - (k) Landscape Planting, Hardscape, and Material Precedents (imagery) depicting (approximately) the landscape plantings, hardscape, and materials to be used in the project.
- (5) Applicants shall familiarize themselves with existing site conditions, and are encouraged to meet with staff to discuss appropriate design options and alternatives for accomplishing the screening and landscaping objectives of this chapter prior to preparing and submitting a landscape plan.
- (6) Applicants are encouraged to integrate landscape plans and stormwater system designs consistent with the City's adopted Stormwater Management Manual.

**20.128.040 Integration with LID stormwater management facilities.**

The required landscape design requirements in this chapter may be integrated with low impact development (LID) stormwater management facilities and best management practices (BMPs) unless site and soil conditions make LID infeasible, subject to the approval of the director and public works department. LID facilities shall not compromise the purpose or intent of required landscaping and landscaping shall not result in the disruption of the LID facilities' functions. LID facilities shall be designed and constructed in accordance and the LID Technical Guidance Manual for Puget Sound (current edition).

## **20.128.050 Plant material and installation standards.**

**(1) Native plant species.** New landscaping materials shall include species native to the region or hardy, waterwise, and non-invasive species appropriate in the climatic conditions of the region (decorative annuals are an exception). Generally acceptable plant materials must be those identified as hardy in Zone 8b as described in United States Department of Agriculture's Plant Hardiness Zone Map. The selection of plant species should include consideration of soil type and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, compatibility with existing native vegetation preserved on the site, water conservation where needed, and the impact of landscaping on visibility of the site for purposes of public safety and surveillance.

### **(2) Tree standards and guidelines.**

(a) Tree heights may be called for within this chapter or elsewhere within this title:

- (i) Large tree: Capable of growing 35 feet high or greater under normal growing conditions.
- (ii) Medium tree: Capable of growing over 15 feet high and less than 35 feet high under normal growing conditions.
- (iii) Small tree: Capable of growing up to 15 feet high under normal growing conditions.

(b) Unless otherwise noted herein, required trees shall meet the following standards at the time of planting:

- (i) Required deciduous trees shall be fully branched, have a dominant leader branch, have a minimum caliper of one-and-one-half inches (as measured 24 inches above the root ball), and a minimum height of six feet at the time of planting as measured from the top of the leader branch to the top of the root ball.
- (ii) Required evergreen trees shall be fully branched and a minimum of six feet in height, measured from the treetop to the ground, at the time of planting.
- (iii) Required trees of any species within parking areas shall be a minimum caliper of one-and-one-half inches (as measured 24 inches above the root ball) and a minimum height of ten feet at the time of planting.

**(3) Shrub standard.** Shrubs, except for ornamental grasses, shall be a minimum of one-gallon size at the time of planting.

### **(4) Ground cover standards and guidelines.**

(a) Ground covers shall be planted and spaced to result in total coverage of the required landscape area within three years as follows, or as per recommendations by Washington state licensed landscape architect, Washington-Certified Professional Horticulturalist (CPH), or other qualified individual. Ground cover plants other than turf forming grasses must be planted in triangular spacing at the following rates:

- (i) Four-inch pots at 18-inches on-center.
- (ii) One-gallon or greater sized containers at 24-inches on-center.
- (iii) Alternative plant spacing may be appropriate depending on the specific plants. When applicable, plant spacing information must be included with permit application submittals from published sources, such as the *Sunset Western Garden Book*, from Internet sources, or

from cut sheets provided by a nursery. Such sources must be identified for verification purposes.

- (b) Grass is acceptable as ground cover in landscaped areas, but generally not preferred for water conservation and maintenance purposes (lawn areas designed as play areas are an exception).
- (c) Ground cover areas shall contain at least two inches of composted organic material at finished grade.

**(5) Tree and plant diversity.**

- (a) If there are more than eight required trees, no more than 40 percent of them may be of one species.
- (b) If there are more than 24 required trees, no more than 20 percent of them may be of one species.
- (c) If there are more than 24 required shrubs, no more than 75 percent of them may be of one species.

**(6) Soil augmentation and mulching.**

- (a) Existing soils shall be augmented with a two-inch layer of fully composted organic material tilled a minimum of six inches deep prior to initial planting.
- (b) Landscape areas shall be covered with at least two inches of mulch to minimize evaporation. Mulch shall consist of organic materials such as bark chips and wood grindings or yard waste, sawdust, and/or manure that is fully composted. Washed rock may also be used as a mulch.

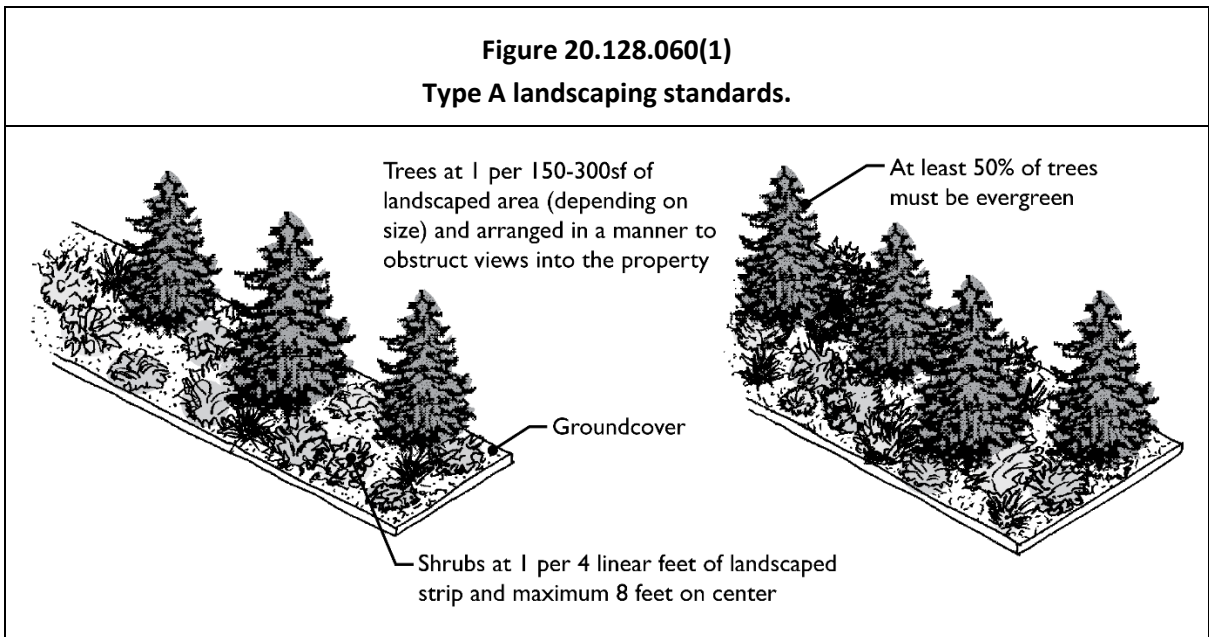
**(7) Landscape installation standards.**

- (a) All required landscaping shall be in-ground, except when in raised planters. Plant materials shall be installed to current nursery industry standards.
- (b) Plant materials shall be properly supported to ensure survival. Support devices such as guy wires or stakes shall not interfere with vehicular or pedestrian movement. Where support is necessary, stakes, guy wires or other measures shall be removed as soon as the plant can support itself.
- (c) Existing trees and plant materials to be retained shall be protected during construction. Protection measures may include silt fencing, chain link fencing, or other sturdy fencing placed at the dripline of trees to be retained. Grading, topsoil storage, construction material storage, vehicles, and equipment shall not be allowed within the dripline of trees to be retained.
- (d) Installation of landscaping materials must take into consideration access to utility vaults, pedestals, and other public and private utility facilities.
- (e) Trees and major shrubs at mature size should avoid interference with windows, decks, pedestrian walkways or other travelled ways, or lighting.

**20.128.060 Landscaping types.**

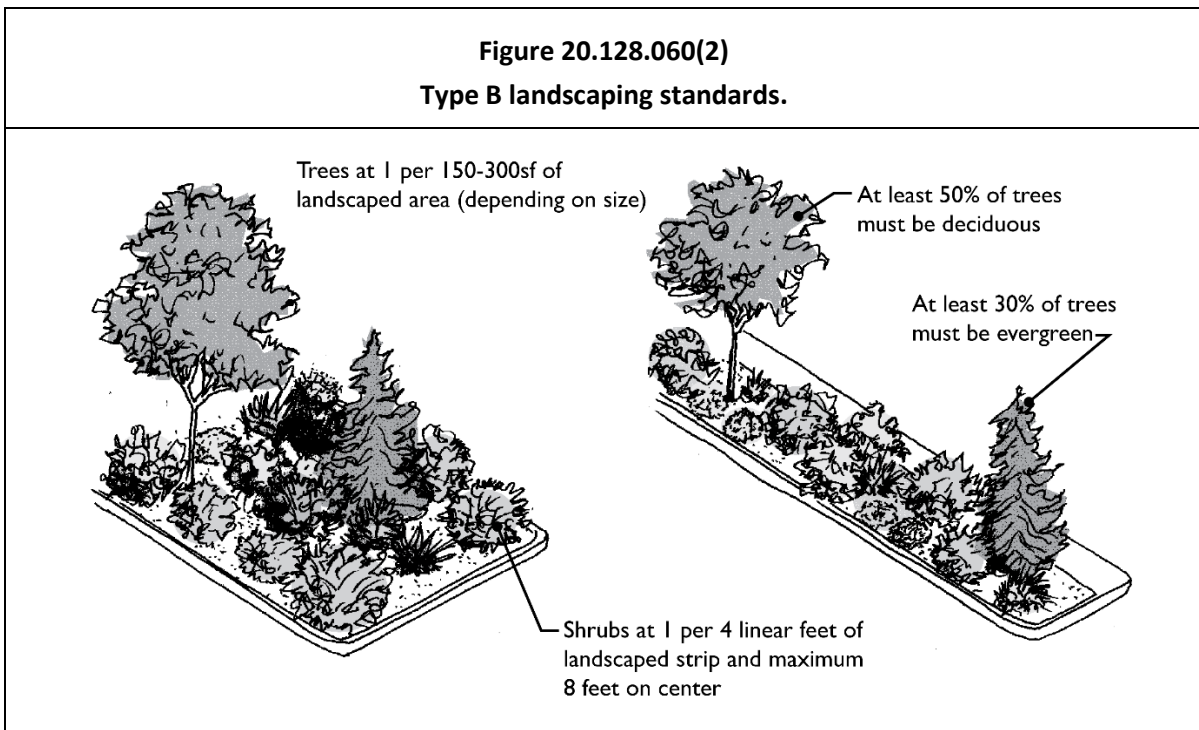
**(1) Type A landscaping.**

- (a) Type A landscaping shall function as a full screen and visual barrier. This landscaping is typically found between residential and nonresidential areas and used to screen unwanted views.
- (b) Type A landscaping shall minimally consist of:
  - (i) Trees: Predominately evergreen (more than 50 percent) at the following rates on landscape strips:
    - (A) One large tree per 300 square feet or 30 linear feet.
    - (B) One medium tree per 220 square feet or 22 linear feet.
    - (C) One small tree per 150 square feet or 15 linear feet.At least 70 percent of the trees shall be large.
  - (ii) Shrubs: Predominately evergreen provided at a rate of one shrub per four linear feet of landscaped strip and spaced no more than eight feet on center.
  - (iii) Plant diversity. Trees and shrubs must comply with POMC 20.128.050(5).
  - (iv) Groundcover: Planted at a density to cover the landscape buffer per POMC 20.128.070 within three years.
  - (v) The selected plant materials and configuration will be able to screen 70 percent of the unwanted views within five years of planting and fully screen the unwanted view within six years. This requirement will account for the size of materials planted and their typical growth rate.



**(2) Type B landscaping.**

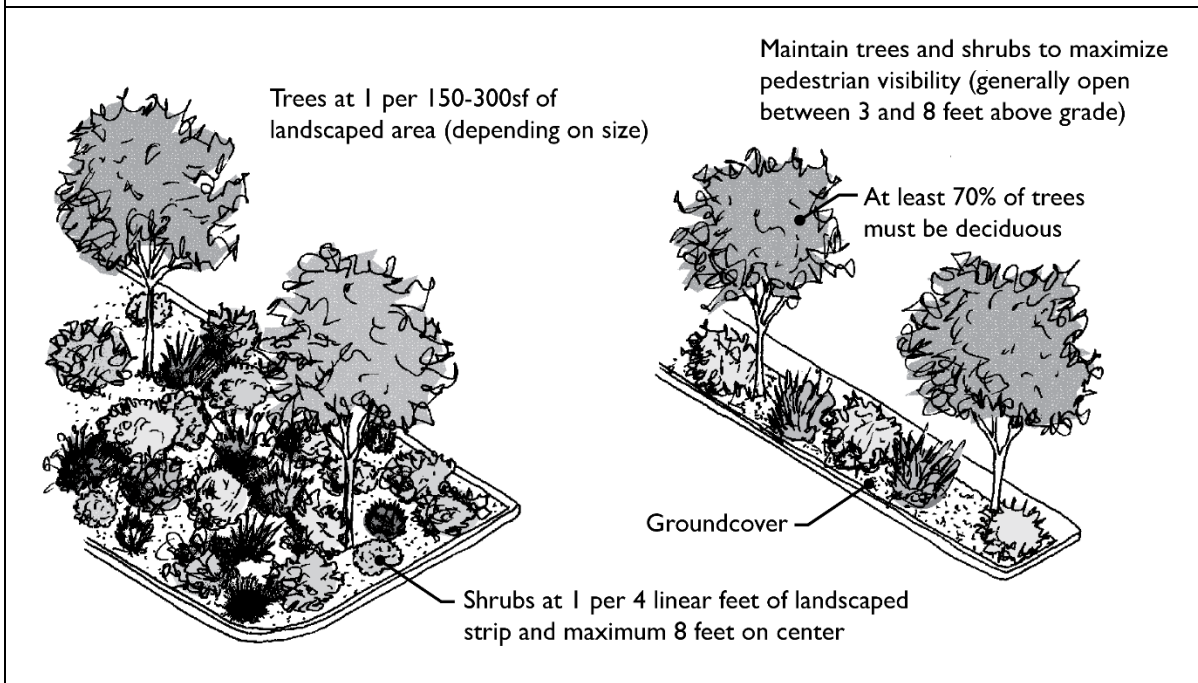
- (a) Type B landscaping is a “filtered screen” that functions as a visual separator. This landscaping is typically found between differing types of residential development and used to screen unwanted views from the pedestrian environment.
- (b) Type B landscaping shall minimally consist of:
  - (i) Trees: At least 50 percent deciduous trees and at least 30 percent evergreen trees at the following rates on landscape strips:
    - (A) One large tree per 300 square feet or 30 linear feet.
    - (B) One medium tree per 220 square feet or 22 linear feet.
    - (C) One small tree per 150 square feet or 15 linear feetAt least 70 percent of the trees shall be large.
  - (ii) Shrubs: Provided at the rate of one shrub per four linear feet of landscaped strip and spaced no more than eight feet on center.
  - (iii) Plant diversity. Trees and shrubs must comply with POMC 20.128.050(5).
  - (iv) Groundcover: Planted at a density to cover the landscape buffer per POMC 20.128.070 within three years.
  - (v) The selected plant materials and configuration will meet the purpose of the standards within five years of planting. This requirement will account for the size of materials and the growth rate.



**(3) Type C landscaping.**

- (a) Type C landscaping is a “see-through screen” that functions as a partial visual separator to soften the appearance of parking areas and building elevations. This landscaping is typically found along street frontages or between multifamily developments.
- (b) Type C landscaping shall minimally consist of:
  - (i) Trees: At least 70 percent deciduous trees at the following rates on landscape strips:
    - (A) One large tree per 300 square feet or 30 linear feet.
    - (B) One medium tree per 220 square feet or 22 linear feet.
    - (C) One small tree per 150 square feet or 15 linear feetAt least 70 percent of the trees shall be large.
  - (ii) Shrubs: Provided at the rate provided at a rate of one shrub per four linear feet of landscaped strip and spaced no more than eight feet on center.
  - (iii) Groundcover: Planted at a density to cover the landscape buffer per POMC 20.128.070 within three years.
  - (iv) Plant diversity. Trees and shrubs must comply with POMC 20.128.050(5).
  - (v) Tree and shrub placement shall be designed to maximize pedestrian visibility (generally between three and eight feet above grade once trees have matured).
  - (vi) The selected plant materials and configuration will meet the purpose of the standards within five years of planting. This requirement will account for the size of materials and the growth rate.
- (c) Where Type C landscaping is designed to also function as a rain garden, adjustments in the spacing of trees, shrubs, and ground cover will be allowed provided the rain garden meets the function requirements of subsection (6) below and the intended function of Type C landscaping as defined in subsection (a) above.

**Figure 20.128.060(3)**  
**Type C landscaping standards.**



**(4) Type D landscaping.**

- (a) Type D landscaping refers to all other landscaped areas that do not qualify as Type A-C landscaping. While native and low maintenance trees and shrubs are encouraged in these areas, lawn areas may be used for recreational or design purposes. These areas may also include flower beds and perennial beds.
- (b) Type D landscaping may include any combination of plant materials provided they comply with POMC 20.128.050.

**(5) Low hedge.**

A low hedge is intended to function as an attractive visual divider of space rather than a visual buffer between uses and properties. To qualify as a hedge landscaping type, the planting must be at least 30 inches wide and 30 inches tall. The hedge include plant materials that typically grow no taller than five feet at maturity or are maintained between 30 inches and 48 inches tall. Additional limits on hedges may be imposed by the public works director within required sight triangles at intersections. Shrubs or other hedge plant materials must be placed at a rate of one per four linear feet of landscaped strip or otherwise recommended for shrub species. Plant spacing information must be included with permit application submittals from published sources, such as the *Sunset Western Garden Book*, from Internet sources, or from cut sheets provided by the nursery.

**Figure 20.128.060(5)**  
**Low hedge examples.**



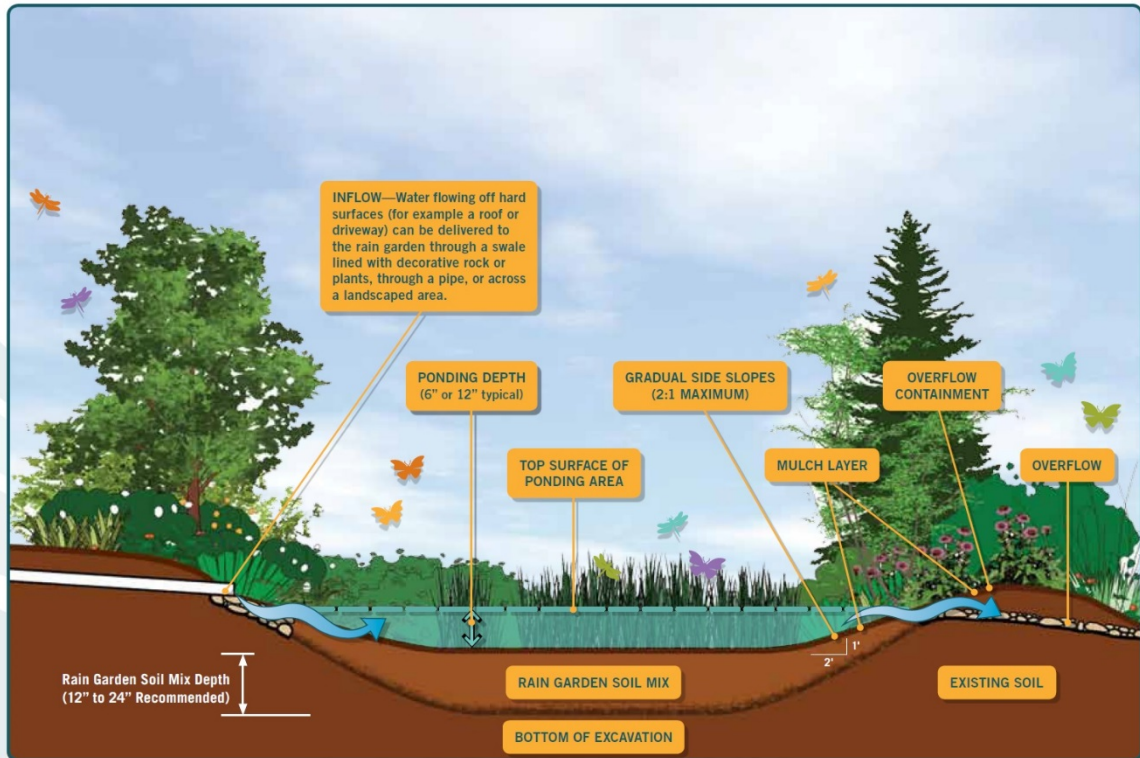
**(6) Rain garden.**

A rain garden is a landscaped depression that collects, absorbs, and filters stormwater runoff from rooftops, driveways, patios, and other hard surfaces. They can also function as an attractive visual divider of space. To qualify as a rain garden, the following elements must be included:

- (a) Garden located and designed to capture impervious area runoff.
- (b) Six to 12 inches ponding depth.
- (c) Twelve to 24 inches rain garden soil depth with two to three inches surface mulch layer.
- (d) Gradual side slopes (maximum 2:1).
- (e) Overflow design elements with measures to protect erosion.
- (f) Generous plantings (capable of reaching 100 percent groundcover) of a variety of small trees, shrubs, ground covers, and grasses. Select plants suitable for the three planting zones within the garden and around the perimeter.



