

ORDINANCE NO. __ -20

AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, ADOPTING MINOR REVISIONS AND CORRECTIONS TO TITLE 20 OF THE PORT ORCHARD MUNICIPAL CODE; PROVIDING FOR SEVERABILITY AND CORRECTIONS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on June 13, 2017, the Port Orchard City Council adopted ordinance 019-17 establishing a new unified development code (Title 20 POMC); and

WHEREAS, since the adoption of ordinance 019-17, on an annual basis the City has docketed, considered and adopted amendments to Title 20, to correct minor errors and internal conflicts and to clarify development regulations, pursuant to Chapter 20.06.020(7); and

WHEREAS, the City may adopt amendments to the City's development regulations pursuant to RCW 36.70A.106; and

WHEREAS, on September 21, 2020, the City submitted to the Department of Commerce a request for expedited review of the proposed minor revisions and corrections to Title 20, pursuant to RCW 36.70A.106(3)(b); and

WHEREAS, on September 25, 2020, the City's SEPA official issued a determination of non-significance for the proposed adoption of minor revisions and corrections to Title 20, and there have been no appeals; and

WHEREAS, on October 5, 2020, the City Council's Land Use committee reviewed the proposed minor revisions and corrections to Title 20, and directed staff to bring an ordinance to the full Council for review on October **, 2020; and

WHEREAS, on October 6, 2020, the Planning Commission held a duly-noticed public hearing on the proposed adoption of minor revisions and corrections to Title 20, and **public testimony was received**, and the Planning Commission recommended approval of the proposed adoption; and

WHEREAS, the City Council, after careful consideration of the recommendation from the Planning Commission, all public comment, and the Ordinance, finds that this Ordinance is consistent with the City's Comprehensive Plan and development regulations, the Growth Management Act, Chapter 36.70A RCW, and that the amendments herein are in the best

interests of the residents of the City and further advance the public health, safety and welfare; **NOW, THEREFORE,**

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

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

SECTION 2. Section 20.04.060 is revised to read as follows:

20.04.060 Agenda process.

(1) The director shall prepare and administer a preliminary comprehensive plan amendment agenda listing each application and containing written comments on proposed comprehensive plan amendments. Any interested party, including applicants, citizens, and government agencies, may submit items to the comprehensive plan amendment process agenda.

(2) All comprehensive plan amendment applications must be completed and submitted to the planning department by 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.

(3) By February 28th of each year, the director shall compile and maintain for public review a recommended final comprehensive plan amendment agenda for site-specific amendments and for city-wide amendments, including any proposed development regulations necessary to implement such amendments. The director shall base these docket recommendations on a preliminary evaluation of the need, urgency, and appropriateness of the suggested comprehensive plan amendment as well as the planning department staff and budget availability to accommodate the public review process.

(4) The director shall provide notice of the recommended final comprehensive plan amendment agenda as provided in POMC 20.04.080.

(5) The director shall provide the recommended final comprehensive plan amendment process agenda of project-specific amendments and city-wide comprehensive plan amendments, along with a brief description of each suggested plan amendment to the city council for review and consideration. The city council, after considering the development director’s recommended final

comprehensive plan amendment agenda, shall adopt the final comprehensive plan amendment agenda for the current year plan amendment cycle no later than April 30th of each year.

SECTION 3. Table 20.22.020 is revised to read as follows:

Table 20.22.020 – Permit Review Type Classifications

Type I Director Decision Judicial Appeal	Type II Director Decision HE Appeal	Type III HE Decision Judicial Appeal	Type IV City Council Decision Judicial Appeal	Type V City Council Decision GMHB Appeal
Building Permit ¹ (Subtitle X of this title) Binding Site Plan, Final (Chapter 20.94 POMC) Preliminary Plat – Minor Modifications (Chapter 20.88 POMC) Minor 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	Short Plat, Preliminary, Alteration of Preliminary, Alteration of Final, Vacation of Final (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	Preliminary Plat, Preliminary Plat Major Modifications, Alteration of Final, Vacation of Final (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 Final Plat – Alteration or Vacation (Chapter 20.96 POMC)	Final Plat (Chapter 20.90 POMC) Site-Specific Rezone without Comprehensive Plan Amendment (Chapter 20.42 POMC)	Development Agreement (Chapter 20.26 POMC) Comprehensive Plan Amendment – 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) Annexati

Table 20.22.020 – Permit Review Type Classifications

Type I Director Decision Judicial Appeal	Type II Director Decision HE Appeal	Type III HE Decision Judicial Appeal	Type IV City Council Decision Judicial Appeal	Type V City Council Decision GMHB Appeal
(Chapter 20.54 POMC) Short Plat, Final (Chapter 20.86 POMC) Sign Permit (if SEPA not required) (Chapter 20.132 POMC) Master Sign Plan	Permit, Administrative (Chapter 20.164 POMC)	View Protection Overlay District (VPOD) Variance (POMC 20.38.860)		
Shoreline Permit Exemption (Chapter 20.164 POMC) Temporary Use Permit, Extension (Chapter 20.58 POMC)	Sign Variance (Chapter 20.132 POMC) Major Land Disturbing Activity Permit (Chapter 20.140 POMC and POMC 20.150.100) Variance – Administrative (Chapter 20.28 POMC)			

Untyped review and decision actions: preapplication meeting (Chapter 20.24 POMC), design review board review and recommendation (POMC 20.127.030), 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).

