

**TITLE 20 POMC**  
**PROPOSED “HOUSEKEEPING” CORRECTIONS – 2020**  
 SHOWN AS **RED STRIKEOUT/UNDERLINE**, PER SECTION EXCERPT  
 Explanations for changes are listed in *italic blue* before each change  
 Planning Commission Meeting: October 6, 2020

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 1. *This code section indicated that Comprehensive Plan amendment applications could be submitted until 5:00 pm on January 31; however, City offices close at 4:30 pm. This section has been changed to 4:00 pm to allow sufficient time for submittal review, payment and receipt prior to 4:30 pm.*

20.04.060 Agenda process.

(2) All comprehensive plan amendment applications must be completed and submitted to the planning department by ~~5:00~~ 4:00 p.m. on January 31st of any year in order to be considered during that year’s amendment process. Completed applications that are received after the submission date will be placed on the comprehensive plan amendment agenda for the following calendar year. Applications that are incomplete will be returned to the applicant.

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 2. *Sign variance permits were incorrectly classified as a Type I permit instead of Type II. Master Sign Plan was left out of the Type I permits. The sign code no longer has a Comprehensive Sign Design Plan permit.*

Table 20.22.020 – Permit Review Type Classifications

Type I	Type II	Type III	Type IV	Type V
Director Decision Judicial Appeal	Director Decision HE Appeal	HE Decision Judicial Appeal	City Council Decision Judicial Appeal	City Council Decision Decision GMHB Appeal
<del>Sign Variance</del> (Chapter <del>20.132</del> POMC)  <u>Master Sign Plan</u>	<u>Sign Variance</u> (Chapter 20.132 POMC)	<del>Comprehensive Sign</del> <del>Design Plan Permit</del>		

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3. Clarifies in Section 20.22.070(2)(a) that the City's Hearing Examiner, and not the Planning Commission, shall hold public hearings on development agreements.

(2) Public Hearing.

(a) The planning commission shall hold a public hearing and make recommendations to the city council on Type V actions, except that the planning commission shall not hold public hearings on development agreements. The hearing examiner shall hold a public hearing on a development agreement and make a recommendation to the city council. A notice for the public hearing shall be provided pursuant to POMC 20.25.050.

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4. Clarifies in Section 20.24.110(2) who is entitled to receive a Notice of Decision on a project application. Requests must be submitted in writing.

20.24.110 Notice of decision.

(2) Persons Entitled to Receive Notice of Decision. A notice of decision, or the written findings of fact and conclusions, shall be provided to the applicant, to any person who submitted written comments on the application (other than a signed petition), to any person who testified at the hearing or any person who requested in writing a copy of the decision, and to the Kitsap County assessor.

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5. Clarifies in Section 20.25.050(1)(a) who is entitled to receive a Notice of Hearing for a project application, to be consistent with code requirements in 20.24.110(2) for receiving the Notice of Decision – see #4 above.

20.25.050 Notice of public hearing.

(1) Mailed Notice of Public Hearing. The city shall use the records of the Kitsap County assessor's office as the official records for determining ownership of property. The director shall mail notice of the public hearing as follows:

(a) At least 14 calendar days before the hearing date, notice shall be mailed to:

- (i) The applicant and all owners or contract purchasers of record of the property that is the subject of the application;
- (ii) All property owners of record within 300 feet of the site;
- (iii) Affected governmental agencies as determined by the city;
- (iv) Any neighborhood or community organization whose boundaries include the property proposed for development, and which has requested notice;
- (v) Any person who submitted written comments on the application (other than a signed petition);

- (vi) Any person who submits a written request to receive notice; and
- (vii) For appeals, the appellant and all persons who provided testimony in the original decision.

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*6. Changes the title of Chapter 20.37 to “Public and Community Space Districts”, for consistency with the Comprehensive Plan map and to better reflect the land uses under this designation.*

Chapter 20.37

Public and Community Space ~~Civic and Open Space~~ Districts

Sections:

- 20.37.010 Civic and institutional (CI).
- 20.37.020 Parks and recreation (PR).
- 20.37.030 Public facilities (PF).

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*7. Remove “by building type” from lot size requirements in sections 20.37.010(3)(a) and 20.37.030(3)(a). This term was included in error.*

Chapter 20.37.010 Civic and institutional (CI).

(3) Lot Dimensions.

- (a) Minimum lot size ~~by building type~~: 7,000 square feet.
- (b) Minimum lot width: 70 feet.

Chapter 20.37.030 Public facilities (PF).

(3) Lot Dimensions.

- (a) Minimum lot size ~~by building type~~: 7,000 square feet.
- (b) Minimum lot width: 70 feet.