**Figure 19.66.050(6)**  
**Rain garden examples.**



**20.128.070 - Landscape site design standards.**

**(1) Required landscape buffer standards.** Screening between certain uses may be called for in Table 20.128.070 below or elsewhere in this chapter:

- (a) The provisions of this section do not apply to, and landscape buffers are not required for, development with a designated storefront block frontage (POMC 20.127.090-260) unless required as a condition of a permit (such as a conditional use permit or subdivision) or SEPA.
- (b) Where mature trees and vegetation exists within the required buffer areas, the preservation of said mature trees and vegetation may be preferable to new plant materials. The director may require up to 50 percent additional buffer width and/or specific planting conditions to better ensure the survival of existing mature trees and/or augment existing plantings to meet the intent of the standards.
- (c) The letters A, B, and C refer to the required landscape buffer type(s), (described in POMC 20.128.060). Where more than one buffer type is referenced at the intersection of the column and the row, only one of the listed buffer types is required.
- (d) Where the cells at the intersection of the column and the row are empty, there are no landscaping buffer requirements for the particular situation.
- (e) The numbers 1, 2, or 3 after a letter refer to minimum buffer width intensity requirements set forth in subsection B below.
- (f) If a \* appears after a use or term within the table, then the use or term is defined in POMC Chapter 20.12 or 20.39.
- (g) Where superscript numbers are included in a cell, see the corresponding note matching the number below the table.
- (h) For the application of building additions, remodels and site improvements, the provisions of POMC 20.127.020(3) shall apply.
- (i) Departures. Alternative buffer treatments may be approved per POMC 20.127.060 for any of the buffer types required below, provided they meet the purpose of this chapter.

<b>Table 20.128.070</b>									
<b>Required buffer types for developing uses.</b>									
<b>Developing use</b>	<b>Existing abutting uses and zones</b>								
	<b>Street, park or trail</b>	<b>R1, R2, R6, GB zones</b>	<b>R3, R4, R5 zones</b>	<b>RMU, NMU, GMU, DMU, CMU, BPMU zones</b>	<b>CC, CH zones</b>	<b>IF zone</b>	<b>IL zone</b>	<b>IH zone</b>	<b>CI, PF zones</b>
Single Family attached* (3 or more units) or Multifamily* (3 or more)	See subsection (2) below.	Fence plus BC-5'	Fence plus BC-5'	Fence and BC-5' and path	Fence and BC-5' and path	Fence plus AB-10'	Fence plus AB-10'	Fence plus AB-10'	Fence plus BC-5'

Table 20.128.070 Required buffer types for developing uses.									
Developing use	Existing abutting uses and zones								
	Street, park or trail	R1, R2, R6, GB zones	R3, R4, R5 zones	RMU, NMU, GMU, DMU, CMU, BPMU zones	CC, CH zones	IF zone	IL zone	IH zone	CI, PF zones
units)									
Low intensity non-residential use*		Fence plus ABC-5'	Fence plus ABC-5'	Fence or BC-5' or path	Fence or BC-5' or path	Fence plus ABC-10'	Fence plus ABC-10'	Fence plus ABC-10'	Fence plus ABC-5'
Moderate intensity non-residential use*		Fence plus ABC-10'	Fence plus ABC-10'	Fence or BC-5' or path	Fence or BC-5' or path	Fence plus ABC-10'	Fence plus ABC-10'	Fence plus ABC-10'	Fence plus ABC-10'
High intensity non-residential use*		Fence plus ABC-15'	Fence plus ABC-15'	Fence or BC-5' or path	Fence or BC-5' or path	Fence plus ABC-10'	Fence plus ABC-10'	Fence plus ABC-10'	Fence plus ABC-15'
Use featuring an open storage yard*		Fence plus ABC-10'	Fence plus ABC-10'	Fence plus ABC-5' or A-10'	Fence plus ABC-5' or A-10'	Fence or A-5' or B-10'	Fence or A-5' or B-10'	Fence or A-5' or B-10'	Fence plus ABC-10'
Heavy industry*		Fence plus ABC-20'	Fence plus ABC-20'	Fence plus ABC-5' or A-10'	Fence plus ABC-5' or A-10'	Fence plus ABC-5' or A-10'	Fence plus ABC-5' or A-10'	Fence plus ABC-5' or A-10'	Fence plus ABC-20'

**(2) Street, park, or trail buffers.**

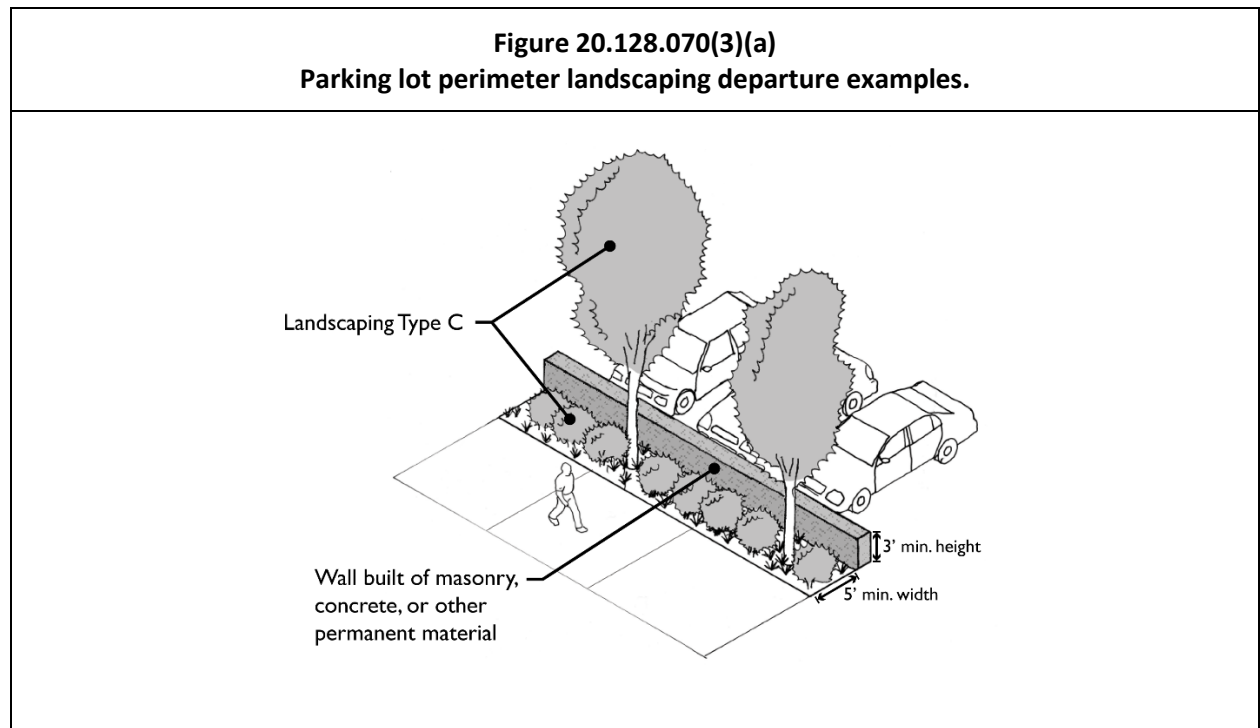
- (a) For landscaping between uses or structures and streets, also see the applicable block frontage standards in POMC 20.127.100-260. Plant materials, installation, and maintenance are subject to the standards of this chapter.

- (b) For non-residential, single family attached (three units or more), and multifamily development (three units or more), see POMC 20.127.220 for Trail/Park block frontage standards. Alternative designs will be considered based on the unique context of the site, the development, and the park/trail provided the designs promote safety for park/trail users, and mitigate any potential negative impacts of the proposed use on the park/trail.
- (c) For storage yards, a minimum ten-foot wide planting strip with Type A landscaping is required between any street and such storage yard.

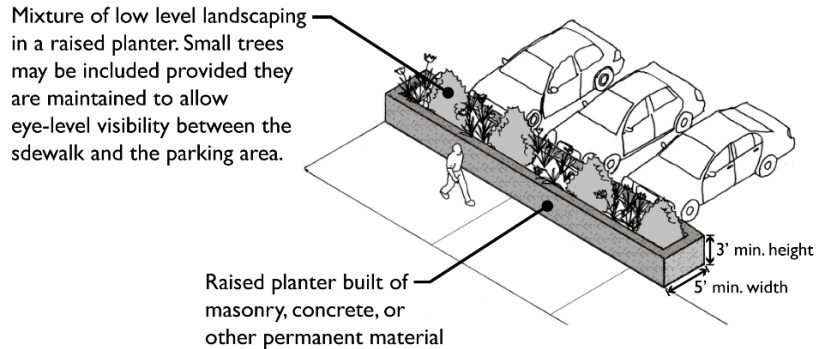
**(3) Surface parking lot landscaping.**

- (a) Parking lot perimeters.
  - (i) For parking lots abutting public right of way, use Type C landscaping at a width equal to or greater than the minimum building setback specified for the applicable block frontage type specified in POMC 20.127.100-260. For parking lots on sites without an applicable block frontage type, the parking lot landscape buffer shall be at least ten feet deep.
  - (ii) For parking lots along internal private roadways in commercial areas, provide a planting strip at least six feet wide with Type C landscaping.
  - (iii) For parking lots along internal lot lines, use Type A or B landscaping at least ten feet deep, except where a greater buffer width is required per the standards in Table 20.128.070.

Departures will be considered provided they meet the purpose of this chapter. Examples of acceptable departures may include decorative low walls with landscaping, decorative elevated planters, or landscaping with a trellis. In no case may landscaping buffers be less than five feet wide. The minimum height of planters or walls, where used, is three feet. The maximum height of walls where used shall be five (5) feet.



**Figure 20.128.070(3)(a)**  
**Parking lot perimeter landscaping departure examples.**



Above are two possible departure parking lot landscaping buffer designs that may be acceptable in more urbanized areas, such as downtown.

(b) Internal parking lot landscaping.

(i) Trees and shrubs required.

- (A) For every 1,000 square feet of vehicular use area, at least one deciduous tree must be planted.
- (B) Trees and shrubs must be planted within 15 feet of the parking lot to count as parking lot landscaping.
- (C) When a development contains 20 or more parking spaces, 50 percent of the trees and shrubs must be planted in islands or medians located within the parking lot.

(ii) Landscaping type.

- (A) Type C landscaping shall be utilized for landscaping islands internal to parking lots.
- (B) At least 75 percent of the required deciduous trees must be large trees. Medium and small trees are acceptable where overhead electric lines would interfere with normal growth.
- (C) Rain gardens and swales may be integrated into required planting areas.

(iii) Landscaped island sizes. At a minimum, tree islands shall be a minimum of 256 square feet. Planting islands must be at least six feet deep and wide.

(iv) Landscaped island spacing. Parking bays shall be broken up with landscaped islands or medians to avoid long monotonous rows of parking. Tree islands shall be evenly distributed throughout the parking lot in order to provide an even tree canopy throughout the lot.

(v) Each parking space must be located within 75 feet of a tree measured from the closest point of the parking space to the tree trunk.

Departures will be considered provided they meet the purpose of this chapter.

**(4) Foundation planting.** All street-facing elevations must have landscaping along any exposed foundation. The landscaped area may be along the outer edge of a porch instead of the foundation. This landscaping requirement does not apply to portions of the building facade that provide access for pedestrians or vehicles to the building. The foundation landscaping must meet the following standards:

- (a) The landscaped area must be at least three feet wide.
- (b) There must be at least one three-gallon shrub for every three lineal feet of foundation.
- (c) Ground cover plants must fully cover the remainder of the landscaped area.

**Figure 20.128.070(4)**  
**Foundation planting.**



Foundation plantings would be required along this exposed concrete foundation.

**(5) Existing vegetation.**

- (a) Existing healthy, native, and non-invasive vegetation may be used to fulfill the requirements of this chapter.
- (b) When existing vegetation is proposed to be used to fulfill the requirements of this chapter, that vegetation shall be shown on required landscape plans as “existing vegetation to be retained” and prior to land disturbing activities, these areas shall be flagged in the field and be protected by construction fencing. In the event that existing vegetation proposed to be used to fulfill the requirements of this chapter is altered, damaged, or removed during development or construction activity, this area shall be restored to its original state after the development or construction activity is complete, or, shall be replanted in accordance with a new revised landscaping plan developed and approved in accordance with this chapter.

**(6) Stormwater facilities.**

- (a) Plant-based stormwater treatment facilities such as rain gardens [see POMC 20.128.060(6)] and swales may be used to meet the requirements of this section as provided elsewhere in this chapter.

- (b) Stormwater detention facilities such as ponds and collection basins may not be used to meet the requirements of this section unless designed per subsection (a) above.

**20.128.080 Development within required buffers.**

This section applies to buffers that are required per Table 20.128.070.

**(1) Pedestrian walkways** are allowed within buffers, subject to the following standards:

1. Walkways shall not exceed five feet in width.
2. Walkways shall cross buffers at an angle between 60 and 90 degrees.
3. Walkways may only run along the length of a buffer if the buffer is at least 40 feet in width, and the walkway is located within the inner 25 percent of the buffer.

**(2) Utilities** are not permitted in buffers within a residential subdivision, unless no reasonable alternative exists. However, utilities may be installed in an easement that is located along street frontage and parallel to the street. If utilities are placed in a buffer, they shall be located and installed in a way that minimizes disturbance of the buffer area: not parallel, but crossing at an angle between 60 and 90 degrees. If storm water drainage channels are placed in a buffer at an angle less than 60 degrees, the buffer width shall be increased by the width of the utility easement or disturbance, or at least ten feet, whichever is greater.

**20.128.090 Irrigation standards.**

The purpose of this standard is to ensure that plants will survive the critical establishment period when they are most vulnerable.

All required landscaped areas in the city must comply with at least one of the following:

- (1) A permanent built-in irrigation system with an automatic controller will serve the proposed landscape area, and the system will be installed and operational before the city grants an occupancy permit or final inspection for the development.
- (2) A temporary irrigation system will serve the proposed landscape area, provided the applicant can successfully demonstrate that the proposed temporary irrigation system will provide sufficient water to ensure that the plant materials to be planted will survive installation and, once established, will survive without watering other than natural rainfall.
- (3) A permanent or temporary irrigation system will not serve the proposed landscape area, provided:
  - (a) The director finds the landscape area otherwise fulfills the requirements of this section, and
  - (b) The applicant submits all of the following with the site plan application:
    - (i) A statement from a Washington state licensed landscape architect, Washington-Certified Professional Horticulturalist (CPH), or other qualified individual certifying that the materials to be planted will survive without watering other than natural rainfall.
    - (ii) A plan for monitoring the survival of required vegetation on the approved site plan for at least one year and for detection and replacement of required vegetation that does not survive with like-kind material or other material approved by the director.

- (iii) A statement from the applicant agreeing to install an irrigation system if the director finds one is needed to ensure survival of required vegetation, based on the results of the monitoring plan.

**20.128.100 Maintenance of required buffers and landscaped areas.**

**(1) Maintenance responsibility.**

The owners of the property and their agents, heirs, or assigns shall be responsible for the installation, preservation, and maintenance of all planting and physical features (installed or vegetated natural areas) required under this section. Damage to these areas shall result in the revegetation requirements or fines per POMC 20.128.090.

**(2) Inspections after second and fifth year.**

The director shall inspect the site two and five years after the issuance of a permanent certificate of occupancy in order to ensure compliance with the approved landscape plan and to ensure that the landscaping is properly maintained. Failure to maintain required landscape areas on a permanent basis may result in fines according to POMC 20.02 and POMC 2.64.

**(3) Maintenance responsibility, replacement of damaged vegetation, and associated fines.**

- (a) The owners of the property and their agents, heirs, or assigns must be responsible for maintaining all required landscaping and screening areas in a healthy, growing condition.
- (b) All landscaping and screening areas must be maintained reasonably free of weeds and trash, must be treated for pest/diseases in accordance with the approved landscape plan, and must be maintained so as to prevent mulch, straw, dirt, or other materials from washing onto streets, sidewalks, and adjoining properties.
- (c) Limbing up trees and “topping” or shearing off trees is prohibited, unless required for public safety reasons approved by the director.
- (d) The property owner shall take actions to protect trees and landscaping from unnecessary damage during all facility and site maintenance operations.
- (e) Any dead, unhealthy, or missing vegetation, or vegetation disfigured by severe or excessive pruning, unusual weather occurrence or natural catastrophe, or other natural occurrence such as damage by wild or domestic animals, must be replaced with equivalent vegetation that conforms to the plant materials and installation standards in POMC 20.128.050, other applicable standards of this title, and the approved site plan.
- (f) The owner shall have one growing season to replace or replant after receiving notice from the director. The director shall consider the type and location of the required vegetation area in making a determination on the extent of replanting requirements.
- (g) Failure to maintain all plantings in accordance with this section shall constitute a violation of the Port Orchard Municipal Code and may result in fines in accordance with POMC 20.02.

**(4) Landscape maintenance plan.**

The paragraph and list below regarding a landscape maintenance/management plan shall be placed on the landscape plan prior to plan approval, along with any other notes applicable to site landscaping. This statement may be individualized based on the specific characteristics of each site and its landscaping plan requirements. The maintenance plan shall be prepared by a Washington



state licensed landscape architect, Washington-Certified Professional Horticulturalist (CPH), or other qualified individual.

"The owners of the property and their agents, heirs, or assigns shall be responsible for the installation, preservation, and maintenance of all planting and physical features shown on this plan. The owners shall be responsible for maintenance of the vegetation, including but not limited to:

- (a) Fertilization.
- (b) Pruning.
- (c) Pest control.
- (d) Mulching.
- (e) Mowing (if any).
- (f) Protection of the root zones from equipment, construction and storage of materials.
- (g) Watering.
- (h) Other continuing maintenance operations.

Failure to maintain all plantings in accordance with this plan shall constitute a violation of the Port Orchard Municipal Code and may result in fines."

**20.128.110 Performance assurance/bonding.**

In the event that landscaping improvements cannot be installed prior to final plat, final short plat, final binding site plan or formal certificate of occupancy, a cash deposit, letter of credit or other assurance acceptable to the city equal to 150 percent of the estimated landscaping and installation costs must be required. Such deposit must be accompanied by a letter which stipulates completion of all landscape development no later than the next autumn planting season following issuance of the certificate of occupancy or date of final approval, whichever is later. If these conditions are not met, the city may use the deposit to install the landscaping.