¹ 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.

SECTION 4. Section 20.22.070 is revised to read as follows:

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, 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.

(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 or hearing examiner 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.

SECTION 5. Section 20.24.110 is revised to read as follows:

20.24.119 Notice of decision.

(1) Contents. The notice of decision issued by the director for Type I and II actions, and the findings of fact and conclusions of law issued by the hearing body on Type III and IV actions shall include the following, as a minimum:

- (a) A list of all project permits included in the decision, including all permits being reviewed through the consolidated review process;
- (b) Date and description of the decision;
- (c) Statement of any threshold determination made under SEPA (Chapter 43.21C RCW);
- (d) Procedures for an administrative appeal, if any;
- (e) Statement that the affected property owners may request a change in property tax valuation notwithstanding any program of revaluation by contacting the Kitsap County assessor;
- (f) Duration of the permit approval and a statement summarizing the permit expiration and extension procedures (if any); and

(g) Statement that the complete project permit file, including findings, conclusions, and conditions of approval, if any, is available for review. The notice shall list the place that the file is available and the name and telephone number of the city representative to contact about reviewing the file.

(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.

(3) For project permit applications, the city shall issue a notice of decision within 120 days of the issuance of the determination of technical completeness on the application, unless the applicant has agreed to a different deadline.

(4) In calculating the time periods for issuance of the notice of decision, the following periods shall be excluded:

(a) Any period during which the applicant has been requested by the director to correct plans, perform required studies, or provide additional required information. The period shall begin from the date the director notifies the applicant of the need for additional information, until the date the director determines that the additional information satisfies the request for information, or 14 calendar days after the date the additional information is provided to the city, whichever is earlier;

(b) If the director determines that the information submitted is insufficient, the applicant shall be informed of the particular insufficiencies and the procedures set forth in POMC 20.24.060 for calculating the exclusion period shall apply;

(c) Any period during which an environmental impact statement (EIS) is being prepared pursuant to Chapter 43.21C RCW and Chapter 20.160 POMC;

(d) Any period for consideration and issuance of a decision for administrative appeals of project permits;

(e) Any extension of time mutually agreed to in writing by the director and the applicant.

(5) The time limits established in this section do not apply to applications that:

- (a) Are not project permit applications (such as amendments to the comprehensive plan or a development regulation);
- (b) Requires siting approval of an essential public facility;
- (c) Are substantially revised by the applicant, in which case the time period shall start from the date that a determination of completeness for the revised application is issued by the director.

SECTION 6. Section 20.25.050 is revised to read as follows:

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.

(2) Affidavit of Mailed Notice of Public Hearing. The director shall have an affidavit of mailed notice of public hearing prepared and made a part of the administrative record. The affidavit

shall be a sworn statement stating the date that the notice of public hearing was mailed to the persons who must receive notice, as identified herein.

(3) **Published Notice of Public Hearing.** At least 10 calendar days before the hearing, notice of the hearing shall be printed in the city's official newspaper (a newspaper in general circulation in the city). The newspaper's affidavit of publication of the notice shall be made part of the administrative record.

(4) **Content of Notice of Public Hearing.** The notice of public hearing shall contain:

- (a) The name and address of the applicant and the applicant's representative;
- (b) A description of the subject property reasonably sufficient to inform the public of its location, including, but not limited to, a vicinity location or written description, a map or postal address, and a subdivision lot and block designation, but need not include a legal description. A legal description alone does not meet this requirement;
- (c) The date, time, and place of the public hearing;
- (d) The nature of the application and the proposed land use or uses that could be authorized for the property;
- (e) A statement that all interested persons may appear and provide testimony;
- (f) The sections of the code that are pertinent to the hearing procedure, including, but not limited to, the codes describing the applicable criteria and development standards that apply to the application;
- (g) The threshold determination made under SEPA (WAC 197-11-330), if any;
- (h) A statement describing when the information in the administrative record may be examined by the public and when and how written comments addressing findings required for a decision by the decision-maker(s) may be admitted;
- (i) The name of a city representative to contact and the telephone number where additional information may be obtained;
- (j) A statement explaining that a copy of the application, all documents relied upon by the applicant, and a list of the applicable criteria for the application are available for

inspection by the public at no cost and that copies will be provided at the requestor's cost; and

(k) A statement explaining that a copy of the staff report will be available for inspection at no cost at least seven calendar days prior to the hearing and that copies will be provided at the requestor's cost.

(5) Final notice of decision for project permits not requiring a public hearing shall be mailed to the applicant in accordance with POMC 20.24.100.

SECTION 7. Chapter 20.37 is revised to read as follows:

Chapter 20.37
Public and Community Space Districts

Sections:

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

20.37.010 Civic and institutional (CI).

(1) Intent. The civic and institutional district is intended to protect 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.