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*8. Adds language to prevent outside storage and other undesirable, unforeseen uses and activities from being accessory uses in the Downtown Mixed Use (DMU) zone in the “business services” category, due to lack of specificity in the code.*

20.39.380 Business services.

(1) Defined. A facility providing ~~other~~ professional office and commercial retail 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. This use excludes maintenance, repair, and service uses that are industrial in nature or that include outdoor storage of equipment or supplies. Examples include but are not limited to: Uses that include maintenance, repair and service such as copiers or computers are allowed. Uses that include

maintenance, repair and service related to plumbing, landscaping, commercial kitchens or other industrial type uses are not allowed.

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9. *Corrects numbering and removes a redundant section (appeals are addressed in POMC 20.54.140).*

POMC 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.~~050-060~~);
  - (b) Determination of consistency (POMC 20.24.~~090-100~~); ~~and~~
  - (c) Notice of decision by director (POMC 20.24.~~100-110~~); ~~and~~
  - ~~(d) Administrative appeal, if any (open record hearing, POMC 20.22.040).~~

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10. *Incorporates Director's Interpretation LU20-01 Subdivision Design – Street Length (dated June 3, 2020) into code, per POMC 20.10.040(5)(b). This interpretation provides the intent for how the block length exceptions in POMC 20.100.060(2) are granted, and allows each of the exceptions to be utilized independently of the others.*

20.100.60 Street length.

(2) Where significant topographic features, or critical areas features, are present and will be retained on parcels of one-half acre or larger in size that are proposed for development, if one of the three options provided below are implemented within each block that exceeds 800 feet in face length or 2,400 feet in perimeter length, the street length standards in this section shall be considered met: ~~The length of a block or street segment may exceed the maximum length stated in subsection (1) of this section under the following conditions:~~

- (a) Blocks containing retention or detention ponds;
- (b) Blocks containing parks; or
- (c) Development where the proposed development abuts the rear of an existing development and no rights-of-way have been provided.

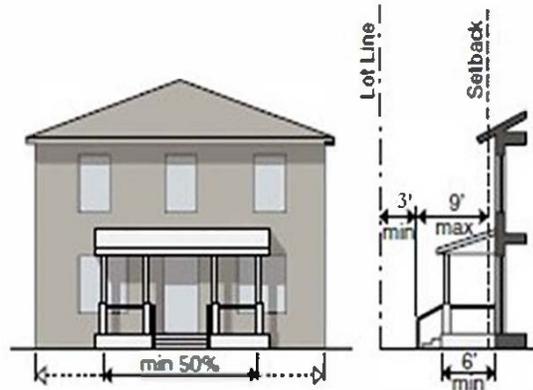
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11. *Corrects the first graphic illustration for section 20.122.060 – porches can be within 3 feet of a lot line, not 2 feet, per 20.122.060(4).*

Existing graphic:



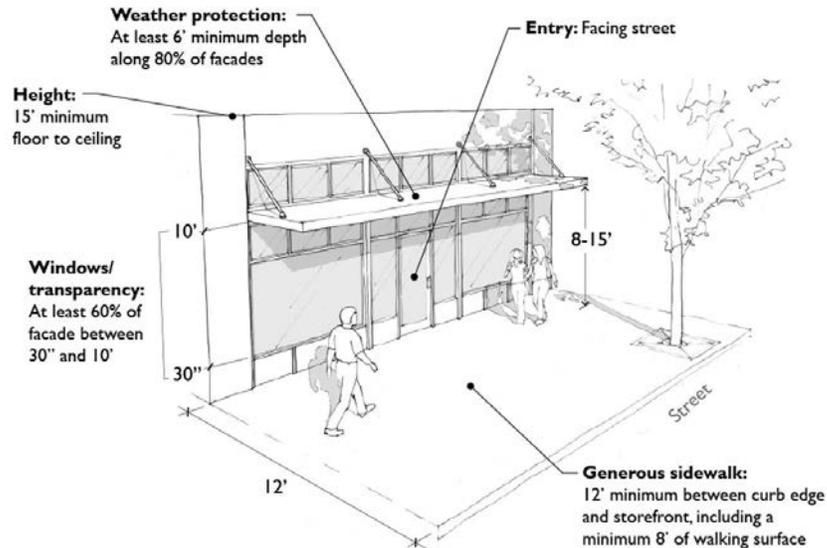
Corrected graphic:



12. In Section 20.127.150, Storefront 20.127.150(2) have been corrected types for minimum height require

50(1) and Table should refer to building

Original Figure:



Revised Figure:

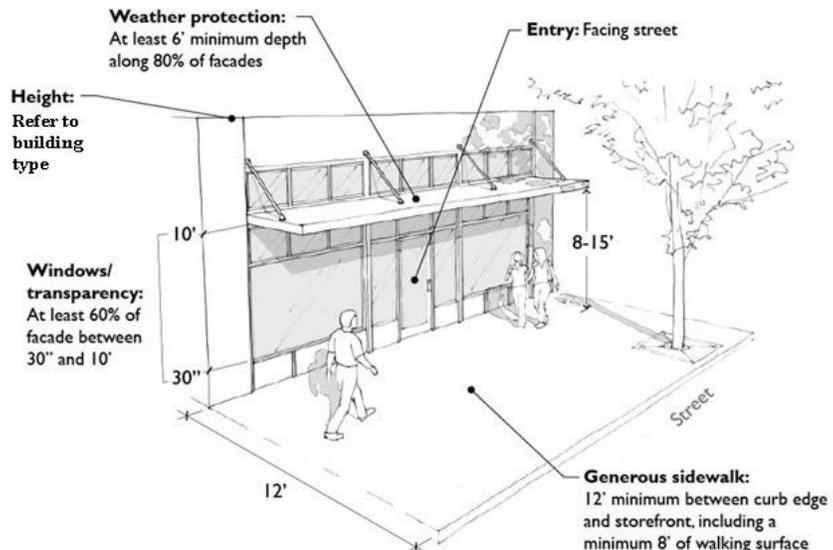


Table 20.127.150(2)  
Storefront Block Frontage Standards

Element	Standards	Examples and Notes
Floor to ceiling height	<del>15-foot minimum</del> <u>Refer to building type</u> (applies to new buildings only).	

*13. Removes “to which the sign applies” from a subsection of Section 20.124.340 – Vehicular Circulation and Parking. This was an erroneous insertion from another code section.*

20.124.340(4) Internal Roadway Design.

(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.~~

*14. Removes requirement in Chapter 20.139 – Residential Design Standards that residential buildings with pitched roofs must have a minimum roof slope. This requirement inadvertently prohibits modern architectural designs with low-pitched roofs; it was a holdover from residential design requirements in the previous zoning code that were intended to prohibit single-wide mobile homes with flat/low pitch roofs.*

20.139.045 Roof design.

(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.
- (d) 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.

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*15. Revises the SEPA notice requirements for non-project actions that do not require a permit approval, such as citywide zoning designation changes, updates to development regulations, etc, where a specific site cannot be identified and posted. The City can meet its SEPA notice requirements for non-project/non-permit actions through alternative methods as provided in WAC 197-11-510, including newspaper publication, and mailing or emailing the notice to any person, group or agency who has requested notice.*

20.160.190 Public notice.

(1) Whenever the city issues a DNS under WAC 197-11-340(2) or a DS under WAC 197-11-360(3), the city shall give public notice as follows:

- (a) If public notice is required for a nonexempt license, the notice shall state whether a DS or DNS has been issued and when comments are due;
- (b) If no public notice is required for the permit or approval, the city shall give notice of the DNS or DS in accordance with the requirements of Chapter 20.25 POMC, except that for non-project actions as defined in WAC 197-11-774, the city shall give notice of the DNS or DS in accordance with the requirements of WAC 197-11-510(1)(b) and (g).

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*16. Removes stream buffer width language from the Development Standards table in the City's Critical Areas regulations. This buffer width language was inadvertently left in from the previous version of the Critical Areas Ordinance, and is inconsistent with current stream buffer requirements.*

20.162.072 Development Standards.

**Table 5**

<b>CATEGORY</b>	<b>BUFFER WIDTH STANDARD</b>	<b>MINIMUM BUILDING SETBACK</b>	<b>OTHER DEVELOPMENT STANDARDS</b>
<b>Streams</b>			
Water Type			For minor new development the department may reduce the buffer width by up to 25 percent through an administrative buffer reduction process when review with the Washington State Department of Fish and Wildlife determines that conditions are sufficient to protect the affected habitat. The buffer shall not be less than 25 feet. Where applicable, refer to the development standards in this chapter. Where such features occur on a site, the more restrictive buffer or building setback will apply.
F	150 feet	15 feet beyond buffer	
Np	50 feet	15 feet beyond buffer	
Ns	50 feet	15 feet beyond buffer	
<del>*The buffer width for all major new development shall be 100 feet, with a 15-foot minimum building setback.</del>			
<b>Lakes – Less Than 20 Acres (Non-Type 1 Waters of the State)</b>			
Zoning Designation			Where applicable, refer to the development standards in this chapter. Where such features occur on a site, the more restrictive buffer or building setback will apply.
Community Facilities	None	50 feet	
Commercial, Mixed Use	None	50 feet	
Employment	None	50 feet	
Greenbelt, Residential	None	35 feet	
<b>Wildlife Habitat Conservation Areas</b>			
Class I	Buffer widths and setbacks will be determined through mandatory habitat plan.		
Class II	Site-specific conditions will determine the need for the preparation of a habitat plan for buffer widths and setbacks.		