**20.128.120 Maintenance assurance/bonding.**

Prior to granting a (permanent) certificate of occupancy and/or granting final approval of site improvements, the owner of the subject property shall provide a two-year landscape maintenance bond, cash set-aside, or other assurance acceptable to the city (hereafter "assurance") in an amount equal to 125 percent of the estimated landscaping and installation costs for the project. It shall be the owner's responsibility to request a landscape maintenance inspection at least two years after city acceptance upon final landscaping installation inspection. The assurance shall not be released by the city unless the city finds upon inspection that the landscaping has been maintained and is in good health. If the city finds that the landscaping has not been maintained or is not in good health, the city may at its option require the owner to maintain and restore the required landscaping to healthy conditions prior to releasing the landscape maintenance assurance, or may itself perform work to correct the deficiencies using the provided assurance. In the event that a significant amount of the required landscaping requires replacement as determined by the director, the city may require an additional two-year landscape maintenance assurance on all or a portion of the required landscaping.

## Chapter 20.139

### RESIDENTIAL DESIGN STANDARDS

#### Sections:

20.139.005	Purpose
20.139.010	Applicability
20.139.015	Residential Garage Configuration Standards
20.139.020	Garage Placement and Design
20.139.025	Building Design
20.139.030	Architectural Details
20.139.035	Architectural Variety
20.139.040	Building Design
20.139.045	Rood Design
20.139.050	Accessory Building Standards
20.139.055	Side by Side Duplex and Attached House Standards
20.139.060	Back to Back Duplex Standards
20.139.065	Residential Walls and Fences Standards

#### **20.139.005 Purpose.**

The purpose of this chapter is to protect the public health, safety and welfare of Port Orchard by guiding development to ensure that:

- (1) Residential structures are designed and constructed in an attractive manner;
- (2) Property values are protected;
- (3) On and off-street parking areas are used efficiently;
- (4) Public spaces are visible from private living areas; and
- (5) Neighborhoods are healthy, walkable places.

#### **20.139.010 Applicability.**

(1) The standards in this chapter shall apply to detached houses, backyard cottages, cottages within a cottage court, duplexes, attached houses, townhouses, and accessory buildings as defined in POMC 20.32, in any zone in which they are built as indicated herein. For existing structures that are being modified or enlarged, the standards shall only apply to the portions of the structure being modified and to any additions, unless the project valuation exceeds 50 percent of the taxable value for the structure.

(2) When the project valuation exceeds 50 percent of the taxable value for the structure, the entire structure shall be brought into compliance with this chapter; except that for any portion of the existing building to which an owner is not proposing structural changes, the city shall not require that portion of the existing building to be modified in the following ways (except when required pursuant to the city's building codes):

- (a) Moving an existing exterior wall;
- (b) Adding additional windows to an existing exterior wall;
- (c) Enlarging an existing covered entry;
- (d) Relocating an existing garage or driveway;
- (e) Replacing existing siding material; and
- (f) Modifying an existing roofline.

**20.139.015 Residential Garage Configuration Standards.**

(1) The configuration and maximum number of garage bays for the building types listed below shall be limited based on lot width as follows:

Building Type	Lot Width	Maximum number of side by side enclosed standard parking stalls when vehicle access is from primary street
Detached House	Less than 40 feet	1
	> 40 feet up to 74 feet	2
	>74 feet up to 100 feet	3
	>100	No limit
Backyard Cottage	N/A	N/A
Side-by-side duplex	74 feet or less	1 per unit
	>74 feet	2 per unit
Duplex back-to-back	40 feet or less	1 for the front unit, no limit for rear unit.
	>40 feet and up	2 for the front unit, no limit for rear unit.
Attached House	74 feet or less	1 per dwelling unit
	>74 and up	2 per unit
Townhouse (See POMC 20.127.340 (2) (d))	<30 feet	Not Permitted
	➤ 30 feet	1 per unit
Accessory Buildings	N/A	N/A

(2) A side by side interior parking space shall mean an area within a structure designed for the storage of a single passenger car or light truck.

**20.139.020 Garage Placement and Design.**

(1) The following provisions apply to detached houses, side by side duplexes, and back to back duplexes.

(a) Where lots front on a public street, and where vehicular access is from the street, garages or carports shall be set back at least five feet behind the ground floor front wall of the occupied portion of a house or front edge of an unenclosed porch.

Exceptions:

(i) Garages may project up to six feet closer to the street than the ground floor front wall of the occupied portion of a structure or front edge of an unenclosed porch, provided it is set back at least 18 feet from the property line or sidewalk edge (when sidewalks are present) and incorporates at least two of the design/detail features below. Garages placed flush with the ground floor front wall (or between zero and five feet behind the front wall) of the occupied portion of the house shall incorporate at least one of the design/detail features below:

(A) A decorative trellis or arbor over the entire garage face, above and surrounding the garage door.

(B) A balcony that extends out over the garage and includes columns.

(C) Two separate doors for two car garages instead of one large door.

- (D) Decorative windows on the garage door.
  - (E) Decorative details on the garage door. Standard squares on a garage door will not qualify as a decorative detail. Traditional visible hinges and handles (functional or decorative), and other construction methods creating depth and texture on a garage door surface are acceptable forms of decorative details. Examples of decorative details are shown in Figure 2.
  - (F) A garage door color (other than white) that matches or complements the color of the house.
  - (G) Other design techniques that effectively deemphasize the garage, as determined by the director.
- (ii) Garages may be placed closer to the street than the front wall of the house or front edge of an unenclosed porch, provided the garage door faces an interior lot line and features (a) window(s) facing the street, so that it appears to be habitable.
  - (iii) Where lots abut an alley, the garage or off-street parking area shall take access from the alley, unless precluded by steep topography. This requirement shall not apply to unopened alleys.

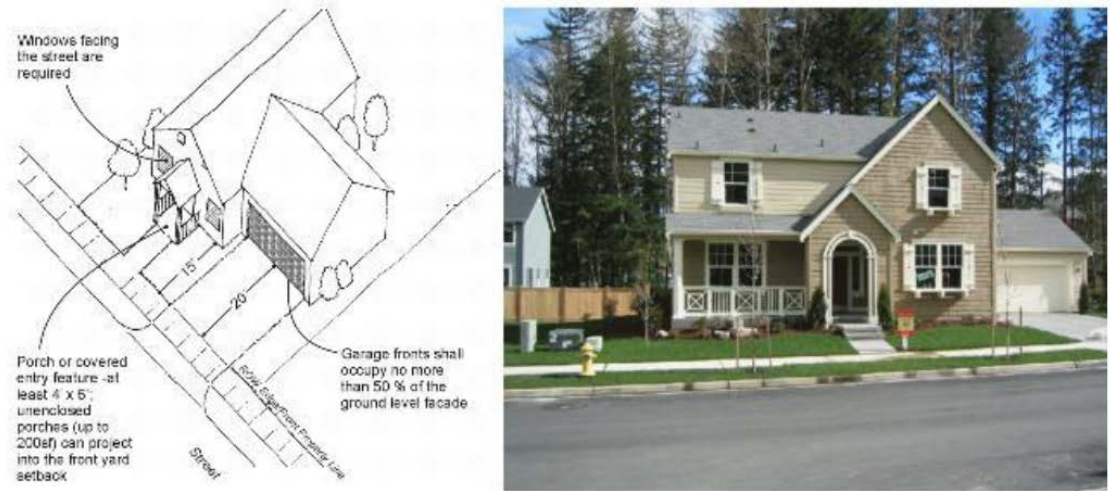


Figure 1: Garage placement/frontage standards and design.

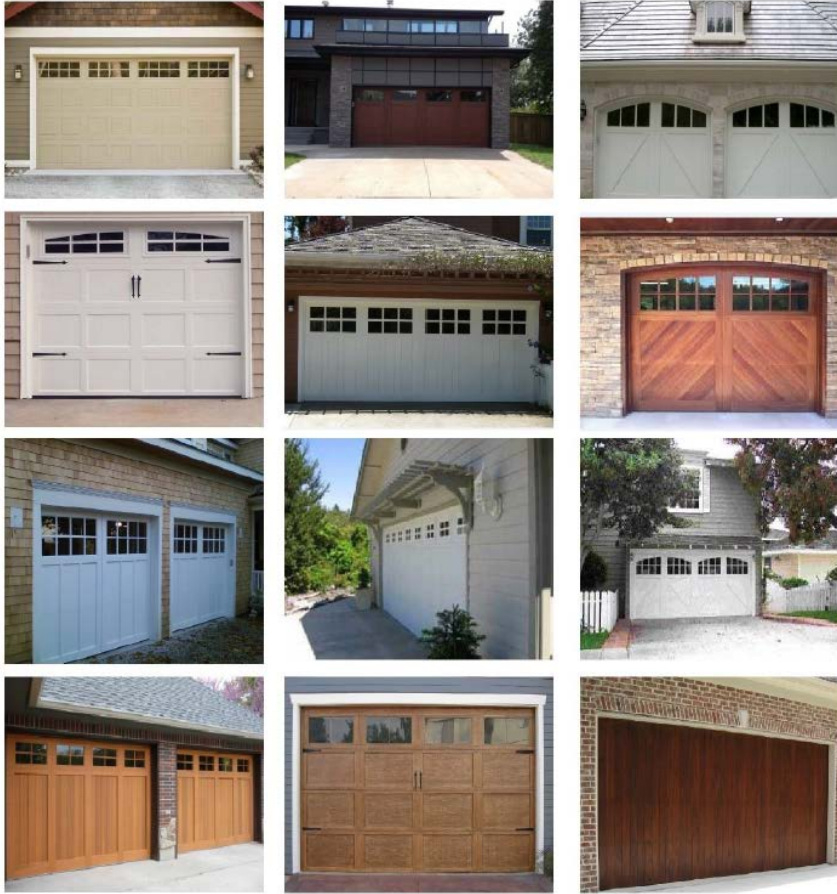


Figure 2: Garage design/detail examples.

**20.139.025 Building Design.**

This section shall apply to detached houses, cottages within a cottage court, all duplex types, attached houses, and townhouses as defined in Chapter 20.32.

(1) Porches. All detached houses, cottages within a cottage court, attached houses, and all duplex types shall have a porch meeting the standards of Chapter 20.122.060.

(2) Focal Point. All detached houses, cottages within a cottage court, attached houses, all duplex types, and townhouses shall include front doors or windows (excluding windows on a garage door or above a garage door) as a focal point on the front elevation.

(3) Windows and Transparency. All detached houses, cottages within a cottage court, attached houses, all duplex types, and townhouses shall provide windows and meet transparency requirements as follows:

- (a) Transparent windows and/or doors facing the street are required. To meet this requirement, at least eight percent of the façade must be transparent. The façade is measured from the base of the house to the start of the roofline and any other vertical walls facing the street, except for gabled portions of the façade not containing livable floor area (see Figure 3 for clarification). Garages located on the street facing wall of the house shall count as part of the façade.

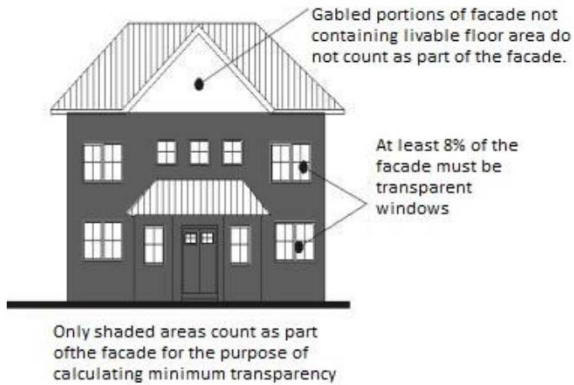


Figure 3: Façade transparency.

(b) Building façades visible from a public street shall employ techniques to recess or project individual windows above the ground floor at least two inches from the façade or incorporate window trim at least three and one-half inches in width that features color that contrasts with the base building color. Exceptions will be considered where buildings employ two or more other distinctive window or façade treatments that add depth and visual interest to the building. Examples of distinctive window or façade treatments are shown in Figure 5. Distinctive window or façade treatments include:

- (i) Shutters on all street facing windows.
- (ii) A keystone above a window (on masonry homes).
- (iii) Windows containing more than two glass panes (or that give the appearance of multiple panes).
- (iv) Stained or custom glass.
- (v) Exterior window sills.
- (vi) Significantly increased facade transparency percentages in a modern architectural application.
- (vii) Other design techniques that effectively emphasize windows as an architectural feature as determined by the director.



Figure 4: Acceptable (left and middle) and unacceptable (right) window design.



Figure 5: Examples of distinctive window or façade treatments.

**20.139.030 Architectural Details.**

This section shall apply to detached houses, cottages within a cottage court, all duplex types, attached houses, and townhouses.

(1) Architectural Details. Provide for architectural details that add visual interest to the neighborhood and are well proportioned to achieve good human scale. Specifically, incorporate at least three of the following detail elements into the façade of the house:

- (a) Decorative porch design, including decorative columns or railings.
- (b) Bay windows or balconies.
- (c) Decorative molding/framing details around all ground floor windows and doors.
- (d) Decorative door design including transom and/or side lights or other distinctive feature.
- (e) Decorative roofline elements including brackets, multiple dormers, and chimneys.
- (f) Decorative building materials, including decorative masonry, shingle, brick, tile, stone, or other materials with decorative or textural qualities.
- (g) Landscaped trellises or other decorative elements that incorporate landscaping near the building entry.
- (h) Distinctive paint schemes (such as a paint scheme consisting of three or more colors).
- (i) Other decorative façade elements or details that meet the intent and standards as determined by the director.



Figure 6. Examples of how houses can meet architectural detail criteria. Image A includes decorative windows, building material treatment, and roofline elements. Image B includes decorative brick use, window treatments, entry design, and ventilation circles. Image C includes decorative building materials, door/entry feature, windows, and roofline elements.

**20.139.035 Architectural Variety.**

This section shall apply to detached houses, all duplex types, and attached houses.

(1) Developments shall achieve architectural variety by accommodating a variety of architectural styles, variations of the same architectural style, and through the use of multiple design elements. Specifically:

(a) Duplicative house designs adjacent to each other are prohibited. Simple reverse configurations of the same house design on adjacent lots are not sufficient to meet architectural variety goals. Exceptions may be granted by the director in special circumstances where similar architectural consistency provides a distinct character for a cluster of homes surrounding an open space or on a particular street (cottage homes in a cottage court for example).

(b) Generally, the more houses in a subdivision or on a street block, the greater the number of different façade elevations will be required. Specifically, the following subdivision and street block variety standards shall apply:

(i) Subdivisions:

(A) Ten to 19 structures, a minimum of four different façade elevations shall be used.

(B) Twenty to 39 structures, a minimum of five different façade elevations shall be used.

(C) Forty to 69 structures, a minimum of six different façade elevations shall be used.

(D) Seventy or more structures, a minimum of seven different façade elevations shall be used.

(ii) Street Block:

(A) Less than six structures, a minimum of three different façade elevations shall be used.

(B) Seven to 10 structures, a minimum of four different façade elevations shall be used.

(C) Eleven to 14 structures, a minimum of five different façade elevations shall be used.

(D) Fifteen or more structures, a minimum of six different façade elevations shall be used.





Figure 7. Examples of detached houses featuring different façade elevations. Notice the different rooflines, entry features, window designs/locations, exterior materials, and colors.

(c) In order to qualify as a different façade elevation, dwellings shall have different roofline configurations, different color palettes, and different porch/entry design. In addition, a minimum of two of the following alternatives shall be utilized:

- (i) Different window openings (location and design).
- (ii) One- and two-story houses.
- (iii) Different exterior materials and finishes.
- (iv) Different garage location, configuration, and design.
- (v) Other different design element that helps to distinguish one façade elevation from another as determined by the director.

#### **20.139.040 Building Materials.**

This section shall apply to detached houses, cottages within a cottage court, all duplex types, attached houses, and townhouses.

(1) the following building material standards shall be met:

- (a) Mirrored glass and exposed concrete block (except for foundation/crawl space walls where not visible from the street) are prohibited. Board form concrete is acceptable.
- (b) T-111 siding and other plywood types of siding (board and batten with a brick, stone, or horizontal lap siding lower portion of the building is an exception) shall not be used for façades adjacent to or directly viewable from a street or public place.

#### **20.139.045 Roof Design.**

This section shall apply to detached houses, all duplex types, and attached houses.

(1) A variety of articulated roof forms shall be provided for each individual home that emphasize building form to create visual interest to the neighborhood and to avoid a monotonous series of rooflines. Roof should exhibit variety between different plans by using front-to-rear and side-to-side gabled and hipped roofs, and/or by the introduction of single-story elements. Roof materials, colors and treatments should correspond to the individual character or style of the home and should be compatible with the overall look of the neighborhood.

(2) All buildings with pitched roofs shall have a minimum slope of four feet vertical rise for every 12 feet of horizontal run on the primary roof of the building. A continuous pitched roof shall extend no more than 40 linear feet unless it contains roof elements. Roof elements may include at least one of the following:

- (a) Dormers.
- (b) Cupolas.
- (c) Gable or hip projection.

(c) Hipped roofs or similar construction are encouraged alongside yards in neighborhoods with closely-adjacent homes to maximize solar access to neighboring homes and/or private open space, as shown below.

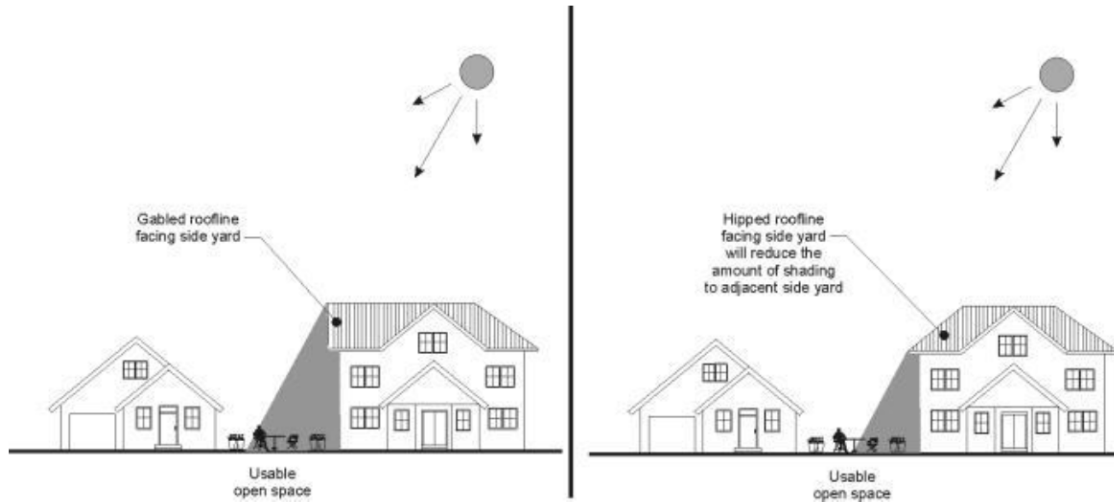


Figure 8: Encourage rooflines along the side yard that maximize solar access to adjacent homes and/or private open space.

#### **20.139.050 Accessory Building Standards.**

Accessory buildings (including detached garages) with more than 200 square feet of floor area shall be designed to be compatible with the primary structure in scale, size, materials, detailing, and roofline, as determined by the director. Accessory buildings of any size that have more than one story (such as a loft, mezzanine or attic space), and accessory buildings that will be located within a required fire separation according to the IRC, may require a building permit.

#### **20.139.055 Side by Side Duplex and Attached House Standards.**

Duplexes should be designed similar in nature to single-family homes and shall feature a visible pedestrian entry and windows facing the street. Specifically, duplexes shall comply with all detached single-family design standards in this section with the following exceptions and additional provisions:

- (1) For sites without alleys, duplexes may include a 20-foot-wide shared driveway or two 12-foot driveways on opposite ends of the lot.
- (2) Separate covered entries for each unit are required with a minimum dimension of four feet by six feet. Porches up to 200 square feet may project into the required front yard by up to six feet.
- (3) Duplexes on corner lots shall place pedestrian entries on separate streets.
- (4) At least 10 percent of the street-facing façade shall be windows or other glazing (e.g., door glazing).