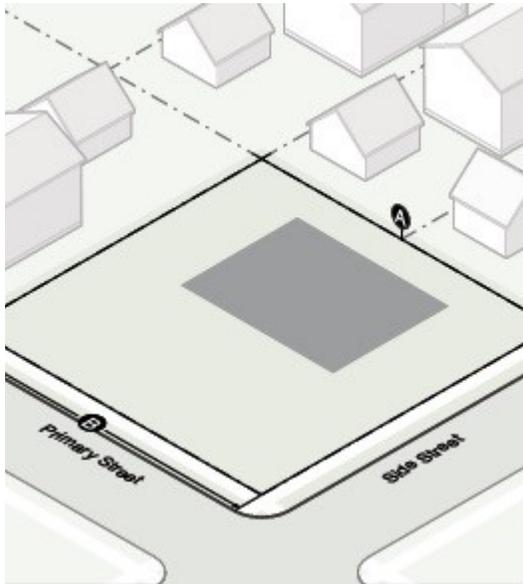
Civic and Institutional Buildings

(3) Lot Dimensions.

(a) Minimum lot size: 7,000 square feet.

(b) Minimum lot width: 70 feet.

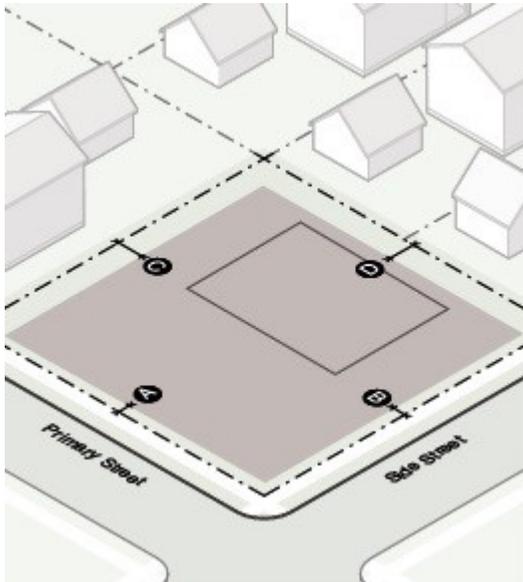
(4) Maximum hard surface coverage is 70 percent.



Civic and Institutional Lot Dimensions

(5) Principal Building Setbacks.

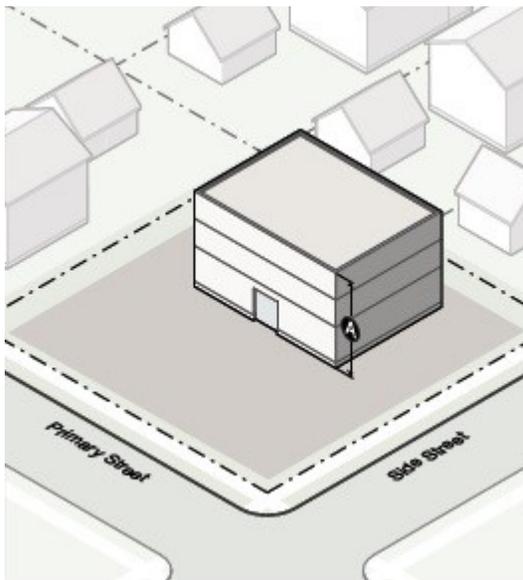
- (a) Primary street: 15 feet minimum (may be reduced on designated storefront and mixed designation streets, see Chapter 20.127 POMC).
- (b) Side street: 10 feet minimum (may be reduced on designated storefront and mixed designation streets, see Chapter 20.127 POMC).
- (c) Side interior: 10 feet minimum.
- (d) Rear: 10 feet minimum.



Civic and Institutional Building Placement

(6) Building Height.

- (a) All buildings and structures: three stories/55 feet 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, ballfields, 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.

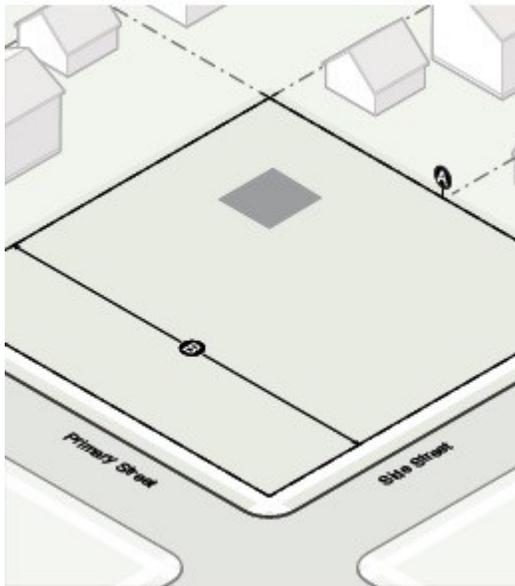


Parks and Recreation Buildings

(3) Lot Dimensions.

(a) There shall be no minimum lot size within the parks and recreation district.

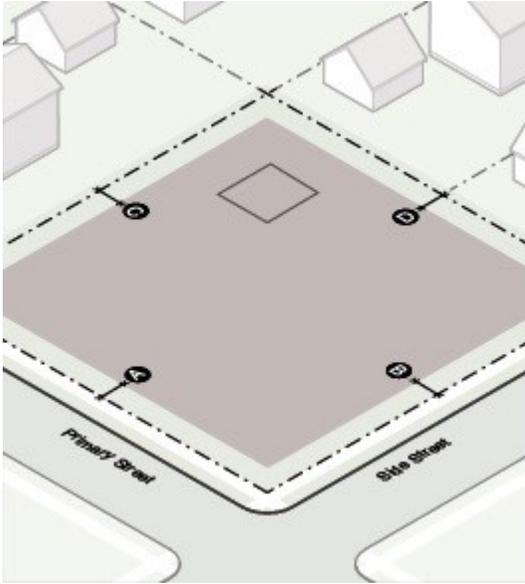
(b) There shall be no minimum lot width within the parks and recreation district.



Parks and Recreation Lot Dimensions

(4) Building Setbacks.

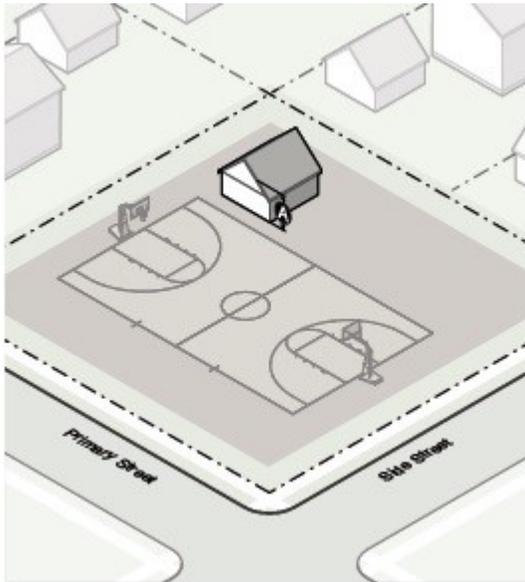
- (a) Primary street: 10 feet minimum.
- (b) Side street: 10 feet minimum.
- (c) Side interior: 10 feet minimum.
- (d) Rear: 10 feet minimum.



Parks and Recreation Building Placement

(5) Building Height.

(a) All buildings and structures: 35 feet 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.

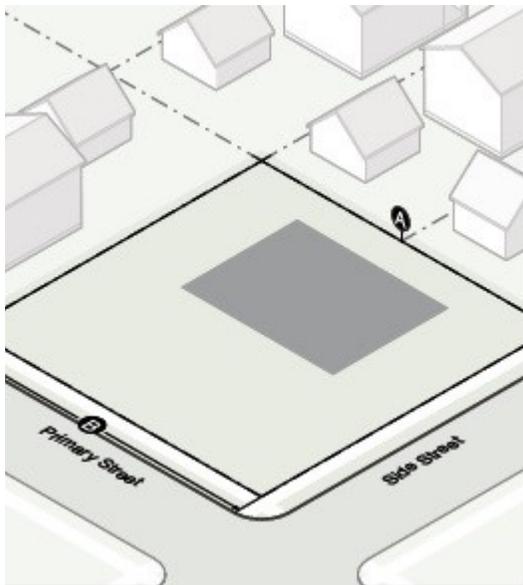
(2) Building Types Allowed. Building types are not applicable in the public facilities district.

(3) Lot Dimensions.

(a) Minimum lot size: 7,000 square feet.

(b) Minimum lot width: 70 feet.

(4) Maximum hard surface coverage is 95 percent.



Civic and Institutional Lot Dimensions

(5) Principal Building Setbacks (from Ground Level up to 40 Feet).

(a) Primary street: 10 feet minimum (may be reduced on designated storefront and mixed designation streets, see Chapter 20.127 POMC).

(b) Side street: 10 feet minimum (may be reduced on designated storefront and mixed designation streets, see Chapter 20.127 POMC).

(c) Side Interior.

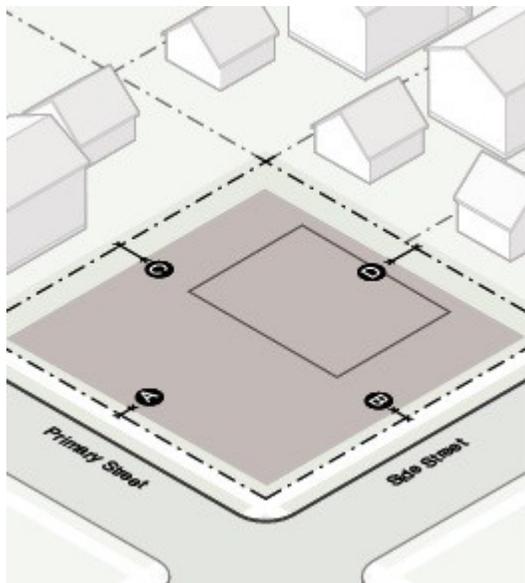
(i) Side interior abutting nonresidential: five feet minimum.