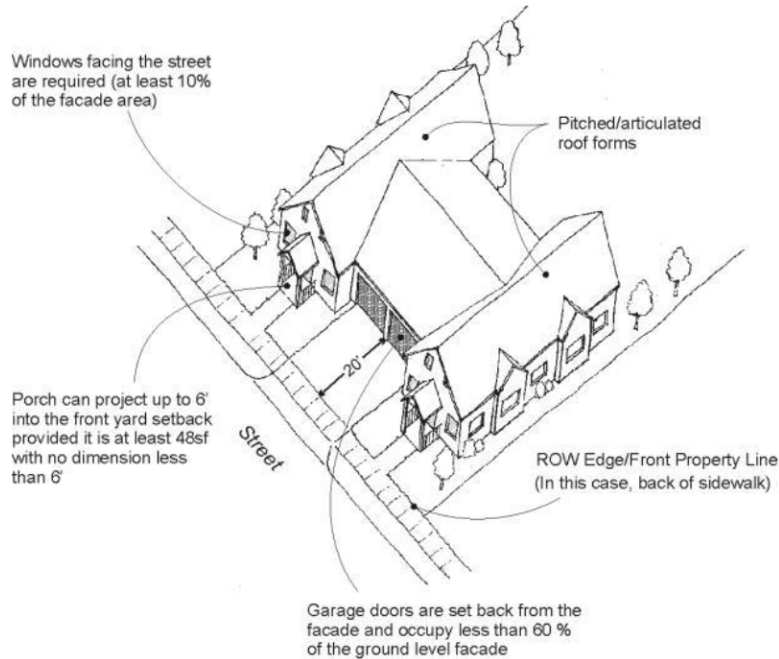


Figure 9: Duplex design standards.

**20.139.060 Back to Back Duplex Standards.**

Back to back duplexes shall comply with all of the same standards applicable to detached houses as listed in POMC 20.139.015-045 and for any unit within a back to back duplex that abuts a public street. Any rear unit that does not directly abut a public street is encouraged to meet the listed in POMC 20.139.015-045 and to be finished consistent with the forward street abutting unit.

**20.139.065 Residential Walls and Fences Standards.**

(1) General Standards. The following standards shall apply to all residential development:

(a) Fences and walls shall either be finished (i.e., without exposed supports or stringers) on both sides, or else shall be installed so that the finished side faces any street.



Figure 10: Fence with finished side facing a street (left); fence finished on both sides (center); fence with finished side not facing a street (right).

(b) Fences and walls shall follow the contour of the ground as far as practicable. Fences on sloped ground may be installed on an incline, or may be installed in stepped sections, with or without an accompanying retaining wall; however, inclined fences and stepped fences and/or walls shall have the fence and/or fence section height measured in the same manner as level fences and shall comply with

the maximum height restrictions as provided in this section. Adjustments for grade shall occur at the bottom of the fence to every extent possible. See Figure 11.



Figure 11: Fences on slopes.

(c) Solid fencing or wall sections more than 200 feet long located along a street shall include architectural features, such as masonry, brick or wood-framed columns to break up the street facing side of the fence. The minimum separation between those features shall be no less than 15 feet. Examples of acceptable (upper rows) architectural features and unacceptable (bottom row) architectural features are shown in Figure 12.



Figure 12. Fences that are broken up with architectural features (top two rows) and those that are not broken up (bottom row).

(d) Approved columns or posts may exceed the height of the fence by one foot and must meet all permit and setback requirements.

- (e) Fences shall be maintained in good repair. It shall be a violation of the zoning code to allow a fence to fall into disrepair.
- (2) Fence Height. The following standards shall apply to all residential development:
- (a) If a minimum linear distance of 10 feet separates a fence and retaining wall, a fence may be erected to a height of six feet above the highest finished grade within the 10 foot distance.
- (b) All fences in the primary front yard of single-family, duplex and attached residential uses shall not exceed four feet in height and a minimum 35 percent open area (see Figures 14, 15).

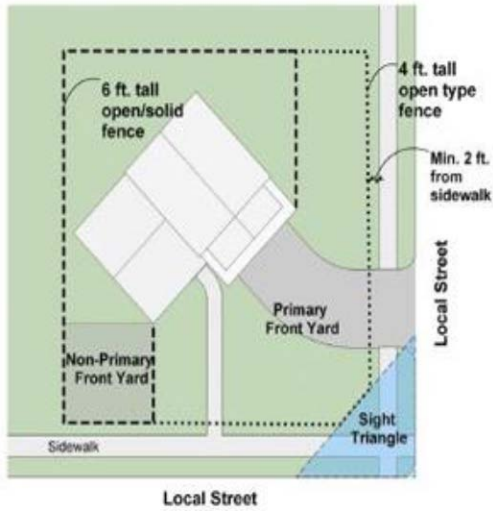


Figure 13. Fence type and height – Front vs. side and rear yard.



Figure 14: Fences with at least 35 percent open area – open type fence.

(c) All fences in the rear yard, side yard, nonprimary front of single-family, duplex, attached residential, and multifamily uses may be solid and shall not exceed six feet in height.

(d) A combination fence and retaining wall may be erected to a height of six feet above the highest finished grade or eight feet above the lowest finished grade, at the location of the fence, except that at no time shall the fence portion exceed six feet above the highest finished grade at any point (see Figure 15).

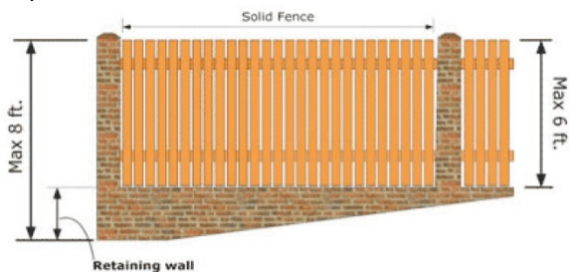


Figure 15: Fence and retaining wall on grade.

(e) A retaining wall may not elevate a fence to any height more than allowed by this section.

(f) An entry feature or trellis may have a maximum height of 10 feet and maximum width of 10 feet.

(3) Fence and Wall Placement. The following standards shall apply to all residential development:

(a) No portion of a fence shall extend beyond the property line of the fenced property into the public right-of-way unless allowed by a right of-way use permit.

- (b) All fences and walls including fence support systems such as posts, pillars and columns shall be set back at least to the property line and a minimum of two feet from the back edge of the sidewalk to allow for safe passage by persons on a sidewalk or traveled walkway or where no sidewalk exists then two feet behind the edge of asphalt.
  - (c) Vehicular gates must be set back at a minimum 20 feet from the travel surface of the street or back of curb in order to meet vehicle stacking requirements.
  - (d) Gates adjacent to sidewalks, alleys and public rights-of-way shall open inward to the private property.
  - (e) A fence along common property lines may be placed at the furthest point forward of the adjacent property if the adjacent property allows for fence placement that differs from the neighbors.
  - (f) Solid fences and walls may be erected to a height of eight feet to separate a property from an arterial street or a frontage road adjacent to a highway. The director shall consider the aesthetic, visual, and noise reduction characteristics of the fence or wall. A building permit may be required for fences exceeding six feet in height and for walls.
  - (g) Where a corner lot is permitted to have a solid fence along a nonprimary front property line that coincides with an adjacent property's primary front yard, no fence will be permitted that creates a site distance hazard for vehicles exiting that property or for pedestrians walking along a sidewalk or traveled walkway.
- (4) Residential Fence and Wall Materials.
- (a) Approved materials for fence construction include, but are not limited to, commercial quality wood, brick, masonry, metal, stone, wrought iron, manufactured vinyl or PVC fence material or any other material approved by the director, unless otherwise prohibited by this chapter.
  - (b) Barbed wire or razor wire is not allowed on any property used for residential purposes or any property that has residential zoning.
  - (c) Electrical fencing is allowed only on properties where legal agricultural uses exist and shall be used solely for the enclosure of livestock. This provision does not prohibit invisible fences.
  - (d) Combination fences of lattice and other decorative materials may be used in conjunction; however, at no time shall the combination exceed the overall fence height limitation.
  - (e) Prohibited fence materials shall include, but are not limited to, aluminum siding, vehicle parts, smooth face concrete masonry units/blocks, cloth or plastic tarps, scrap wood or any other material not customarily sold for fencing.
  - (f) Plastic or temporary construction fence may not be used as a permanent fence material.
  - (g) Approved materials for wall construction include, but are not limited to: stone, commercial quality brick, decorative masonry units, or decorative concrete or any other material approved by the director unless otherwise prohibited by this chapter.

**EXHIBIT 3**

**AMENDED POMC SECTIONS**

**20.127.020 and 20.127.340**



Section 20.127.020 is hereby amended to read as follows:

**20.127.020 Applicability and compliance.**

(1) Applicability. The provisions of this chapter apply to all development within Port Orchard, except:

(a) Detached houses, backyard cottages, cottage courts (cottages), side by side duplexes, back to back duplexes, attached houses, and townhomes as defined in POMC 20.32 shall not be required to comply with this chapter except that 20.127.330 shall apply to these building types. In addition, 20.127.340 shall apply to townhomes as defined in POMC 20.32. Additional detached house, backyard cottage, cottage court (cottage), side by side duplexes, back to back duplexes, attached house, and townhome design standards are found in Chapter 20.139 POMC.

(b) Properties within the designated Old Clifton Industrial Park. See the figure below for a map clarifying the location of properties which are exempt.

**Figure 20.127.020(1)**

**Old Clifton Industrial Park**



(c) The director may waive these provisions in other employment – industrial/office zoned properties where they are screened from view from the public right-of-way and adjacent nonemployment – industrial/office properties by a minimum 20-foot wide landscaped buffer meeting the requirements of

Table 20.128.296 for urban buffers – full screening or by preservation of comparable existing landscaping on the site.

(2) Relationship to Other Codes and Documents. Where provisions of this chapter conflict with provisions in any other section of the Port Orchard design standards, this chapter prevails unless otherwise noted herein.

(3) For building additions, remodels, and site improvements, three different thresholds have been established to gauge how the design standards in this chapter are applied to such projects. See Figure 20.127.020(3) below for examples of site development and the respective types of improvements required under each of the three levels of improvements.

(a) Level I improvements include all exterior remodels, building additions, and/or site improvements that affect the exterior appearance of the building/site or cumulatively increase the gross floor area by up to 20 percent of the gross square footage that existed three years prior to the date of permit issuance. The requirement for such improvements is only that the proposed improvements meet the standards and do not lead to further nonconformance with the standards.

For example, if a property owner decides to replace a building facade's siding, then the siding must meet the applicable exterior building material standards, but elements such as building articulation (see POMC 20.127.430) would not be required.

(b) Level II improvements include all improvements that cumulatively increase the gross floor area by 20 percent or more, but not greater than 75 percent, of the gross square footage that existed three years prior to the date of permit issuance. All standards that do not relate to repositioning the building or reconfiguring site development apply to Level II improvements. For example, if a property owner of an existing home in the BP zone wants to convert the home to an office and build an addition equaling 45 percent of the current building's area, then the following elements would apply:

(i) The location and design of the addition/remodel must be consistent with the block frontage standards (see Article II of this chapter), to the extent possible given the location of the existing building. For such developments seeking additions to buildings where an off-street parking location currently does not comply with applicable parking location standards, building additions are allowed provided they do not increase any current nonconformity and generally bring the project closer into conformance with the standards. See Figure 20.127.020(3) for an example of this.

(ii) Comply with applicable site planning and design elements (see Article III of this chapter).

(iii) Comply with all building design provisions of Article IV of this chapter, except architectural scale and materials provisions related to the existing portion of the building where no exterior changes are proposed. The entire building must comply with building elements/details, materials, and blank wall treatment standards of POMC 20.127.450.

(iv) The proposed improvements shall comply with the off-street parking, landscaping, and signage provisions of Chapters 20.124, 20.128, and 20.132 POMC.

(c) Level III improvements include all improvements that cumulatively increase the gross floor area by more than 75 percent of the gross square footage that existed three years prior to the date of permit issuance. Such developments must conform to all applicable standards.

Figure 20.127.020(3)

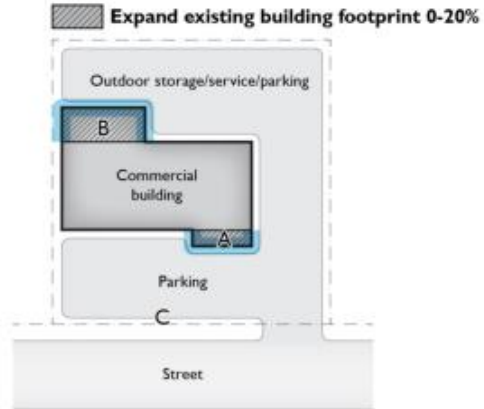
Examples of Improvement Types and Required Compliance

Existing Site



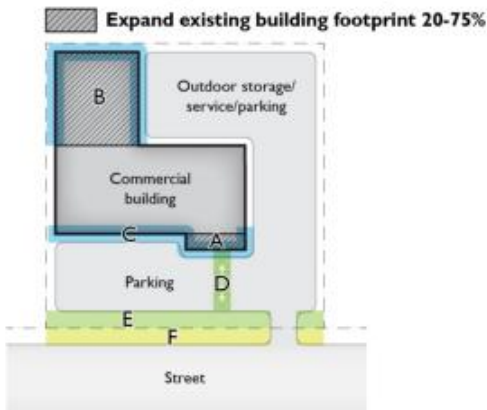
- Pre-existing non-conformities:
- Parking in front of the building
  - No pedestrian connection to the entry
  - Doesn't meet streetscape and landscaping standards
  - Facade doesn't meet standards

Level I Improvement Example



- Required improvements:
- A. Entry addition meets facade and building design standards (POMC 20.127.400-460)
  - B. Rear addition meets applicable building design standards (POMC 20.127.400-460)
  - C. Landscaping improvements are encouraged but not required

Level II Improvement Example



- Required improvements:
- A. Entry addition meets facade and building design standards (POMC 20.127.400-460)
  - B. Rear addition meets applicable building design standards (POMC 20.127.400-460)
  - C. Facade upgraded to meet applicable facade and building design standards (POMC 20.127.400-460)
  - D. Pedestrian access improvements (POMC 20.127.330)
  - E. Parking lot landscaping improvements (Chapter 20.128 POMC)
  - F. Landscaping improvements are encouraged but not required

Level III Improvement Example



- Required improvements:
- A. Entire building meets facade and building design standards (POMC 20.127.400-460)
  - B. Landscaping improvements are encouraged but not required
  - C. Site meets site planning standards (POMC 20.127.300-360)

(4) Review for Compliance. Proposals for development, including design standard departure requests, shall be reviewed for consistency with the design standards as found in this chapter in conjunction with every underlying permit application(s) (i.e., building permit, stormwater drainage permit, conditional use permit, binding site plan, etc.) at each stage of the development. The city recognizes that every project is unique and that permits are not always submitted in a single package simultaneously. For instance, a project may require a conditional use permit, building permit, land disturbing activity permit, and stormwater drainage permit. It is common that a building permit application be submitted after site development activities have begun. It is also common to develop building pads for future construction as part of an approved development.

**Section 20.127.340 is hereby amended to read as follows:**

**20.127.340 Vehicular circulation and parking.**

The standards herein supplement the provisions of public works standards and Chapter 20.124 POMC. Where there is a conflict, the provisions herein apply, except that the public works director may override this requirement and apply the public works standard for a driveway if the public works director finds that a failure to apply the public works standards will result in a threat to public safety.

(1) Purpose.

- (a) To create a safe, convenient, and efficient network for vehicle circulation and parking.
- (b) To enhance the visual character of interior access roads.
- (c) To minimize conflicts with pedestrian circulation and activity.

(2) Driveway Provisions.

- (a) Driveways must comply with the public works standards. Where there is a conflict between the driveway provisions in this chapter and those in the public works standards, the driveway provisions in this chapter apply, except that the public works director may override this requirement and apply the public works standard for a driveway if the public works director finds that a failure to apply the public works standards will result in a threat to public safety.
- (b) Drive aisles must meet the standards set forth in POMC 20.124.100, Off-street parking design standards.
- (c) Minimize parking lot entrances, drive aisles, and other vehicle access routes onto private property from a public right-of-way through the following means:
  - (i) Driveway lanes crossing a public sidewalk must be no wider than the minimum required per entry or exit lane. The city may impose additional restrictions to parking lot and vehicle access points to reduce impacts to public safety, pedestrian movement, on-street vehicle circulation, and visual qualities.
  - (ii) Minimize the number of driveway entrances and comply with the public works standards for driveway entrances.
  - (iii) The reviewing authority may require joint drive aisles serving adjacent developments when joint access is physically and legally available.
  - (iv) Minimize conflicts between entries and vehicle parking and maneuvering areas.
  - (v) At street corner sites, drive aisles must be located on the lowest classified roadway and as close as practical to the property line most distant from the

intersection, unless the reviewing authority finds there is a compelling reason to the contrary.

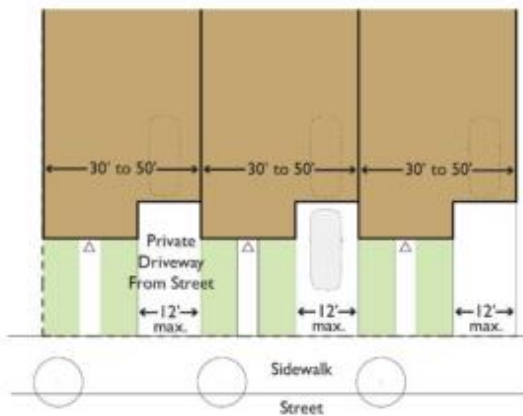
(d) Standards for driveways for front-loaded townhouses.

(i) Individual driveways are limited to a single lane 12 feet wide.

(ii) Driveways shared between two attached units are limited to 20 feet in width.

(iii) Front-loaded townhouses or other similar attached housing types must be at least 30 feet wide to qualify for individual or shared driveways.

Figure 20.127.340(2)(d)  
Driveway Standards for Front-Loaded Townhouses



The left image shows an acceptable front-loaded townhouse example in plan view, where individual units are at least 30 feet wide. The below example does not meet that requirement.



(e) Port Orchard Boulevard Access. Access from Port Orchard Boulevard except for areas with a designated block frontage as shown in the community design framework maps in POMC 20.127.130 shall be prohibited.

(3) Intersite Connectivity. The provision of through vehicle access connections between commercially or nonresidentially zoned properties is required except where the reviewing authority determines it is infeasible or undesirable (e.g., where it is determined that such a vehicle connection would impact safe pedestrian movement). See Article II of this chapter for specific block frontage standards. Vehicle access may be in the form of a dedicated or private alley, connected or shared parking lots, shared drive aisles, or similar features.

(4) Internal Roadway Design.

(a) To increase the function and appearance of internal roadways on large sites (greater than two acres), street trees and sidewalks must be provided on all internal access roadways, excepting access roads designed solely for the purpose of service (e.g., waste pick-up) and loading.

(b) In some instances where traffic speed and volume are low, the reviewing authority may approve a street where vehicle, bicycle and pedestrian movement are mixed such as in a “woonerf” or “shared street.” Woonerf streets must feature traffic calming and safety measures as well as landscape and amenity features as determined by the reviewing authority.

Figure 20.127.340(4)  
Good Internal Roadway Examples



The examples above include angled parking and planter strips with street trees. Pedestrian-scaled lighting also contributes to the character in the upper right image.



The above left image illustrates a thoroughfare lane with a row of street trees. A sidewalk is included on one side of the street to provide a strategic connection between businesses. The right image illustrates the curbsless “woonerf” design where travel speeds are low and lanes are shared between pedestrians and vehicles.

(c) Drive-Through Facilities. Where allowed, drive through facilities (e.g., drive-up windows) must comply with the following:

(i) Drive-through lanes, including waiting and holding lanes, must be buffered from the street and internal walkways by one or both of the following:

(A) A planting strip at least five feet wide with continuous plantings of evergreen shrubs and/or trees that will, at maturity, provide a continuous evergreen screen at least four feet tall.

(B) A wall at least three feet high constructed of brick, stone or siding materials that matches the principal walls of the building to which the sign applies.

Departure: Alternative screening schemes may be approved provided they include both the wall and a substantial vegetative screen. The landscaping must comply with Chapter 20.128 POMC.