(ii) Side interior abutting residential: 20 feet minimum.

(d) Rear.

(i) Abutting nonresidential: five feet minimum.

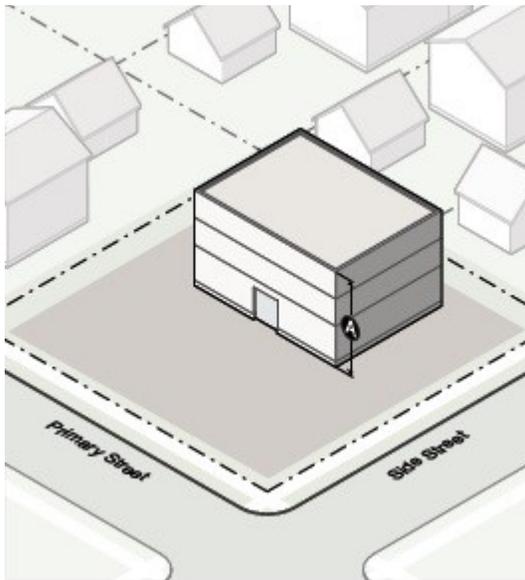
(ii) Rear abutting residential: 20 feet minimum.



Civic and Institutional Building Placement

(6) Building Height.

(a) All buildings and structures: five stories/85 feet 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

SECTION 8. Section 20.39.380 is revised to read as follows:

20.39.380 Business services.

(1) Defined. A facility providing 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.

SECTION 9. Section 20.54.090 is revised to read as follows:

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 20.24.060);
 - (b) Determination of consistency (POMC 20.24.100); and
 - (c) Notice of decision by director (POMC 20.24.110).

SECTION 10. Section 20.100.060 is revised to read as follows:

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 600 feet along arterial streets. Block faces shall not exceed 800 feet along other streets and the full perimeter of a block shall not exceed 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) 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:

- (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.

(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 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 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 subsection, 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 POMC 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 percent 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 450 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 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 300 feet;

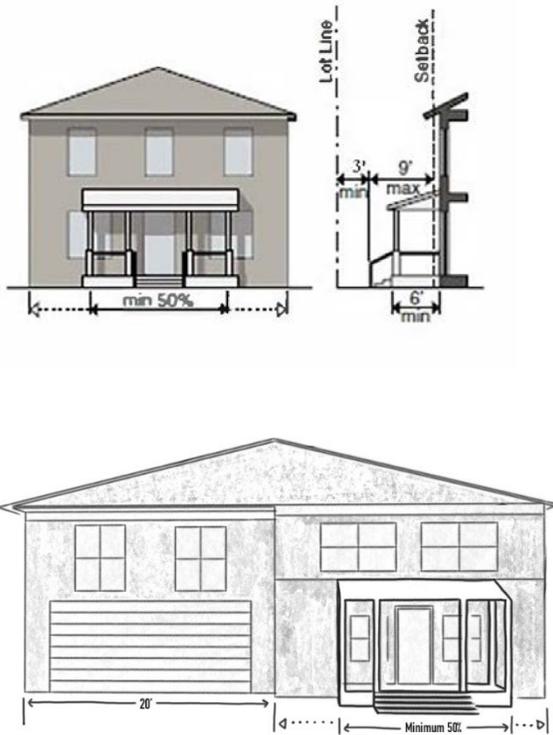
(vi) Building construction within the area of the cul-de-sac beyond the 450 feet distance shall be fire sprinklered and a note shall be added to the recording plat and the subdivision improvement plans indicating that buildings are required to be sprinklered within the subdivision, and which lot numbers have such requirement.

(4) Cross-Reference. Also see POMC 20.100.070 for cul-de-sac requirements.

SECTION 11. Section 20.122.060 is revised to read as follows:

20.122.060 Porch.

A raised structure attached to a building, forming a covered entrance to a doorway.



The 50 percent porch width shall be measured to include the habitable ground floor portion of the detached house only.



The 50 percent porch width shall be measured to include the habitable ground floor portion of the detached house only.

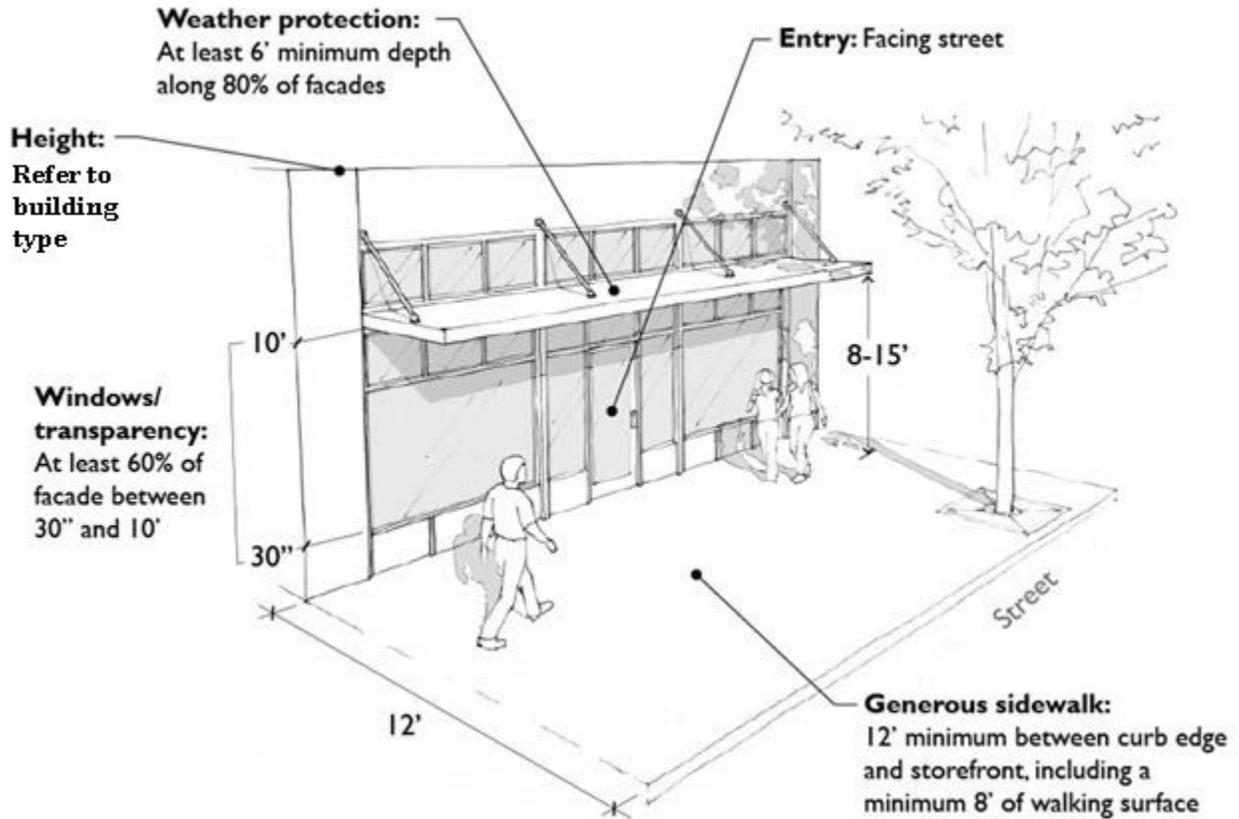
- (1) A front porch must be at least six feet deep (not including the steps). A portion of the porch may be less than six feet deep; provided, that the front door is recessed by at least six feet.
- (2) A front porch must be contiguous, with a width not less than 50 percent of the building facade from which it projects. For the purposes of this section, the front building facade shall not include that portion of the house containing an attached side-by-side garage.
- (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 feet, including the steps, into a required front setback; provided, that such extension is at least three feet from the vertical plane of any lot line.
- (5) A front porch may not encroach into the public right-of-way.

SECTION 12. Section 20.127.150 is revised to read as follows:

20.127.150 Storefront block frontage standards.

- (1) Description/Purpose. Storefront block frontages are the most vibrant and active shopping and dining areas within the city and serve the purpose of attracting pedestrians to enliven the streetscape. Blocks designated as storefront blocks include continuous storefronts placed along the sidewalk edge with small scale shops and/or frequent business entries.

Figure 20.127.150(1)



(2) Standards. All development as set forth in POMC 20.127.130 on sites containing a storefront block frontage designation must comply with the following standards (on applicable block frontages):

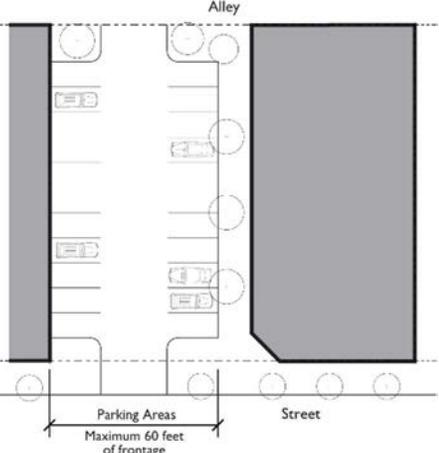
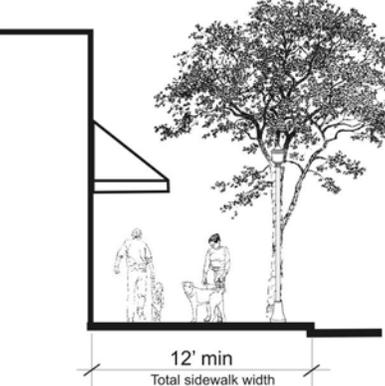
Table 20.127.150(2)
Storefront Block Frontage Standards

Element	Standards	Examples and Notes
Ground floor		
Land use	Nonresidential uses, except for lobbies associated with residential or hotel/motel uses on upper floors.	