(ii) Drive-through lanes must not restrict pedestrian access between a public sidewalk and on-site buildings. Walkways must not be located within required stacking space as set forth in the public works standards.


(iii) This section contains standards for drive-through lanes and facilities. Signs associated with drive-through lane are regulated under POMC 20.132.150(7).

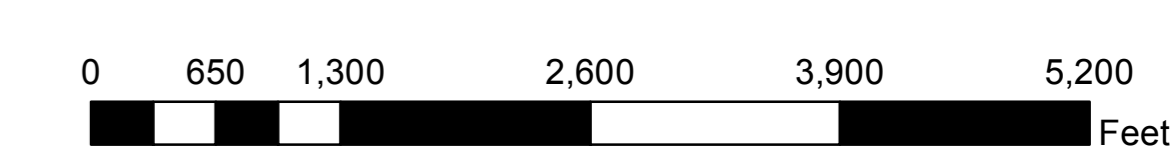
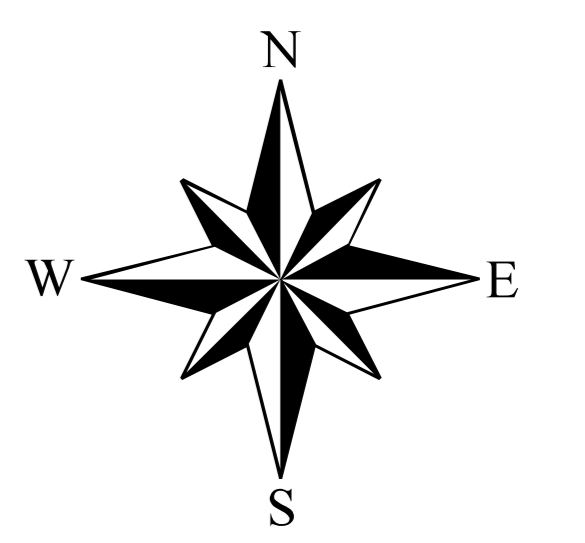




### DRAFT - ALTERNATIVE 1 ZONING MAP

-  BPMU
-  CC
-  CH
-  CI
-  CMU
-  DMU
-  GB
-  GMU
-  LI
-  NMU
-  PF
-  PR
-  R1
-  R2
-  R3
-  R4
-  R6

**Urban Growth Area**  
 Port Orchard UGA



City of Port Orchard Department of Community Development  
 216 Prospect Street, Port Orchard, WA 98366  
 Phone: (360) 874-5533 Fax: (360) 876-4980  
[www.cityofportorchard.us](http://www.cityofportorchard.us)

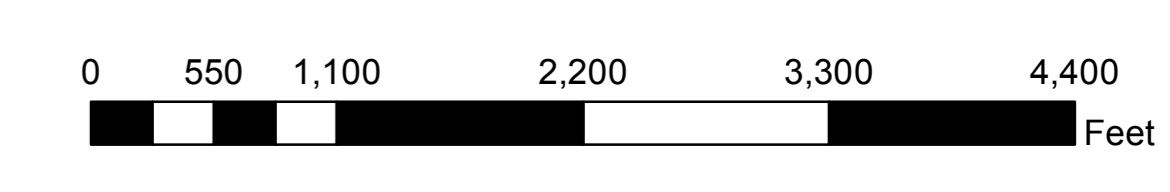
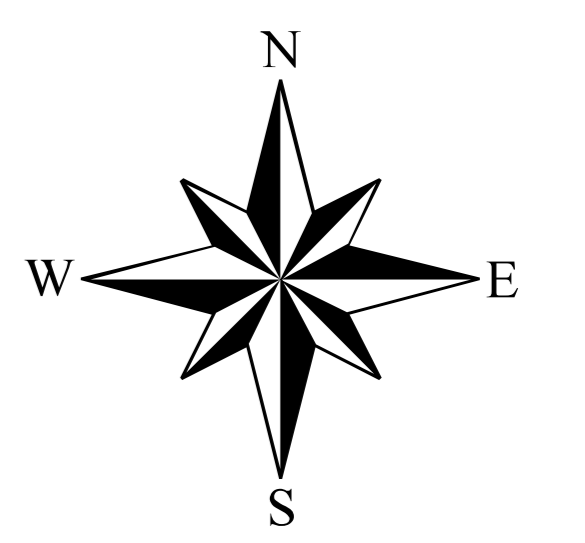
This map was created from existing map sources, not from field surveys. While great care was taken in using the most current map sources available, no warranties of any sort, including accuracy, fitness, or merchantability accompany this product. The user of this map assumes responsibility for determining its suitability for its intended use. This map is not a substitute for field survey.

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### DRAFT - ALTERNATIVE 2 ZONING MAP

- BPMU
- CC
- CH
- CI
- CMU
- DMU
- GB
- GMU
- LI
- NMU
- PF
- PR
- R1
- R2
- R3
- R4
- R6
- Urban Growth Area
- Port Orchard UGA



City of Port Orchard Department of Community Development  
 216 Prospect Street, Port Orchard, WA 98366  
 Phone: (360) 874-5533 Fax: (360) 876-4980  
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Zhi Lin He and Xia Jiang (Husband and Wife)  
He Family Trust  
4631 SE Bakken Ct.  
Port Orchard WA 98366

RECEIVED  
PERMIT CENTER  
MAR 07 2019  
CITY OF PORT ORCHARD  
COMMUNITY DEVELOPEMENT

March 4, 2019

City of Port Orchard  
Community Development Department  
216 Prospect Street  
Port Orchard, WA 98366

Attention: Nick Bond, Development Director  
Keri Sallee, Long-Range Associate Planner

RE: Adjustment to Land Use Mapping  
Tax ID #012301-3-125-2001

Dear Mr. Bond and Ms. Sallee:

We are requesting an adjustment to the current land use mapping whereby the East portion of the subject property (attached as Exhibit A) will be granted the designation of CMU. The remaining West portion of the subject property would remain zoned CH (Commercial Heavy).

Thank you for considering this request.



Zhi Lin He



Xia Jiang

Attachment: Exhibit A

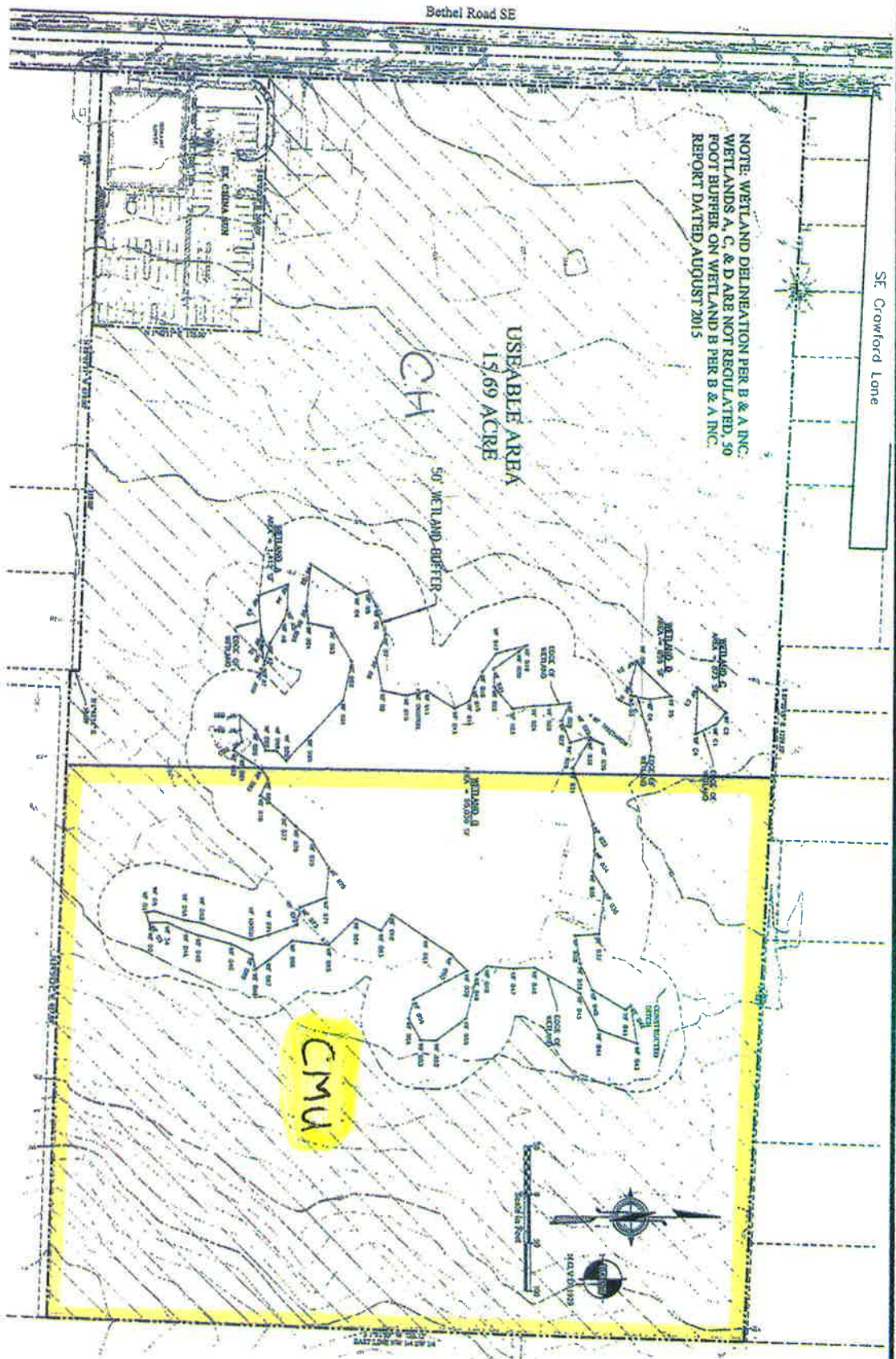


EXHIBIT A

**N.L. Olson & Associates, Inc.**  
 Engineering, Planning and Surveying  
 (703) 284-2284  
 2402 Dulles Avenue, P.O. Box 427, Fort Oglethorpe, GA 30242

DATE: APRIL 16, 2015  
 PROJECT NUMBER: 158777  
 SHEET: 13 OF 14



**SITE PLAN EXHIBIT**  
 PARCELS B OF BOUNDARY LINE ADJUSTMENT PER APN 20051138843  
 THAT PORTION OF THE NORTHEAST QUARTER OF THE SEVENTH QUARTER OF SECTION 1, TOWNSHIP 23 NORTH, RANGE 1 EAST, 13E

FOR:  
**HR DEVELOPMENT LLC**  
 4311 BEVERLY RD  
 FORT ORCHARD WA 98346  
 PHONE: 360-674-0866

REVISIONS		BY	DATE					
NO.	DATE	BY	DESCRIPTION	DESIGNED	DRAWN	CHECKED	APPROVED	ACCEPTED



**City of Port Orchard**

216 Prospect Street, Port Orchard, WA 98366  
(360) 876-4407 • FAX (360) 895-9029

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**Agenda Staff Report**

Agenda Item No.:	<u>Business Item 7B</u>	Meeting Date:	<u>March 12, 2019</u>
Subject:	<u>Adoption of an Ordinance, Amending Port Orchard Municipal Code Chapters 12 and 20, Establishing Regulations Related to a Street Cut Moratorium on Newly Paved Streets Within the City</u>	Prepared by:	<u>Mark R. Dorsey, P.E. Public Works Director</u>
		Atty Routing No.:	<u>007-19</u>
		Atty Review Date:	<u>January 22, 2019</u>

**Summary:** On January 28, 2019, the City’s Public Works Department brought forth a draft ‘Street Cut Moratorium Ordinance’ to the Land Use Committee for initial discussions, whereby the purpose of the ordinance is to establish needed restrictions to minimize pavement degradation to the City’s newly paved streets. At the February 18, 2019 Work Study Session, the matter was discussed by the City Council and referred to the next Regular Meeting for action. Additionally, the City’s Public Works Department has also updated the Trench Restoration Detail within the newly adopted Public Works Engineering Standards and Specifications to address utility trench repair standards for streets not covered by the proposed Moratorium (see attached.)

**Relationship to Comprehensive Plan:** Chapter 8 - Transportation

**Recommendation:** Staff recommends adoption of an Ordinance, thereby updating POMC Chapters 12.04.020 and 20.24.080 and establishing regulations related to a Street Cut Moratorium on newly paved streets within the City.

**Motion for Consideration:** I move to adopt an Ordinance, thereby updating POMC Chapters 12.04.020 and 20.24.080 and establishing regulations related to a Street Cut Moratorium on newly paved streets within the City, with final form approved by the City Attorney.

**Fiscal Impact:** None.

**Alternatives:** Do not approve and provide further direction to staff.

**Attachments:** Ordinance with POMC 12.04 and 20.24 Redline, Ordinance 002-19 Final Version and Trench Restoration Detail.

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**ORDINANCE NO. 002-19**

**AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, ESTABLISHING A STREET CUT MORATORIUM ON NEWLY PAVED STREETS; AMENDING SECTIONS 12.04.020 AND 20.24.080 OF THE CITY OF PORT ORCHARD MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, The City of Port Orchard owns and maintains a transportation system that is vital to the City's economic vitality and the City's quality of life, and is an important public function; and

**WHEREAS**, the City wishes to minimize pavement degradation, maintain the structural integrity of streets, maintain a smooth riding surface for all modes of transportation, and limit negative visual impacts; and

**WHEREAS**, street cuts and trenching for utilities can seriously impact the condition and useful life of City streets; and

**WHEREAS**, by establishing a Street Cut Moratorium, contractors and/or utilities companies with proposed projects that require trenching/excavation within public roadways can more effectively coordinate and plan the installation of utilities with minimal impact to the condition and useful life of City streets; NOW, THEREFORE,

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

**Section 1:** Section 12.04.020 of the Port Orchard Municipal Code is hereby amended to read as follows:

**12.04.020 Compliance Required for Permit**

(1) The ~~superintendent of Public Works~~ Director shall grant such permit only upon compliance with terms and conditions set forth in POMC 12.04.020 through 12.04.100.

(2) No permit shall be issued under this Chapter for work which requires cutting or excavating the paved surface of any street, alley, or other public place for a period of five (5) years from the completion of construction, resurfacing, or reconstruction of that surface; except that this prohibition shall not apply to:

(a) Emergency repairs that could not have been anticipated or are necessary for the protection of the public's health and safety, or

- (b) Work necessary to ensure continued service delivery to an agency's or utility's existing customer; or
- (c) Work for new utility services where no other reasonable means of providing service to a building exists; or
- (d) Work that is mandated by City, State, or Federal legislation; or
- (e) Work deemed by the Public Works Director to be in the best interests of the City.

Any approved work that requires cutting or excavating of the paved surface of any street, alley, or other public place within the five-year moratorium period from the completion of resurfacing or reconstruction of that surface requires a waiver, as a function of permit approval from the City; and the permittee must restore the pavement according to the currently adopted City of Port Orchard Public Works Engineering Standards and Specifications for pavement restoration.

**Section 2:** Section 20.24.080 of the Port Orchard Municipal Code is hereby amended to read as follows:

**20.24.080 Project Review – Public Notice**

(1) Within 10 business days of determining an application as technically complete, the director shall:

(a) Transmit a copy of the application, or appropriate parts of the application, to each affected government agency and city department for review and comment, including those responsible for determining compliance with state and federal requirements. The affected agencies and city departments shall have 15 business days to comment on the application. The agency or city department is presumed to have no comment if comments are not received within this 15-business-day period. The Public Works Director shall grant an extension of time only if the application involves unusual circumstances.

(b) The Public Works Director shall provide for public notice of application, as set forth in Chapter 20.25 POMC.

(2) Project review by the Public Works Director and appropriate city staff shall identify specific project design and conditions relating to the character of the development, such as the details of site plans, curb cuts, drainage swales, the payment of impact fees, or other measures to mitigate a proposal's probable adverse environmental impacts.

(3) The public notice and inter-agency communication set forth in this Chapter shall include a statement regarding whether the project involves the construction, reconstruction, or



resurfacing of any street, alley or other public place and whether a five-year street cut moratorium period, as outlined in Section 12.04.020, will be in effect.

~~(3)~~(4) Except when a land use action is categorically exempt from SEPA, environmental review shall be conducted concurrently with review of other proposed land use actions requested by an applicant. When a proposed development requires more than one land use action, the applicant may request concurrent review of all proposed land use actions.

**Section 3: Severability.** If any section, subsection, paragraph, sentence, clause, or phrase of the Ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this Ordinance.

**Section 4: Effective Date.** This ordinance shall be in full force and effect five (5) days after posting and publication, as required by law. A summary of the Ordinance may be published in lieu of the entire Ordinance, as authorized by State Law.

\_\_\_\_\_  
Robert Putaansuu, Mayor

ATTEST:

\_\_\_\_\_  
Brandy Rinearson, MMC, City Clerk

APPROVED AS TO FORM:

SPONSORED BY:

\_\_\_\_\_  
Sharon Cates, City Attorney

\_\_\_\_\_  
Scott Diener, Councilmember

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, ESTABLISHING A STREET CUT MORATORIUM ON NEWLY PAVED STREETS; AMENDING SECTIONS 12.04.020 AND 20.24.080 OF THE CITY OF PORT ORCHARD MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, The City of Port Orchard owns and maintains a transportation system that is vital to the City's economic vitality and the City's quality of life, and is an important public function; and

**WHEREAS**, the City wishes to minimize pavement degradation, maintain the structural integrity of streets, maintain a smooth riding surface for all modes of transportation, and limit negative visual impacts; and

**WHEREAS**, street cuts and trenching for utilities can seriously impact the condition and useful life of City streets; and

**WHEREAS**, by establishing a Street Cut Moratorium, contractors and/or utilities companies with proposed projects that require trenching/excavation within public roadways can more effectively coordinate and plan the installation of utilities with minimal impact to the condition and useful life of City streets; now, therefore,

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

**SECTION 1:** Section 12.04.020 of the Port Orchard Municipal Code is hereby amended to read as follows:

**12.04.020 Compliance Required for Permit**

(1) The Public Works Director shall grant such permit only upon compliance with terms and conditions set forth in POMC 12.04.020 through 12.04.100.

(2) No permit shall be issued under this Chapter for work which requires cutting or excavating the paved surface of any street, alley, or other public place for a period of five (5) years from the completion of construction, resurfacing, or reconstruction of that surface; except that this prohibition shall not apply to:

(a) Emergency repairs that could not have been anticipated or are necessary for the protection of the public's health and safety, or

- (b) Work necessary to ensure continued service delivery to an agency's or utility's existing customer; or
- (c) Work for new utility services where no other reasonable means of providing service to a building exists; or
- (d) Work that is mandated by City, State, or Federal legislation; or
- (e) Work deemed by the Public Works Director to be in the best interests of the City.

Any approved work that requires cutting or excavating of the paved surface of any street, alley, or other public place within the five-year moratorium period from the completion of resurfacing or reconstruction of that surface requires a waiver, as a function of permit approval from the City; and the permittee must restore the pavement according to the currently adopted City of Port Orchard Public Works Engineering Standards and Specifications for pavement restoration.

**SECTION 2:** Section 20.24.080 of the Port Orchard Municipal Code is hereby amended to read as follows:

**20.24.080 Project Review – Public Notice**

(1) Within 10 business days of determining an application as technically complete, the director shall:

(a) Transmit a copy of the application, or appropriate parts of the application, to each affected government agency and city department for review and comment, including those responsible for determining compliance with state and federal requirements. The affected agencies and city departments shall have 15 business days to comment on the application. The agency or city department is presumed to have no comment if comments are not received within this 15-business-day period. The Public Works Director shall grant an extension of time only if the application involves unusual circumstances.

(b) The Public Works Director shall provide for public notice of application, as set forth in Chapter 20.25 POMC.

(2) Project review by the Public Works Director and appropriate city staff shall identify specific project design and conditions relating to the character of the development, such as the details of site plans, curb cuts, drainage swales, the payment of impact fees, or other measures to mitigate a proposal's probable adverse environmental impacts.