Table 20.127.150(2)
Storefront Block Frontage Standards

Element	Standards	Examples and Notes
Floor to ceiling height	Refer to building type (applies to new buildings only).	
Retail space depth	20 feet minimum (applies to new buildings only). ⇐	
Building placement	Required at front property line/back edge of sidewalk. Additional setbacks are allowed for widened sidewalks, pedestrian-oriented space (POMC 20.127.350(4)), or where additional future right-of-way acquisition is planned by the city.	
Building entrances	Must face the street. For corner buildings, entrances may face the street corner.	
Facade transparency	60 percent minimum. ⇐	Also see POMC 20.127.140 for additional clarification on transparency standards.
Weather protection	Weather protection with 8 to 15 feet vertical clearance at least 6 feet in minimum depth along at least 80 percent of facade. ⇐ Retractable awnings may be used to meet these requirements. Weather protection must not obstruct utility poles or street trees.	For downtown properties on Bay Street and adjacent to the city-owned marquee, new development may utilize the existing marquee (subject to approval by the public works director) or new independent weather protection to meet this provision.

Table 20.127.150(2)
Storefront Block Frontage Standards

Element	Standards	Examples and Notes
	<p>Weather protection shall comply with WSDOT standards for setback from the face of the curb and may have the effect of reducing the minimum weather protection depth.</p>	
<p>Parking location Also see Chapter 20.124 POMC for related parking requirements</p>	<p>New surface or ground level parking areas must be placed to the side or rear of structures and are limited to 60 feet of street frontage. ⇐ Provide a 6-foot minimum buffer of landscaping between the street and off-street parking areas meeting the standards of Chapter 20.128 POMC. ⇐</p>	 <p>The diagram illustrates a building footprint with an alley behind it. To the left of the building, there are several parking spaces. A dimension line below the parking areas indicates a 'Maximum 60 feet of frontage'. A 6-foot buffer zone is shown between the street and the parking areas. The street is labeled 'Street' and the alley is labeled 'Alley'.</p>
<p>Sidewalk width</p>	<p>12 feet minimum between curb edge and storefront, including a minimum walking surface width of 8 feet and a clear/buffer zone with street trees. ⇐</p>	 <p>The diagram shows a cross-section of a sidewalk. A tree is planted on the sidewalk. A person is walking on the sidewalk. A dimension line below the sidewalk indicates a '12' min Total sidewalk width'.</p>

(3) Departure Criteria. Departures from the above standards that feature the ⇐ symbol will be considered by the reviewing authority (the director or hearing examiner, as appropriate),

provided the alternative proposal meets the purpose of the standards, plus the following criteria:

(a) Retail Space Depth. Reduced depths will be considered where the applicant can successfully demonstrate the proposed alternative design and configuration of the space is viable for a variety of permitted retail uses;

(b) Facade Transparency. The proposed alternative design treatment of facade area between ground level windows provides visual interest to the pedestrian and mitigates impacts of any blank wall areas. No less than 40 percent of the facade between 30 inches and 10 feet above the sidewalk may be approved with a departure;

(c) Weather Protection. Other proposed alternative design treatments must provide equivalent weather protection benefits;

(d) Parking Location. There must be an acceptable tradeoff in terms of the amount and quality of storefront area that is integrated with the development and the applicable parking location departure. Plus, the alternative must include design features to successfully mitigate the visual impact of additional parking areas along designated storefront streets; and

(e) Sidewalk Width. Alternative designs may be considered where topographical challenges exist. Alternative designs must be able to accommodate safe and comfortable pedestrian traffic anticipated for full block development.

SECTION 13: Section 20.127.340 is revised 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:

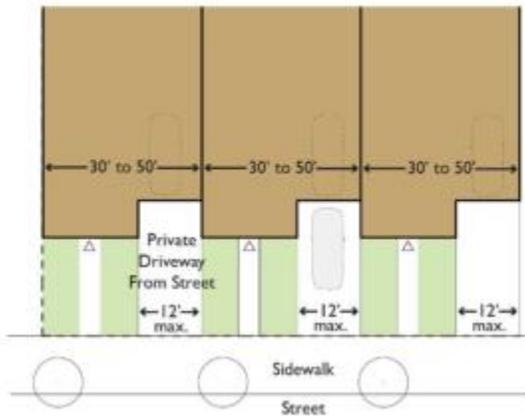
(i) Driveway lanes crossing a public sidewalk must be no wider than the minimum required per entry or exit lane. The city may impose additional restrictions to parking lot and vehicle access points to reduce impacts to public safety, pedestrian movement, on-street vehicle circulation, and visual qualities.

(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.



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.



(d) 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 curbless “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.

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 lanes are regulated under POMC 20.132.150(7).

SECTION 14. Section 20.139.045 is revised to read as follows:

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) 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.