(3) The public notice and inter-agency communication set forth in this Chapter shall include a statement regarding whether the project involves the construction, reconstruction, or

resurfacing of any street, alley or other public place and whether a five-year street cut moratorium period, as outlined in Section 12.04.020, will be in effect.

~~(3)~~(4) Except when a land use action is categorically exempt from SEPA, environmental review shall be conducted concurrently with review of other proposed land use actions requested by an applicant. When a proposed development requires more than one land use action, the applicant may request concurrent review of all proposed land use actions.

**SECTION 3: Severability.** If any section, subsection, paragraph, sentence, clause, or phrase of the Ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this Ordinance.

**SECTION 4: Effective Date.** This ordinance shall be in full force and effect five (5) days after posting and publication, as required by law. A summary of the 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 Clerk in authentication of such passage this 12<sup>th</sup> day of March, 2019.

\_\_\_\_\_  
Robert Putaansuu, Mayor

ATTEST:

\_\_\_\_\_  
Brandy Rinearson, MMC, City Clerk

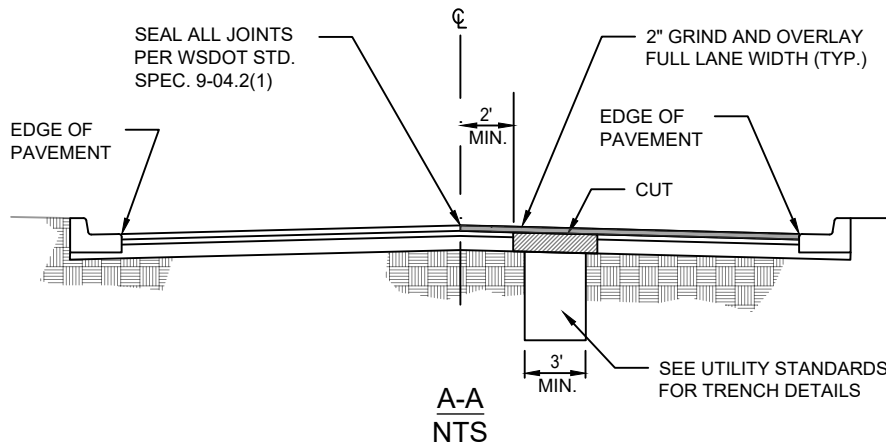
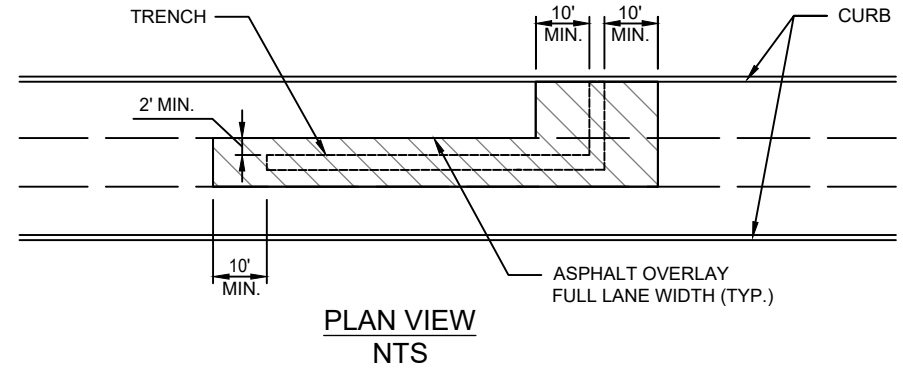
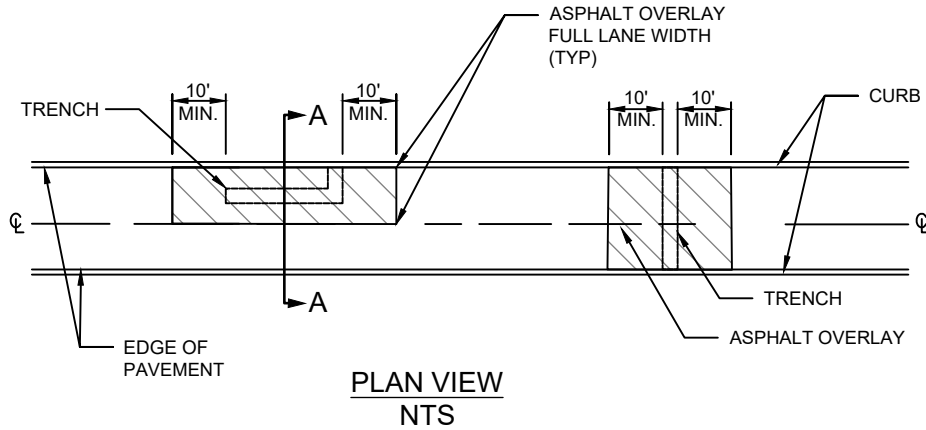
APPROVED AS TO FORM:

SPONSOR:

\_\_\_\_\_  
Sharon Cates, City Attorney

\_\_\_\_\_  
Scott Diener, Councilmember

PUBLISHED:  
EFFECTIVE DATE:



**NOTES:**

1. THIS STANDARD APPLIES TO ALL CUTS IN ASPHALT ROADWAY.
2. GRIND/OVERLAY WITHIN SIGNAL LOOP DETECTION ZONE MAY BE EXTENDED TO INCLUDE ADDITIONAL LANES AND/OR DETECTORS
3. OVERLAY AREA MAY BE EXTENDED AT THE DISCRETION OF THE TRANSPORTATION ENGINEER TO ENCOMPASS ADJACENT STREET CUTS OR PREVIOUS RESTORATIONS.
4. ADJUST ALL UTILITY CASTINGS TO FINISHED GRADE AFTER OVERLAY AND RESTORE CHANNELIZATION AND LOOP DETECTION



# TRENCH RESTORATION

ASPHALT OVERLAY FOR ROADWAY TRENCH RESTORATION

DRAWN BY	IDS
DATE	1/16/2019
SCALE	NTS
DRAWING NUMBER	604



**City of Port Orchard**

216 Prospect Street, Port Orchard, WA 98366  
(360) 876-4407 • FAX (360) 895-9029

**Agenda Staff Report**

Agenda Item No.:	<u>Business Item 7C</u>	Meeting Date:	<u>March 12, 2019</u>
Subject:	<u>Adoption of an Ordinance Approving</u>	Prepared by:	<u>Deborah Howard</u>
	<u>The Reclassification of the Human</u>		<u>HR Coordinator</u>
	<u>Resources Coordinator and Assistant</u>	Atty Routing No.:	<u>N/A</u>
	<u>Finance Director Job Positions to an</u>	Atty Review Date:	<u>N/A</u>
	<u>Exempt Status</u>		

**Summary:** It is necessary for the City to periodically review the duties and responsibilities of all employment positions. Human Resources, Finance, and other administrative personnel who require a high degree of knowledge and work independently qualify as administrative exempt. In reviewing the City’s Human Resources Coordinator and Assistant Finance Director positions, their primary job responsibilities are in exercising discretion and independent judgment with respect to matter of significance, as well as performing work directly related with servicing of the City. They accomplish the goals and deliverables which determines their exempt positions. Under the US Department of Labor’s Fair Labor’s Standards Act both positions meet the applicable tests of job duties and salary to classify these positions as exempt from overtime.

**Recommendation:** Staff recommends that the City Council adopt the ordinance approving the reclassification to exempt status for the Humans Resource Coordinator and Assistant Finance Director positions.

**Motion for consideration:** I move to adopt an ordinance, approving the reclassification of the Human Resource Coordinator and Assistant Finance Director positions to an exempt status, as presented.

**Fiscal Impact:** Consistent with biennial budget.

**Alternatives:** Not approve this request.

**Attachments:** Ordinance and Job Descriptions.

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ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON,  
APPROVING A RECLASSIFICATION OF THE HUMAN RESOURCES  
COORDINATOR AND ASSISTANT FINANCE DIRECTOR TO EXEMPT  
STATUS**

**WHEREAS**, it is necessary for the City to periodically review the duties and responsibilities of all employment positions; and

**WHEREAS**, the primary responsibilities of the Human Resources Coordinator and Assistant Finance Director exercise discretion and independent judgment with respect to matter of significance. Both positions perform work directly related with servicing of the City which meets the applicable tests to classify these positions as exempt from overtime; and

**WHEREAS**, the City Council has determined that changing the classification of the Human Resources Coordinator and Assistant Finance Director qualifies them for exemption for administrative employees under the Fair Labors Standards Act of the U.S. Department of Labor; and

**WHEREAS**, the revised Human Resources Coordinator and Assistant Finance Director position job descriptions attached hereto as Exhibit A, are approved; now, therefore,

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

**SECTION 1.** The Port Orchard City Council approves the reclassification of the Human Resources Coordinator and Assistant Finance Director positions to an exempt status.

**SECTION 2. Severability.** If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

**SECTION 3. Publication.** This Ordinance shall be published by an approved summary consisting of the title.

**SECTION 4. Effective Date.** This Ordinance shall take effect and be in full force and effect five days after publication, as provided by law.

PASSED by the City Council of the City of Port Orchard, APPROVED by the Mayor and attested by the Clerk in authentication of such passage this 12 day of March, 2019.



---

Robert Putaansuu, Mayor

ATTEST:

SPONSOR:

---

Brandy Rinearson, MMC, City Clerk

---

John Clauson, Councilmember

APPROVED AS TO FORM:

---

Sharon Cates, City Attorney

PUBLISHED:

EFFECTIVE DATE:

# CITY OF PORT ORCHARD

---

## JOB DESCRIPTION

**Job Title:** Human Resource / Americans with Disabilities Coordinator

**FLSA:** Exempt

**Civil Service:** Exempt

**Department:** Finance

**Reports To:** City Finance Director

The position of Human Resource Coordinator is a full-time position. Attendance at evening meetings or other off-duty events may be required and the incumbent may also be called back to work before or after regularly scheduled work hours or on scheduled days off.

### Purpose

The position is responsible for administering all employee relation programs of the City in accordance with local, state, and federal laws and regulations. Performs work in recruitment, selection, payroll and benefits administration; prepare personnel policies and procedures, maintain ADA compliance and serve as Secretary and Chief Examiner to the Civil Service Commission. Performs special projects and assist with non-civil service selection procedures as assigned; and assist City with Human Resources needs.

### Supervision Responsibilities

This position reports directly to the Finance Director or his/her designee. As Secretary Chief Examiner, this position is also accountable to the Civil Service Commission.

### Essential Job Functions

- Responsible for administration of Human Resources processes including development and interpretation of standard policies, procedures, labor agreements, and state and federal personnel laws. Partner with management to communicate the personnel policies, procedures, programs, and laws to city employees.
- Coordinate development and maintenance of City Personnel Policies and Procedures. Develop, analyzes and revises policies and procedures as necessary and in compliance with legal requirements.
- Conduct all phases of the city employment process: employee recruitment and selection, development of job announcements, advertisements, applications, interview questions, and rating forms. Responsible for oral interview boards, checking references, coordinating background checks, communicating with applicants, and ensuring legal compliance in all hiring practices. Coordinate use of temporary employees as required.
- Conduct new employee orientations; advises employees of their eligibility for various programs and provides the necessary paperwork.
- Administer the City's benefit program; conduct research; evaluate plan and cost analysis;

recommend benefit program changes; Advise employees and distribute information regarding benefits, compensation, policies; ensure compliance with state and federal laws, rules and regulations.

- Assist payroll regarding benefits deductions and additions to the City's on line payroll and Human Resource system.
- Maintain employee personnel records and files for all city employees.
- Develop and maintain job descriptions for all city positions to assure compliance with applicable laws, policies and standard personnel practices and procedures.
- Ensure compliance with all legal requirements and government reporting regulations related to the employment of team members including OSHA, EEO, ERISA, FLSA guidelines, harassment, and discrimination.
- Provide technical guidance and problem resolution to departments and staff on Family Medical Leave (FMLA) issues and State Family Leave issues.
- Conduct investigations when employee complaints or concerns are brought forth.
- Monitor and advise supervisors and directors in a variety of sensitive and legally complex employee relations and discipline issues. of the City. Monitor the implementation of a performance improvement process with non-performing employees.
- Consult with City Attorney and AWC Risk Management to guide management on employment terminations.
- Determine and recommend employee relations practices necessary to establish a positive employer-employee relationship and promote a high level of employee morale and motivation. Coordinate the employee recognition program.
- Coordinates and promotes health and wellness initiatives as Chair of the Wellness Committee to improve the health and well-being of the City employees. Conducts periodic surveys to measure employee satisfaction and employee engagement
- Maintain the Well City status by capturing and maintaining project data to create accurate reporting for wellness program metrics and participation for annual AWC Well City Award.
- Serve as ADA Coordinator overseeing the administrative requirements of ADA compliance and to respond to complaints filed by the public.
- Monitors the tracking of OSHA-required data, review injuries and incident reports submitted by departments; enter data from Injury and Incident Reports into AWC RiskConsole system. Prepare City's annual I OSHA report.
- Oversee the injury on the job and Light Duty return to work program
- Coordinates, develops and presents human resource related training programs to management and employees ensuring compliance with AWC Risk Management and state and federal regulations.
- Assist in the collective bargaining environment and develop materials needed for the negotiation process. Participate as a member of the City's bargaining committee in all labor negotiations.
- Serve as Secretary/Chief Examiner for the Police Civil Service Commission. Establish and maintain eligibility rosters after facilitating testing process.

### **Knowledge, Skills and Abilities**

- While requirements may be representative of minimum levels of knowledge, skills and abilities, to

perform this job successfully, the incumbent will possess the abilities or aptitudes to perform each duty proficiently.

- Knowledge of principles, practices, purpose and function of a Human Resource Coordinator in city government.
- Knowledge of local and state government laws, functions, and organization.
- Knowledge of the ADA and other laws addressing the rights of people with disabilities, such as Section 504 of the Rehabilitation Act, 29 U.S.C. § 794
- Ability to take independent action to carry out approved policies and procedures and to recommend new or revised ones.
- Ability to express ideas effectively both orally and in writing.
- Ability to write clear, accurate and comprehensive.
- Organizational and analytical skills
- Ability to process Labor & Industries Claims
- Ability to develop and maintain effective working relationships with officials, city employee and the general public.
- Ability to work in an environment that requires tact, diplomacy, confidentiality and high level of independent decision-making..

### **Working Conditions**

Work is generally performed indoors in an office environment. Close and constant work with computers exposes the individual to normal emissions from the computer monitor. The work area can be noisy at times. This position may require the employee to sit for prolonged periods.

### **Contacts and Relationships**

The Human Resource Coordinator has frequent contact with the City's elected officials, with state, county and municipal government officials, outside consultants, auditors, vendors and other business-related individuals or agencies. This individual has occasion to work with the City's attorney on legal matters affecting the City and City employees. In the normal course of business the Human Resource Generalist will have contact with other department heads, City personnel and the public. These contacts involve a wide variety and range of purpose, including the need to provide or collect information, coordinate projects or activities and to solve or negotiate solutions to problems. Communication may be either by telephone, in person or through written message.

### **Physical Requirements**

The employee must be able to sit for prolonged periods; discern and conduct voice conversation, in person or via telephone; and have ability to enter data or information into a terminal, PC or other keyboard device. Regular and on-time physical attendance at City Hall is an essential job requirement.

### **Recruiting Requirements**

- Valid Washington State Driver's License with a driving record acceptable to the City's insurance carrier
- Competent with applicable computer system, technology, and software

- Experience with county, state, and local governments
- All city employees must successfully pass a pre-employment Drug Testing as prescribed by the City's Drug and Alcohol Testing Policy

Must have knowledge of:

Principles, practices and techniques of public personnel administration;  
 Principles and methods of recruitment, selection, position classification and compensation;  
 Statistics, logic and basic methods of problem solving;  
 Research methods, data collection and sampling techniques and statistical analysis;  
 Wage and salary administration  
 Correct English usage, grammar, spelling, punctuation and vocabulary;  
 Oral and written communication skills;  
 Federal, state and local legislation pertaining to Equal Employment Opportunity and Affirmative Action programs and practices;  
 Rules regarding Washington State collective bargaining;  
 Applicable laws, codes, regulations, policies and procedures;  
 Operation of a personal computer and associated software;  
 Interpersonal skills using tact, patience and courtesy;  
 Municipal organization, operation, programs, policies and objectives.

Must have ability to:

Read, interpret, apply and explain rules, regulations, policies and procedures;  
 Analyze technical personnel problems and recommend and/or implement solutions;  
 Generate reports and other data; prepare statistical tabulations;  
 Establish and maintain positive, effective working relationships with department directors, employees, job applicants and the public;  
 Work independently with little direction; meet schedules and time limits.

## **Experience and Training**

Bachelor's degree in Business or Public Administration, Human Resources, Personnel or related field, with five years of human resources, personnel and/or labor relations experience.

Experience in writing and presenting information to the public and elected officials.

Professional Inin Human Resources (PHR) or Senior Professional in Human Resources (SPHR) or Society of Human Resources – Certified Professional (SHRM-CP) certification is desirable.

Any other combination of experience and training that provides the desired skill, knowledge and abilities equivalent to the requirements above.

*Requirements outlined in this job description may be subject to modification to reasonably accommodate individuals with disabilities who are otherwise qualified for employment in this position. However, some requirements may exclude individuals who pose a direct threat or significant risk to the health and safety of themselves or other employees.*

*This job description does not constitute an employment agreement between the Employer and employee and is subject to change as the needs of the Employer and requirements of the job change.*

# CITY OF PORT ORCHARD

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## JOB DESCRIPTION

**Job Title:** Assistant Finance Director

**FLSA:** Exempt

**Civil Service:** Exempt

**Department:** Finance Department

**Reports To:** City Finance Director

**Purpose**

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In the absence of the City Finance Director the Assistant Finance Director acts in the capacity of the City Finance Director. Responsibilities include daily receipting and disbursing transactions, recording of budget transactions, cash reconciliation and financial reporting. As the finance department's chief accountant the incumbent supervises the work of six support staff positions charged with utility billing, payroll, accounts payable and receivable, capital assets, budget, and liabilities. The Assistant Finance Director prepares journal entries and balances general ledger accounts. Responsibilities include preparing the Annual Financial Report and accompanying financial statements. The Assistant Finance Director works closely with the City Finance Director to promote the overall efficiency of the office and provides finance and accounting support to city departments. The Assistant Finance Director is designated as the Auditing Officer of the City as outlined in the Port Orchard Municipal Code and required by RCW 42.24.

**General Function**

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The Assistant Finance Director performs the necessary functions required for accurate and timely completion of accounting tasks. Under occasional supervision, the employee has discretion in the daily operation of the Finance Department. Establishes and recommends internal controls for the City. Collaborates with various city departments as needed to report and discuss progress of special assignments. Promotes a positive work environment that recognizes customer service and supports staff in the delivery of financial services. Participates in emergency management operations as needed. The Assistant Finance Director is accountable to the Finance Director for the day to day operation of the Finance Department including all receipting and disbursing transactions of the City. Administrator for cash management resulting in adequate liquidity to meet daily and monthly cash flow needs.

**Supervision Responsibilities**

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Coordinates accounting staff to accurately record and balance city finance transactions. Requires communication skills that apply to a broad spectrum of personalities. Must have the ability to instruct and train individuals to perform detailed tasks that result in the overall success of the organization. Requires written and verbal skills that clearly communicate expected outcomes. Assigns, reviews, reconciles, approves, changes, or modifies employee work product and results.

## **Essential Job Functions**

- Prepares the Annual Financial Report including technical footnote analysis as required by RCW 43.09.230 and other financial reports in accordance with generally accepted accounting principles (GAAP); create and format a variety of financial statements; compile financial information and data supporting the financial statements and notes leading to a unqualified audit opinion by the State Auditor's Office.
- Works closely with the State Auditors to complete the annual audit examination of the City's financials, internal controls and compliance with state laws.
- Provides cash management involving the collection, handling, and deposit of cash, checks, and electronic payments into bank concentration accounts, including local government investment pools. Daily electronic payments reconciliation and compliance monitoring for credit card, automatic clearing house (ACH), and wire transfer transactions.
- Oversight of cash and investment account balancing including weekly reconciliation of financial institution statements including city banking and investment accounts.
- Plans, manages and performs treasury functions to ensure adequate cash balances of city banking and investment accounts. Monitors adequate cash fund balances for the twenty-two City funds. Prepares regular cash reconciliations and other account reconciliations.
- Prepares and maintains a variety of detailed records, to monitor and account for City reserve fund balances.
- Serves as the City Auditing Officer, audits all claims against the City to certify that materials have been furnished, the services rendered, the labor performed as described, or that any advance payment is due and payable, and that the claim is just, due and unpaid obligation against the municipality.
- Responsible for implementation of financial policies adopted by resolution, ordinance, budget documents, administrative directives, and capital improvement programs. Applies financial best practices to daily operations and procedures.
- Supervises staff to insure city policies are followed and sets short-range action-steps to carry out finance department activities. Provides instruction to subordinates for the successful completion of assignments. Ensures that accounting staff is productive, timely, and work is completed within acceptable levels of quality, cost, and safety. Manages the finance department staffing level to ensure adequate coverage of departmental functions including approval of vacation and sick leave requests of the finance staff.
- Provides essential information to the Payroll Clerk for payroll preparation, including timekeeping, pay rate changes, leave records and accruals, applicable federal, state, and city withholdings, and verifies applicable payroll taxes are withheld. Reviews and audits all payroll transactions of the City including biweekly payroll processes and quarterly payroll tax filings and remittances.
- Responsible for utility billing including delinquent notices, liens, utility turnoffs, connection fees, month-end reconciliation and auditing of utility billing transactions. Prepares monthly reporting of utility revenue and calculates applicable utility taxes due to State and Local governments. Authorizes and reviews all utility connection fee payments due for accuracy.
- Oversight controls of accounts payable and receivable transactions including performing

the auditing function for all disbursing transactions of the City. Reviews all account receivable transactions for accurate account coding and processes.

- Reconciles front desk cash receipts transactions for accuracy and completeness. Audits all voided receipts to verify proper internal controls over the front desk cashiering function.
- Completes month-end/year-end accounting processes for the City, including reconciliation of revenue, authorized expenditures, cash and investment balance reconciliation, prepares and posts monthly/yearly adjusting entries, transfers between funds as provided by the city budget, and audit outstanding check reconciliation.
- Reconciles and reviews all trust/agency payments received by the City to ensure the proper remittances to corresponding local and state agencies.
- Performs a variety of professional accounting duties including cost allocation, journal entry preparation, account analysis, internal auditing, cash management reconciliations, and other special projects as assigned.
- Establishes and maintains proper files, including sufficient documentation of journal entries and other work performed.
- Assigns accounting codes according to the State's Budget, Accounting, Reporting System (BARS).
- Reviews, monitors and recommends changes to internal controls for the City's accounting policies and systems in conformance with the GAAP and the state's budgeting, accounting, and reporting systems (BARS).
- Works closely with other departments in providing financial information to outside parties. Provides timely financial information to various stakeholders.
- Application of personnel policies relating to payroll preparation and issuance. Knowledge of city personnel policies and their application across job classifications as well as application to staff supervision.
- In conjunction with the Human Resources Coordinator, apply current employment practice procedures as outlined in the personnel policies manual and for the five union contracts to all applicable employees.
- Prepares and submits reports to local, state and/or federal regulatory agencies.
- Assists in the planning of city-wide operations and makes recommendations to enhance current operations.
- Provides continuous effort to improve operations, decrease turnaround times, streamline work processes, and work cooperatively and jointly to provide quality customer service.
- Provides direction to assigned staff on operational procedures, policy interpretation, and workload planning.
- Reviews, monitors, and recommends changes to internal controls for the City's policies and procedures; and trains applicable departments.
- Prepares and recommends updates to the municipal code and various policies or



procedures to ensure effective and efficient operations.

- Assures compliance with laws, codes and regulations governing regulatory and municipal accounting; maintains high standards of professional accounting and auditing.
- Complete special research projects, and reports as required, perform related work as required.

### **Knowledge, Skills and Abilities**

Knowledge of local government roles and responsibilities to deliver public service including knowledge of state statues as they relate to municipal government and current municipal case law.

Knowledge of Governmental Accounting Standards Board (GASB) standards for local governmental accounting and financial reporting. GASB issued statements, interpretations, technical bulletins, and concept statements defining GAAP for local government.

Knowledge of Generally Accepted Accounting Principles (GAAP).

Knowledge of the state Budgeting, Accounting, and Reporting System (BARS) for all activities.

Familiarity with state audit standards including maintaining an internal control environment for accounting and financial reporting.

Knowledge of eligible investments for public funds in Washington State.

Knowledge of finance data processing systems, ability to utilize Microsoft Office desktop applications Microsoft Word, Microsoft Excel, and Microsoft PowerPoint.

Knowledge of federal and state employment laws.

Familiarity with Washington State Employees Retirement Systems (DRS).

Experience conducting transactions assessing the Automated Clearing House (ACH) and Federal Reserve Wire Network, (Fedwire).

Ability to produce work accurately that leads to an unqualified audit opinion of financial records and statements.

### **Working Conditions**

Work is performed indoors in an office environment.

### **Contacts and Relationships**

In the normal course of business the incumbent has contact by telephone, in person, or through written communications. In addition to the general public, the Assistant Finance Director interacts with elected officials, vendors, auditors, consultants, various professionals, and other business related individuals including state and county agencies. On occasion works with the city attorney on contract, vendor, and financial matters affecting the city.

## **Physical Requirements**

The employee must have hand-eye coordination sufficient to operate computers and other office equipment. Continuous repetitive arm/hand movement is essential to performance of this job. Must have the ability to enter data or information into a personal computer, or other keyboard device, and must be able to conduct communications by telephone and in-person. Required to sit for long periods in front of a terminal, and occasionally walking across to a printer, or going to another workstation or department within City Hall. May be required occasionally, to lift and carry up to 20 pounds in moving and cleaning out files.

## **Recruiting Requirements**

Must be bondable.

Must successfully pass a pre-employment drug test as prescribed by the city's drug and alcohol testing policy.

Must be willing to allow a criminal background check, and personal credit report history.

## **Experience and Training**

Associate of Arts degree in accounting with 3 years' experience or an Associate of Arts degree or higher in a related field with 5 years' experience in a government finance or accounting position. Work experience with a non-profit will be considered.

Experience with the state's Budget, Accounting, and Reporting System, desirable.

Experience in governmental accounting.

Experience with desktop applications and financial processing data system.

Experience supervising and coordinating a work group.

Experience with state and/or local government.

Any other combination of experience and training that provides the desired skills, knowledge, and abilities.

*Requirements outlined in this job description may be subject to modification to reasonably accommodate individuals with disabilities who are otherwise qualified for employment in this position. However, some requirements may exclude individuals who pose a direct threat or significant risk to the health and safety of themselves or other employees.*

*This job description does not constitute an employment agreement between the Employer and employee and is subject to change as the needs of the Employer and requirements of the job change.*

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**City of Port Orchard**

216 Prospect Street, Port Orchard, WA 98366  
(360) 876-4407 • FAX (360) 895-9029

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**Agenda Staff Report**

Agenda Item No.	<u>Business Item 7D</u>	Meeting Date:	<u>March 12, 2019</u>
Subject:	<u>Approval of Change Orders No. 14 through</u>	Prepared by:	<u>Mark Dorsey, P.E.</u>
	<u>18 to Contract No. 034-17 with Active</u>		<u>Public Works Director</u>
	<u>Construction, Inc. for the Tremont Street</u>	Atty Routing No:	<u>N/A</u>
	<u>Widening Project</u>	Atty Review Date:	<u>N/A</u>

**Summary:** On February 26, 2019, the Port Orchard City Council Authorized Change Orders No. 12 and 13 for Contract No. C037-17 with Active Construction, Inc., thereby bringing the current value of all change orders to date to a total of \$1,261,974.91, or 126.2% of the Contingency Value. Tonight’s action is for the approval of Change Order No. 14 (Additional Root Barrier) at \$46,012.71, Change Order No. 15 (Roland Driveway Revision) at \$22,545.11, Change Order No. 16, (Reestablishment of Traffic Loops) at \$73,244.42, Change Order No. 17 (Additional HMA for Driveways) at \$53.91 and Change Order No. 18 (Additional Storm Runoff Control) at \$80,000.00. Approval of these change orders brings the current value of all change orders to date to a total \$1,483,831.06, or 148.4% of the Contingency Value. The City’s CACM Team and the Contractor have updated the cost to complete value at \$1M over the Contingency value. The Public Works Department continues the search for supplemental funds.

**Relationship to Comprehensive Plan:** Project 1.1 – Chapter 8: Transportation.

**Recommendation:** Staff recommends that the City Council authorize the Mayor to execute Change Orders No. 14 through 18, with Active Construction, Inc. in an amount not to exceed \$221, 856.15.

**Motion for Consideration:** I move to authorize the Mayor to execute Change Orders No. 14 through 18, with Active Construction, Inc. in an amount not to exceed \$221, 856.15.

**Fiscal Impact:** Funding up to a \$1M Contingency Value provided within the approved 2017-2018 Budget for this Project. A budget amendment will be required.

**Alternatives:** None.

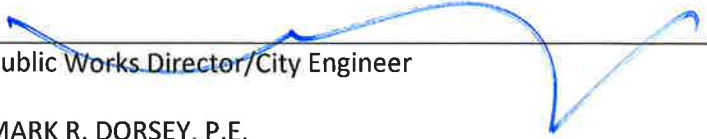
**Attachments:** Amended ACI Change Order No. 14 through 18.

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I have reviewed the Change Order information above and certify that to the best of my knowledge descriptions and costs are true and accurate.

\_\_\_\_\_  
Contractor Approval Signature

  
\_\_\_\_\_  
Public Works Director/City Engineer

\_\_\_\_\_  
Printed Name & Title

MARK R. DORSEY, P.E.

\_\_\_\_\_  
Printed Name

Change Orders that do not exceed 10%, with a maximum of \$50,000, of either legally authorized budget limit or contract amount established by City Council can be approved by the Public Works Director.

Approved: \_\_\_\_\_

Mayor

Change Orders that do not exceed 10%, with a maximum of \$100,000, of either legally authorized budget limit or contract amount established by City Council are to be approved by the Mayor.

Attest: \_\_\_\_\_

City Clerk

Change Orders over \$100,000 or exceed a total of 10% require Council Action.

\_\_\_\_\_  
Council Approval Date

# CHANGE ORDER



216 Prospect St.  
Port Orchard, WA 98366

**CONTRACTOR:**

Active Construction Inc.  
5110 River Rd. E  
Tacoma, WA 98443

**PROJECT:**

Tremont Street Widening  
SR 16 to Port Orchard Boulevard  
\_\_\_\_\_  
\_\_\_\_\_

Date: March 1, 2019  
Federal Aid: STPUS-6610(004)  
State Contract: N/A  
Contract: LA 5855  
Projects: \_\_\_\_\_  
Change Order: CO 14

Review  
 Documentation \_\_\_\_\_  
 Resident Engr. \_\_\_\_\_  
 Materials Appr Engr. \_\_\_\_\_  
 City Project Manager \_\_\_\_\_  
 WSDOT \_\_\_\_\_  
 Finance (>10%) \_\_\_\_\_

**RECAPITULATION**

ORIGINAL CONTRACT:	\$	12,779,179.17
PREVIOUS ADDITIONS:	\$	1,283,280.54
PREVIOUS DEDUCTIONS:	\$	(21,305.63)
PREVIOUS TOTAL:	\$	14,041,154.08
THIS CHANGE (ADD.):	\$	46,012.71
(DED.):	\$	0.00
ADJUSTED TOTAL:	\$	14,087,166.79

Sections 1-04.4 and 1-04.5 of the 2016 Standard Specifications shall govern the issuance of this Change Order. The work of this contract is herein modified to include the change detailed below. Additional quantities for existing and new items shall constitute the complete and final settlement for all costs of labor, material, equipment, overhead, profit, permit fees, damages (whether direct or indirect), and all other claims by the contractor as a result of this change.

**This Change adds Zero(0) working days to the contract duration.**

Your proposal and this acceptance shall constitute and become part of the contract, subject to all conditions contained therein, as modified by this Change Order.

Accepted on: \_\_\_\_\_  
Date

Approved by: \_\_\_\_\_  
Public Works Director/City Engineer  
City of Port Orchard  
Date 3/7/19

By: \_\_\_\_\_  
Active Construction Inc.

Acknowledged by: \_\_\_\_\_  
N/A  
Surety



# CITY OF PORT ORCHARD

## Authorization for Change Order No. 15

Date: <u>March 12, 2019</u> Project: <u>TREMONT STREET WIDENING</u> Contract / Job #: <u>C037-17</u>	Contractor: <u>ACTIVE CONSTRUCTION, INC.</u> <u>PO BOX 430</u> <u>PUYALLUP, WA 98371</u>
--	--

**THIS CHANGE ORDER AUTHORIZES THE ADDITIONAL WORK: ADDITIONAL QUANTITIES FOR DRIVEWAY REVISIONS AT ROLAND AVENUE, VALUE ESTMATED AT \$22,545.11**

Contract History					
	Amount	Sales Tax	Total	Date	Appvd by
Original Contract	\$12,779,179.17	Included	<b>\$12,779,179.17</b>	27-Jun-17	COUNCIL
Change Order 1	\$250,000.00	Included	<b>\$250,000.00</b>	24-Apr-18	COUNCIL
Change Order 1A	<b>-\$7,093.67</b>	Included	<b>-\$7,093.67</b>	08-May-18	COUNCIL
Change Order 2	\$150,000.00	Included	<b>\$150,000.00</b>	08-May-18	COUNCIL
<b>Change Order 2A</b>	<b>-\$21,305.63</b>	Included	<b>-\$21,305.63</b>	27-Nov-18	COUNCIL
Change Order 3	\$116,889.50	Included	<b>\$116,889.50</b>	26-Jun-18	COUNCIL
Change Order 3A	\$24,703.27	Included	<b>\$24,703.27</b>	25-Sep-18	COUNCIL
Change Order 4	\$18,309.41	Included	<b>\$18,309.41</b>	24-Jul-18	COUNCIL
Change Order 5	\$69,720.34	Included	<b>\$69,720.34</b>	24-Jul-18	COUNCIL
Change Order 6	\$75,179.29	Included	<b>\$75,179.29</b>	24-Jul-18	COUNCIL
Change Order 7	\$114,820.78	Included	<b>\$114,820.78</b>	11-Sep-18	COUNCIL
Change Order 8	\$40,753.56	Included	<b>\$40,753.56</b>	27-Nov-18	COUNCIL
Change Order 9	\$142,256.52	Included	<b>\$142,256.52</b>	27-Nov-18	COUNCIL
Change Order 10	\$138,477.60	Included	<b>\$138,477.60</b>	27-Nov-18	COUNCIL
Change Order 11	\$124,763.94	Included	<b>\$124,763.94</b>	27-Nov-18	COUNCIL
Change Order 12	\$0.00	Included	<b>\$0.00</b>	19-Jan-19	PWD
Change Order 13	\$24,500.00	Included	<b>\$24,500.00</b>	26-Feb-19	COUNCIL
Change Order 14	\$46,012.71	Included	<b>\$46,012.71</b>	12-Mar-19	COUNCIL
Change Order 15	\$22,545.11	Included	<b>\$22,545.11</b>	12-Mar-19	COUNCIL
<b>Total Contract</b>			<b>\$14,109,711.90</b>		

I have reviewed the Change Order information above and certify that to the best of my knowledge descriptions and costs are true and accurate.

\_\_\_\_\_  
Contractor Approval Signature

  
\_\_\_\_\_  
Public Works Director/City Engineer

\_\_\_\_\_  
Printed Name & Title

\_\_\_\_\_  
MARK R. DORSEY, P.E.  
\_\_\_\_\_  
Printed Name

Change Orders that do not exceed 10%, with a maximum of \$50,000, of either legally authorized budget limit or contract amount established by City Council can be approved by the Public Works Director.

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

Change Orders that do not exceed 10%, with a maximum of \$100,000, of either legally authorized budget limit or contract amount established by City Council are to be approved by the Mayor.

Attest: \_\_\_\_\_

\_\_\_\_\_  
City Clerk

Change Orders over \$100,000 or exceed a total of 10% require Council Action.

\_\_\_\_\_  
Council Approval Date

# CHANGE ORDER



216 Prospect St.  
Port Orchard, WA 98366

**CONTRACTOR:**

Active Construction Inc.  
5110 River Rd. E  
Tacoma, WA 98443

**PROJECT:**

Tremont Street Widening  
SR 16 to Port Orchard Boulevard

Date:	<u>March 1, 2019</u>	Review	_____
Federal Aid:	<u>STPUS-6610(004)</u>	<input checked="" type="checkbox"/> Documentation	_____
State Contract:	<u>N/A</u>	<input checked="" type="checkbox"/> Resident Eng.	_____
Contract:	<u>LA 5855</u>	<input checked="" type="checkbox"/> Materials Appr Eng.	_____
Projects:	_____	<input checked="" type="checkbox"/> City Project Manager	_____
Change Order:	<u>CO 15</u>	<input type="checkbox"/> Finance (>10%)	_____

RECAPITULATION	
ORIGINAL CONTRACT:	\$ <u>12,779,179.17</u>
PREVIOUS ADDITIONS:	\$ <u>1,329,293.25</u>
PREVIOUS DEDUCTIONS:	\$ <u>(21,305.63)</u>
PREVIOUS TOTAL:	\$ <u>14,087,166.79</u>
THIS CHANGE (ADD.):	\$ <u>22,545.11</u>
(DED.):	\$ <u>0.00</u>
ADJUSTED TOTAL:	\$ <u>14,109,711.90</u>

Sections 1-04.4 and 1-04.5 of the 2016 Standard Specifications shall govern the issuance of this Change Order. The work of this contract is herein modified to include the change detailed below. Additional quantities for existing and new items shall constitute the complete and final settlement for all costs of labor, material, equipment, overhead, profit, permit fees, damages (whether direct or indirect), and all other claims by the contractor as a result of this change.

**The time for completion is not changed by this Change Order;  
zero working days are hereby added to the contract.**

Your proposal and this acceptance shall constitute and become part of the contract,  
subject to all conditions contained therein, as modified by this Change Order.

Accepted on: \_\_\_\_\_  
Date

Approved by: \_\_\_\_\_  
Public Works Director/City Engineer  
City of Port Orchard

3/7/19

Date

By: \_\_\_\_\_  
Active Construction Inc.

Acknowledged by: \_\_\_\_\_  
Surety

Surety Seal Not Applicable



I have reviewed the Change Order information above and certify that to the best of my knowledge descriptions and costs are true and accurate.

\_\_\_\_\_  
Contractor Approval Signature

  
\_\_\_\_\_  
Public Works Director/City Engineer

\_\_\_\_\_  
Printed Name & Title

MARK R. DORSEY, P.E.  
\_\_\_\_\_  
Printed Name

Change Orders that do not exceed 10%, with a maximum of \$50,000, of either legally authorized budget limit or contract amount established by City Council can be approved by the Public Works Director.

Approved: \_\_\_\_\_

Mayor

Change Orders that do not exceed 10%, with a maximum of \$100,000, of either legally authorized budget limit or contract amount established by City Council are to be approved by the Mayor.

Attest: \_\_\_\_\_

City Clerk

Change Orders over \$100,000 or exceed a total of 10% require Council Action.

\_\_\_\_\_  
Council Approval Date

# CHANGE ORDER



216 Prospect St.  
Port Orchard, WA 98366

**CONTRACTOR:**

Active Construction Inc.  
5110 River Rd. E  
Tacoma, WA 98443

**PROJECT:**

Tremont Street Widening  
SR 16 to Port Orchard Boulevard

Date: March 1, 2019  
Federal Aid: STPUS-6610(004)  
State Contract: N/A  
Contract: LA 5855  
Projects: \_\_\_\_\_  
Change Order: CO 16

Review  
 Documentation \_\_\_\_\_  
 Resident Engr. \_\_\_\_\_  
 Materials Appr Engr. \_\_\_\_\_  
 City Project Manager \_\_\_\_\_  
 Finance (>10%) \_\_\_\_\_

**RECAPITULATION**

ORIGINAL CONTRACT:	\$	12,779,179.17
PREVIOUS ADDITIONS:	\$	1,351,838.36
PREVIOUS DEDUCTIONS:	\$	(21,305.63)
PREVIOUS TOTAL:	\$	14,109,711.90
THIS CHANGE (ADD.):	\$	73,244.42
(DED.):	\$	0.00
<b>ADJUSTED TOTAL:</b>	<b>\$</b>	<b>14,182,956.32</b>

Sections 1-04.4 and 1-04.5 of the 2016 Standard Specifications shall govern the issuance of this Change Order. The work of this contract is herein modified to include the change detailed below. Additional quantities for existing and new items shall constitute the complete and final settlement for all costs of labor, material, equipment, overhead, profit, permit fees, damages (whether direct or indirect), and all other claims by the contractor as a result of this change.

**The time for completion *is not* changed by this Change Order;  
zero working days are hereby added to the contract.**

Your proposal and this acceptance shall constitute and become part of the contract, subject to all conditions contained therein, as modified by this Change Order.

Accepted on: \_\_\_\_\_  
Date

Approved by: \_\_\_\_\_  
Public Works Director/City Engineer  
City of Port Orchard  
Date 3/1/19

By: \_\_\_\_\_  
Active Construction Inc.

Acknowledged by: \_\_\_\_\_  
Surety

*Surety Seal Not Applicable*

# CITY OF PORT ORCHARD

## Authorization for Change Order No. 17

<b>Date:</b> <u>March 12, 2019</u>	<b>Contractor:</b> <u>ACTIVE CONSTRUCTION, INC.</u>
<b>Project:</b> <u>TREMONT STREET WIDENING</u>	<u>PO BOX 430</u>
<b>Contract / Job #</b> <u>C037-17</u>	<u>PUYALLUP, WA 98371</u>

**THIS CHANGE ORDER AUTHORIZES THE ADDITIONAL WORK: ADDITIONAL QUANTITIES FOR HMA REVISIONS TO DRIVEWAY APPROACHES, VALUE ESTMATED AT \$53.91.**

Contract History					
	Amount	Sales Tax	Total	Date	Appvd by
<b>Original Contract</b>	\$12,779,179.17	Included	<b>\$12,779,179.17</b>	27-Jun-17	COUNCIL
<b>Change Order 1</b>	\$250,000.00	Included	<b>\$250,000.00</b>	24-Apr-18	COUNCIL
<b>Change Order 1A</b>	<b>-\$7,093.67</b>	Included	<b>-\$7,093.67</b>	08-May-18	COUNCIL
<b>Change Order 2</b>	\$150,000.00	Included	<b>\$150,000.00</b>	08-May-18	COUNCIL
<b>Change Order 2A</b>	<b>-\$21,305.63</b>	Included	<b>-\$21,305.63</b>	27-Nov-18	COUNCIL
<b>Change Order 3</b>	\$116,889.50	Included	<b>\$116,889.50</b>	26-Jun-18	COUNCIL
<b>Change Order 3A</b>	\$24,703.27	Included	<b>\$24,703.27</b>	25-Sep-18	COUNCIL
<b>Change Order 4</b>	\$18,309.41	Included	<b>\$18,309.41</b>	24-Jul-18	COUNCIL
<b>Change Order 5</b>	\$69,720.34	Included	<b>\$69,720.34</b>	24-Jul-18	COUNCIL
<b>Change Order 6</b>	\$75,179.29	Included	<b>\$75,179.29</b>	24-Jul-18	COUNCIL
<b>Change Order 7</b>	\$114,820.78	Included	<b>\$114,820.78</b>	11-Sep-18	COUNCIL
<b>Change Order 8</b>	\$40,753.56	Included	<b>\$40,753.56</b>	27-Nov-18	COUNCIL
<b>Change Order 9</b>	\$142,256.52	Included	<b>\$142,256.52</b>	27-Nov-18	COUNCIL
<b>Change Order 10</b>	\$138,477.60	Included	<b>\$138,477.60</b>	27-Nov-18	COUNCIL
<b>Change Order 11</b>	\$124,763.94	Included	<b>\$124,763.94</b>	27-Nov-18	COUNCIL
<b>Change Order 12</b>	\$0.00	Included	<b>\$0.00</b>	19-Jan-19	PWD
<b>Change Order 13</b>	\$24,500.00	Included	<b>\$24,500.00</b>	26-Feb-19	COUNCIL
<b>Change Order 14</b>	\$46,012.71	Included	<b>\$46,012.71</b>	12-Mar-19	COUNCIL
<b>Change Order 15</b>	\$22,545.11	Included	<b>\$22,545.11</b>	12-Mar-19	COUNCIL
<b>Change Order 16</b>	\$73,244.42	Included	<b>\$73,244.42</b>	12-Mar-19	COUNCIL
<b>Change Order 17</b>	\$53.91	Included	<b>\$53.91</b>	12-Mar-19	COUNCIL
<b>Total Contract</b>			<b>\$14,183,010.23</b>		

I have reviewed the Change Order information above and certify that to the best of my knowledge descriptions and costs are true and accurate.

\_\_\_\_\_  
Contractor Approval Signature

  
\_\_\_\_\_  
Public Works Director/City Engineer

\_\_\_\_\_  
Printed Name & Title

MARK R. DORSEY, P.E.

\_\_\_\_\_  
Printed Name

Change Orders that do not exceed 10%, with a maximum of \$50,000, of either legally authorized budget limit or contract amount established by City Council can be approved by the Public Works Director.

Approved:

\_\_\_\_\_  
Mayor

Change Orders that do not exceed 10%, with a maximum of \$100,000, of either legally authorized budget limit or contract amount established by City Council are to be approved by the Mayor.

Attest:

\_\_\_\_\_  
City Clerk

Change Orders over \$100,000 or exceed a total of 10% require Council Action.

\_\_\_\_\_  
Council Approval Date





# CITY OF PORT ORCHARD

## Authorization for Change Order No. 18

Date: March 12, 2019 Contractor: ACTIVE CONSTRUCTION, INC.  
 Project: TREMONT STREET WIDENING PO BOX 430  
 Contract / Job # C037-17 PUYALLUP, WA 98371

THIS CHANGE ORDER AUTHORIZES THE ADDITIONAL WORK: ADDITIONAL QUANTITIES FOR STORM WATER RUNOFF CONTROL REVISIONS, VALUE ESTIMATED AT \$80,000.00.

Contract History					
	Amount	Sales Tax	Total	Date	Appvd by
Original Contract	\$12,779,179.17	Included	\$12,779,179.17	27-Jun-17	COUNCIL
Change Order 1	\$250,000.00	Included	\$250,000.00	24-Apr-18	COUNCIL
Change Order 1A	-\$7,093.67	Included	-\$7,093.67	08-May-18	COUNCIL
Change Order 2	\$150,000.00	Included	\$150,000.00	08-May-18	COUNCIL
Change Order 2A	-\$21,305.63	Included	-\$21,305.63	27-Nov-18	COUNCIL
Change Order 3	\$116,889.50	Included	\$116,889.50	26-Jun-18	COUNCIL
Change Order 3A	\$24,703.27	Included	\$24,703.27	25-Sep-18	COUNCIL
Change Order 4	\$18,309.41	Included	\$18,309.41	24-Jul-18	COUNCIL
Change Order 5	\$69,720.34	Included	\$69,720.34	24-Jul-18	COUNCIL
Change Order 6	\$75,179.29	Included	\$75,179.29	24-Jul-18	COUNCIL
Change Order 7	\$114,820.78	Included	\$114,820.78	11-Sep-18	COUNCIL
Change Order 8	\$40,753.56	Included	\$40,753.56	27-Nov-18	COUNCIL
Change Order 9	\$142,256.52	Included	\$142,256.52	27-Nov-18	COUNCIL
Change Order 10	\$138,477.60	Included	\$138,477.60	27-Nov-18	COUNCIL
Change Order 11	\$124,763.94	Included	\$124,763.94	27-Nov-18	COUNCIL
Change Order 12	\$0.00	Included	\$0.00	19-Jan-19	PWD
Change Order 13	\$24,500.00	Included	\$24,500.00	26-Feb-19	COUNCIL
Change Order 14	\$46,012.71	Included	\$46,012.71	12-Mar-19	COUNCIL
Change Order 15	\$22,545.11	Included	\$22,545.11	12-Mar-19	COUNCIL
Change Order 16	\$73,244.42	Included	\$73,244.42	12-Mar-19	COUNCIL
Change Order 17	\$53.91	Included	\$53.91	12-Mar-19	COUNCIL
Change Order 18	\$80,000.00	Included	\$80,000.00	12-Mar-19	COUNCIL
<b>Total Contract</b>			<b>\$14,263,010.23</b>		

I have reviewed the Change Order information above and certify that to the best of my knowledge descriptions and costs are true and accurate.

\_\_\_\_\_  
Contractor Approval Signature

  
\_\_\_\_\_  
Public Works Director/City Engineer

\_\_\_\_\_  
Printed Name & Title

MARK R. DORSEY, P.E.

\_\_\_\_\_  
Printed Name

Change Orders that do not exceed 10%, with a maximum of \$50,000, of either legally authorized budget limit or contract amount established by City Council can be approved by the Public Works Director.

Approved: \_\_\_\_\_

Mayor

Change Orders that do not exceed 10%, with a maximum of \$100,000, of either legally authorized budget limit or contract amount established by City Council are to be approved by the Mayor.

Attest: \_\_\_\_\_

City Clerk

Change Orders over \$100,000 or exceed a total of 10% require Council Action.

\_\_\_\_\_  
Council Approval Date

# CHANGE ORDER



216 Prospect St.  
Port Orchard, WA 98366

**CONTRACTOR:**

Active Construction Inc.  
5110 River Rd. E  
Tacoma, WA 98443

**PROJECT:**

Tremont Street Widening  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: March 1, 2019  
Federal Aid: STPUS-6610(004)  
State Contract: N/A  
Contract: LA 5855  
Projects: \_\_\_\_\_  
Change Order: 18

Review  
 Documentation \_\_\_\_\_  
 Resident Engr. \_\_\_\_\_  
 Materials Appr Engr. \_\_\_\_\_  
 City Project Manager \_\_\_\_\_  
 Finance (>10%) \_\_\_\_\_

### RECAPITULATION

ORIGINAL CONTRACT:	\$ <u>12,779,179.17</u>
PREVIOUS ADDITIONS:	\$ <u>1,425,136.69</u>
PREVIOUS DEDUCTIONS:	\$ <u>(21,305.63)</u>
PREVIOUS TOTAL:	\$ <u>14,183,010.23</u>
THIS CHANGE (ADD.):	\$ <u>80,000.00</u>
(DED.):	\$ <u>0.00</u>
ADJUSTED TOTAL:	\$ <u>14,263,010.23</u>

Sections 1-04.4 and 1-04.5 of the 2016 Standard Specifications shall govern the issuance of this Change Order. The work of this contract is herein modified to include the change detailed below. Additional quantities for existing and new items shall constitute the complete and final settlement for all costs of labor, material, equipment, overhead, profit, permit fees, damages (whether direct or indirect), and all other claims by the contractor as a result of this change.

**The time for completion is not changed by this Change Order;  
zero working days are hereby added to the contract.**

Your proposal and this acceptance shall constitute and become part of the contract, subject to all conditions contained therein, as modified by this Change Order.

Accepted on: \_\_\_\_\_  
Date

Approved by: \_\_\_\_\_  
Public Works Director/City Engineer  
City of Port Orchard  
Date 3/7/19

By: \_\_\_\_\_  
Active Construction Inc.

Acknowledged by: \_\_\_\_\_  
Surety

*Surety Seal if Applicable*

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**City of Port Orchard  
Council Meeting Minutes  
Regular Meeting of February 26, 2019**

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**1. CALL TO ORDER AND ROLL CALL**

Mayor Putaansuu called the meeting to order at 6:30 p.m.

Roll call was taken by the City Clerk as follows:

Mayor Pro-Tem Ashby	Present
Councilmember Chang	Present
Councilmember Clauson	Absent
Councilmember Cucciardi	Present
Councilmember Diener	Present
Councilmember Lucarelli	Present
Councilmember Rosapepe	Present
Mayor Putaansuu	Present

Staff present: Public Works Director Dorsey, Finance Director Crocker, Development Director Bond, City Attorney Cates, City Clerk Rinearson, and Deputy City Clerk Floyd.

**A. PLEDGE OF ALLEGIANCE**

**Mayor Putaansuu** led the audience and Council in the Pledge of Allegiance.

**2. APPROVAL OF AGENDA**

**MOTION:** By Councilmember Cucciardi, seconded by Councilmember Diener, to excuse Councilmember John Clauson for business reasons to tonight's meeting.

**The motion carried.**

**MOTION:** By Councilmember Ashby, seconded by Councilmember Rosapepe, to approve the agenda as amended.

**The motion carried.**

**3. CITIZENS COMMENTS**

**Melissa Pittenger** thanked public works for their work during the snow event.

**4. CONSENT AGENDA**

**A.** Approval of Check Nos. 76203 through 76265 totaling \$560,599.71; and Bi-Weekly Payroll including Check Nos. 148133 through 148145 totaling \$483,174.68.



**B. New Item: Excusal of Councilmember Clauson Due to Business Reasons**

**MOTION:** By Councilmember Lucarelli, seconded by Councilmember Diener, to accept the consent agenda as amended.

**The motion carried.**

At 6:32 p.m., Mayor Putaansuu recessed the meeting for a 10-minute executive session to discuss a potential litigation matter pursuant to RCW 42.30.110.(1)(i). City Attorney Cates, Development Director Bond, and Finance Director Crocker were invited to attend.

At 6:42 p.m., Mayor Putaansuu extended the executive session an additional 5 minutes.

At 6:47 p.m., Mayor Putaansuu extended the executive session an additional 5 minutes.

At 6:52 p.m., Mayor Putaansuu reconvened Council back into regular session.

Collective Bargaining Session held pursuant to RCW 42.30.140.

**5. PRESENTATION**

**A. Ready! for Kindergarten**

Melissa Pittenger gave a presentation about Ready! for Kindergarten.

**B. South Kitsap Community Event Center**

Steve Sego discussed the proposed South Kitsap Community Event Center and showed 3 brief 'Imagine Port Orchard' videos. He also invited Council to the March 11<sup>th</sup> presentation of the Event Center to the Public Facilities District.

**6. PUBLIC HEARING**

There were no public hearings.

**7. BUSINESS ITEMS**

**A. Adoption of an Ordinance Approving the Collective Bargaining Agreement with Teamsters for Public Works**

**MOTION:** By Councilmember Cucciardi, seconded by Councilmember Diener, to adopt an ordinance ratifying the terms of the Collective Bargaining Agreement with the Teamsters Local 589 representing the Public Works Employees' bargaining unit and authorizing the Mayor to execute the same.

**The motion carried.  
(Ordinance No. 009-19)**

**B. Adoption of an Ordinance Approving Certain Employee Benefits for Non-Union Represented Employees Classified as FLSA Non-Exempt and Executive Exempt**

**MOTION:** By Councilmember Cucciardi, seconded by Councilmember Diener, to adopt an ordinance, establishing certain employee benefits for non-union represented employees classified as FLSA Non-Exempt and Executive Exempt.

**The motion carried.  
(Ordinance No. 010-19)**

**C. Adoption of an Ordinance, Thereby Causing New Chapter 12.36, New Sections 13.04 and 13.06, Adopting the 2019 Public Works Engineering Standards and Specifications (PWESS) and Repealing Resolution No. 006-14**

**MOTION:** By Councilmember Lucarelli, seconded by Councilmember Chang, to adopt Ordinance No. 006-19 amending the Port Orchard Municipal Code by creating new Chapter 12.34 and new Sections 13.04.300 and 13.06.300; adopting the 2019 Public Works Engineering Standards and Specifications; and repealing Resolution No. 006-14, with final form approved by the City Attorney.

**The motion carried.  
(Ordinance No. 006-19)**

**D. Adoption of a Resolution Adopting a Reimbursement of Equipment Expenditures Paid Prior to Financing**

**MOTION:** By Councilmember Ashby, seconded by Councilmember Cucciardi, to adopt a resolution approving the reimbursement to the City of equipment expenditures paid by the City prior to the financing of such expenditures.

**The motion carried.  
(Resolution No. 007-19)**

**E. Approval of Change Order No. 13 to Contract No. 037-17 with Active Construction Inc, for the Tremont Street Widening Project**

**MOTION:** By Councilmember Diener, seconded by Councilmember Lucarelli, to authorize the Mayor to execute Change Order No. 13 with Active Construction, Inc. in an amount not to exceed \$24,500.

**The motion carried.**

## **F. Approval of the 2019 Comprehensive Plan Amendment Agenda - Docket**

**MOTION:** By Councilmember Chang, seconded by Councilmember Diener, to approve the 2019 Comprehensive Plan amendment agenda pursuant to POMC 20.04.060, as presented.

**The motion carried.**

## **8. DISCUSSION ITEMS (No Action to be Taken)**

### **A. After Hours Use of City Hall**

Mayor Putaansuu said Councilmember Chang opened City Hall as a warming shelter over the weekend during the snow storm. The City's insurance company was notified, and they voiced liability concerns. Their recommendation to the City is to develop policies and procedures if they wish to continue this practice. City staff should also receive training and pay for this specific use of the facility. Our current code and Resolution do not address this.

Additionally, the after hour fees for facility use should be adjusted. Currently, the staff after hours charge is \$35 per hour, and it really should be about \$100. The City Clerk recommends \$75.

Councilmember Chang explained why he opened City Hall as a warming shelter. He asked Council to consider adding use of hallways into the Facility Use Resolution to be used as a warming shelter.

Council and Mayor continued the conversation of facility use and fees and agreed to revise the staff after hours charge to \$100 per hour and bring forward for approval in the next month.

## **9. REPORTS OF COUNCIL COMMITTEES**

Mayor Putaansuu reported the Finance Committee is scheduled to meet March 26<sup>th</sup>. The Economic Development and Tourism Committee is scheduled to meet March 11<sup>th</sup>. The Utilities Committee is scheduled to meet tomorrow [February 27<sup>th</sup>].

Councilmember Lucarelli reported the Sewer Advisory Committee is scheduled to meet April 17<sup>th</sup>. The Festival of Chimes and Lights Committee is scheduled to meet tomorrow [February 27<sup>th</sup>].

Councilmember Diener reported on the [February 25<sup>th</sup>] Land Use Committee meeting. The next meeting is scheduled for March 25<sup>th</sup>.

Councilmember Rosapepe reported the Lodging Tax Advisory Committee is scheduled to meet next Wednesday [March 6<sup>th</sup>].

Councilmember Ashby reported KRCC [Kitsap Regional Coordinating Council] meets next Tuesday and briefly mentioned the TransPOL meeting.

## **10. REPORT OF MAYOR**

The Mayor reported the following:

- Regional Maritime magazine cover;
- Well City award;
- Community Service Day scheduled for April 27<sup>th</sup>;
- 2020 application process for funding at KRCC; and
- Meeting with Senator Randall in Olympia.

## **11. REPORT OF DEPARTMENT HEADS**

Public Works Director Dorsey reported on PSRC RPAC [Puget Sound Regional Council Regional Project Evaluation Committee] funding.

Community Development Director Bond said West Sound Utility District withdrew their SEPA decision; reported on last Thursday's Vision 2040 meeting; and noted PSRC is hosting a Vision 2050 open house on March 19<sup>th</sup>.

City Clerk Rinearson reported on audio issues during Council meetings.

## **12. CITIZEN COMMENTS**

There were no citizen comments.

## **13. ADJOURNMENT**

The meeting adjourned at 8:42 p.m. No other action was taken. Audio/Visual was successful.

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Brandy Rinearson, MMC, City Clerk

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Robert Putaansuu, Mayor