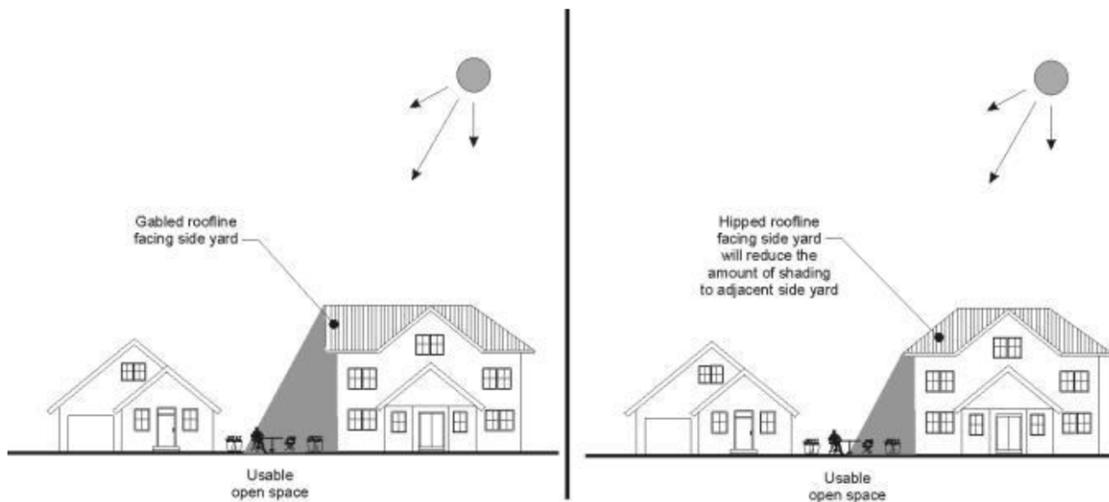


Figure 8. Encourage rooflines along the side yard that maximize solar access to adjacent homes and/or private open space.

SECTION 15: Section 20.160.190 is revised to read as follows:

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).

(2) When the city issues a DS under WAC 197-11-360(3), the city shall state the scoping procedure for the proposal in the DS as required in WAC 197-11-408 and in the public notice.

(3) Whenever the city issues a DEIS under WAC 197-11-455(5) or a SEIS under WAC 197-11-620, notice of the availability of those documents shall be given by:

(a) Indicating the availability of the DEIS in any public notice required for a nonexempt license; and in accordance with the requirements of Chapter 20.25 POMC.

(4) Whenever possible, the city shall integrate the public notice required under this section with existing notice procedures for the city's nonexempt permit(s) or approval(s) required for the proposal.

(5) The city may require an applicant to complete the public notice requirements for the applicant's proposal at his/her expense.

SECTION 16: Section 20.162.072 is revised to read as follows:

20.162.072 Development standards.

Those regulated uses identified below within designated fish and wildlife habitat conservation areas shall comply with the performance standards outlined in this section. Potential impacts to fish and wildlife habitat conservation areas or their buffers shall be appropriately identified and mitigated consistent with Article XII of this chapter.

(1) **Buffers and Building Setbacks.** Buffers or setbacks shall be maintained along the perimeter of fish and wildlife habitat conservation areas, as listed in Table 5. Distances shall be measured from the ordinary high water mark (OHM) or from the top of the bank where the OHM cannot be identified. Buffers shall be retained in their natural condition. It is acceptable, however, to enhance the buffer by planting indigenous vegetation, as approved by the department. Alteration of buffer areas may be allowed for water-dependent and water-related activities subject to the city's shoreline master program (Chapter 20.164 POMC), and for development authorized by POMC 20.162.034, Exceptions, POMC 20.162.032, Exemptions, POMC 20.162.038, Nonconforming – Existing structures, or POMC 20.162.036, Variances. The buffer width shall be increased to include streamside wetlands which provide overflow storage for stormwaters, feed water back to the stream during low flows or provide shelter and food

for fish. In braided channels, the ordinary high water mark or top of bank shall be defined so as to include the entire stream feature. Refuse shall not be placed in buffers.

Table 5

CATEGORY	BUFFER WIDTH STANDARD	MINIMUM BUILDING SETBACK	OTHER DEVELOPMENT STANDARDS
Streams			
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	
Lakes – Less Than 20 Acres (Non-Type 1 Waters of the State)			
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	
Wildlife Habitat Conservation Areas			
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.		

SECTION 17. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of constitutionality of any other section, sentence, clause or phrase of this ordinance.

SECTION 18. Corrections. Upon the approval of the city attorney, the city clerk and/or code publisher is authorized to make any necessary technical 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 19. Effective Date. This ordinance shall be published in the official newspaper of the city and shall take full force and effect five (5) days after the date of publication. A summary of this ordinance in the form of the ordinance title may be published in lieu of publishing the ordinance in its entirety.

PASSED by the City Council of the City of Port Orchard, APPROVED by the Mayor and attested by the City Clerk in authentication of such passage this **th day of ** 2020.

Robert Putaansuu, Mayor

ATTEST:

Brandy Rinearson, MMC, City Clerk

APPROVED AS TO FORM:

Sponsored by:

Charlotte A. Archer, City Attorney

Scott Diener, Councilmember

PUBLISHED:

EFFECTIVE DATE: