



CITY OF PORT ORCHARD

Planning Commission

216 Prospect Street, Port Orchard, WA 98366
planning@cityofportorchard.us

PLANNING COMMISSION MEETING AGENDA

Tuesday, July 5, 2022 – 6:00 pm

***** Attendees and Planning Commissioners may attend in person at City Hall or via Zoom*****

Join Zoom Meeting, Public Link: <https://us02web.zoom.us/j/87444276232>

Dial-in (phone audio) only: +1 253 215 8782

Webinar ID: 874 4427 6232

Planning Commissioners please use individual webinar links.

1. Call to Order: 6:00 p.m.

Pledge of allegiance.

2. Welcome and Introduction.

Planning Commission and City Staff Introductions.

3. Audience Comments: Topics not listed for public hearing on tonight's agenda.

Please limit comments to **3 minutes**.

4. Approval of Minutes from June 7, 2022. (Attachment)

(ACTION)

5. Business Items:

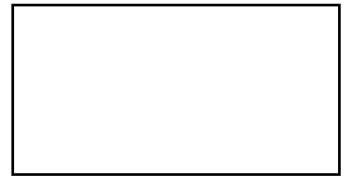
a) Public Hearing: POMC 20.68 Accessory Dwelling Units and POMC 20.38.235 MVOD detached accessory dwelling units. (Attachment) (ACTION)

The City is considering a amendments to Port Orchard Municipal Code 20.68.070, .090 and .100 removing requirements and references to an owner occupancy requirement. The City is considering the repeal of POMC 20.38.235 addressing detached accessory dwelling units within the McCormick Village Overlay District. The purpose of the amendment is to remove barriers to the creation of accessory dwelling units.

b) POMC 20.33.010, 20.34.010, 20.34.020, 20.34.030, 20.34.040, 20.34.050, 20.34.060 Accessory Structure Setbacks (Attachment) (ACTION)

The City is considering the adoption of an ordinance relating to accessory structure setbacks in the Greenbelt and Residential zoning districts; amending POMC Sections 20.33.010, 20.34.010, 20.34.020, 20.34.030, 20.34.040, 20.34.050, 20.34.060 and clarifying that accessory structures are permitted in the Greenbelt zoning designation. The intent of the proposed amendments is to provide clarity on omitted accessory structure setbacks and provide flexibility in the siting of accessory structures.

6. Adjourn



Planning Commission Meeting Minutes
June 7, 2022
Zoom Teleconference

COMMISSIONERS:

Present: Bek Ashby, Dave Bernstein, Tyler McKlosky, Phil King.

Absent: Annette Stewart, Stephanie Bailey, Joe Morrison.

STAFF:

Community Development Director Nick Bond, Senior Planner Jim Fisk, and Assistant Planner Josie Rademacher.

1. CALL TO ORDER: Vice Chair Ashby called the meeting to order at 6:15 p.m. and led the Pledge of Allegiance.

2. WELCOME AND INTRODUCTION: Vice Chair Ashby introduced the present Planning Commissioners, Commissioner Bernstein, Commissioner McKlosky, Commissioner King, and present City staff members, Community Development Director Nick Bond, Senior Planner Jim Fisk, and Assistant Planner Josie Rademacher.

3. PUBLIC COMMENTS: There were no comments from the public regarding issues not on the agenda.

4. APPROVAL OF MINUTES FROM MAY 3, 2022: Commissioner King made a motion to approve the minutes as written from the May 3rd meeting. Commissioner McKlosky seconded the motion. The motion passed unanimously.

5. BUSINESS ITEMS:

A. PUBLIC HEARING: POMC 20.162.044 DEFINITIONS – GENERALLY “WETLAND, ISOLATED”

Senior Planner Jim Fisk shared that the City has considered an amendment to Port Orchard Municipal Code 20.162.044 to amend the definition of “wetland, isolated”. The purpose of the amendment is to provide a definition which is consistent with current Washington Department of Ecology guidance.

There were no comments from the public regarding the proposed amendment to POMC 20.162.044 Definitions – Generally “Wetland, Isolated”.

Vice Chair Ashby closed the public hearing.

Commissioner King made a motion to recommend the City Council to approve the ordinance amending the definition “wetland, isolated” from POMC 20.162.044 as presented. Commissioner Bernstein seconded the motion. The motion passed unanimously.

B. PUBLIC HEARING: POMC 20.150 STORMWATER DRAINAGE

Senior Planner Jim Fisk shared that the City has considered the adoption of an ordinance relating to stormwater maintenance; amending POMC Sections 20.150.060, 20.150.020, and 20.150.160 associated with the adoption of the 2019 Stormwater Management Manual for Western Washington.

Vice Chair Ashby opened the public hearing.

There were no comments from the public regarding the proposed update to POMC 20.150 Stormwater Drainage.

Vice Chair Ashby closed the public hearing.

Commissioner McKlosky made a motion to recommend the City Council to approve the ordinance amending POMC 20.150.060, 20.150.020, and 20.150.160 as presented. Commissioner Bernstein seconded the motion. The motion passed unanimously.

ADJOURN: Vice Chair Ashby adjourned the meeting at 6:32 pm.

Annette Stewart, Chair

Nick Bond, Community Development Director



CITY OF PORT ORCHARD

DEPARTMENT OF COMMUNITY DEVELOPMENT

216 Prospect Street, Port Orchard, WA 98366
Ph.: (360) 874-5533 • FAX: (360) 876-4980

PLANNING COMMISSION STAFF REPORT

Agenda Item No:	5(a)	Meeting Date:	July 5, 2022
Subject:	Public Hearing - Accessory Dwelling Unit Owner Occupancy	Prepared by:	Nick Bond, Development Director

During the 2021 Regular Session the State of Washington passed House Bill 1220 related to supporting emergency shelters and housing through local planning and development. A new section was added to chapter 36.70A RCW which encourages cities to consider policies encouraging the construction of accessory dwelling units (ADU) as a mechanism to meet affordable housing goals.

The 2019 adoption of the City of Port Orchard's form-base code provided several building types in areas of Port Orchard that previously may have not been permitted including the backyard cottage building type. Part of the intent of the form-based code was to address affordable housing goals. For the most part the Port Orchard Municipal Code (POMC) is consistent with the suggested policies regarding ADU development in House Bill 1220.

However, the City has determined that a potential barrier to ADU construction exists in POMC 20.68 related to an owner occupancy requirement of one of the units and where the suggested policies for Cities is to remove the owner occupancy requirement. To that end the repeal of certain language regarding owner occupancy in POMC 20.68.070, .090 and .100 are necessary to address affordable housing goals consistent with the guidance provided by the State Legislature.

During adoption of the McCormick Village Overlay District (MVOD), POMC 20.38.200-280, the City recognized that an owner occupancy requirement could hinder the development of ADUs. Therefore, the City adopted development regulations removing the owner occupancy requirement of POMC 20.68.100(5). If the suggested repeal of owner occupancy references in POMC 20.68 are approved, the language in POMC 20.38.235 would reference off-street parking requirements, not owner occupancy. The repeal of the entirety of POMC 20.38.235 is necessary because of the redundancy created through the removal of owner occupancy requirements in 20.68.

The suggested Code amendments further Policy HS-4 of the City of Port Orchard Comprehensive Plan's Housing Element and is consistent with the guidance provided by the Washington State Legislature Staff introduced removing an owner-occupancy requirement for Accessory Dwelling Units (ADU) to the Planning Commission at the March 1, 2022 Planning Commission meeting where the Planning Commission requested that staff continue to review the owner-occupancy requirements for ADUs. Staff discussed the current proposal with the Land Use Committee on April 20, 2022 where the Committee directed staff to

continue with the current proposal as drafted. As such staff notified the Department of Commerce of the proposed changes on May 20, 2022 and requested a 60-day review for comment subsequent to the issuance of a SEPA Determination of Nonsignificance on May 20, 2022. Public notice for tonight's hearing was properly noticed consistent with the requirements of POMC 20.25 on June 21, 2022. As of the date of Report preparation, the Department of Community Development has not received comments regarding the proposed code amendment.

Recommendation: Staff recommends approval of the proposed amendments to Port Orchard Municipal Code 20.68 and POMC 20.38.235.

Attachments: POMC 20.68 and 20.38.235 Redline

20.68.010 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.

20.68.020 Accessory dwelling units – Purpose.

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

- (a) Provide homeowners with a means of providing for companionship and security.
- (b) Add affordable units to the existing housing supply.
- (c) Make housing units within the city available to moderate income people.
- (d) Provide an increased choice of housing that responds to changing needs, lifestyles (e.g., young families, retired), and modern development technology.
- (e) 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 chapter.
- (f) Increase density in order to better utilize existing infrastructure and community resources and to support public transit and neighborhood retail and commercial services.
- (g) Provide a means for commercial and industrial sites to have a resident caretaker or security officer.

20.68.030 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.

20.68.040 Accessory dwelling units – Administration.

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

20.68.050 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.

20.68.060 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:

- (1) POMC 20.68.100(1) and (5).
- (2) POMC 20.68.110(9).

20.68.070 Accessory dwelling units – Application procedures.

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

(a) 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 (1)(b) of this section.

(b) 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 POMC Title 13.

(c) 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: (i) the legal description of the property which has been permitted for the ADU; (ii) 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 this chapter; and (iii) 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 states that the ADU has been removed.

(d) 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.

20.68.080 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. (Ord. 021-20 § 2; Ord. 011-19 § 4 (Exh. 1)).

20.68.090 Violations.

A violation of this chapter ~~regarding provision of ownership shall be governed by POMC 20.68.100(5), and a violation of provision of legalization of nonconforming ADUs shall be governed by POMC 20.68.100(9).~~ Violations of any other city permit or code requirements shall be governed by Chapter 20.02 POMC.

20.68.100 General requirements.

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

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

(2) Number of ADUs per Lot. No more than one ADU, whether an accessory apartment (attached dwelling) or a backyard cottage dwelling, shall be permitted on one lot.

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

(4) Composition. The ADU shall include facilities for cooking, living, sanitation, and sleeping.

~~(5) 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 rents both units. 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 rent both units. 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. Nothing in this chapter shall be interpreted as prohibiting a property owner from renting out a room or rooms in their legal residence of occupancy (main residence or ADU) to another resident or residents, or from collecting rent from a roommate, as long as the property owner continues to maintain occupancy according to the terms of this subsection.~~

(65) Parking. No off-street parking is required for the ADU; provided, that the minimum required off-street parking per Chapter 20.124 POMC 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 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 the city's development guidelines.

(76) Home Businesses and Occupations. Home businesses and occupations shall be allowed, subject to existing regulations. However, if both the main residence and the ADU contain home businesses, only one of the two is permitted to receive customers on the premises.

(87) Short-Term Rental. The use of an ADU as a short-term rental shall be allowed, subject to compliance with the vacation rental and bed and breakfast regulations in POMC 20.39.345.

(98) Legalization of Nonconforming ADUs. Existing ADUs that are made nonconforming by this chapter, or ADUs legally existing prior to the enactment of these requirements, may be maintained as a legal nonconforming use in accordance with Chapter 20.54 POMC.

20.68.110 Bulk, location and design requirements.

(1) 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.

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

(3) Size. For detached ADUs, refer to POMC 20.32.030, Backyard cottage. For an attached 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 ADU that is accessory to a commercial or industrial use, the ADU shall not exceed 1,000 square feet.

(4) Height. For a detached ADU, refer to POMC 20.32.030, Backyard cottage. For an attached ADU that is accessory to a commercial or industrial use, refer to the appropriate building type in Chapter 20.32 POMC.

(5) Location. A detached 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 POMC 20.32.030, Backyard cottage. An accessory ADU shall be permitted within a detached residential dwelling, or within a commercial or industrial building.

(6) Setbacks and Lot Coverage. For a detached ADU, refer to POMC 20.32.030, Backyard cottage. For an attached ADU that is accessory to a commercial or industrial use, refer to the appropriate building type in Chapter 20.32 POMC. The calculation of lot coverage shall include all buildings on the lot or site, including the ADU, the primary single-family dwelling (for residential properties), and accessory buildings. Existing and future accessory buildings, including an ADU, must meet required setbacks for the relevant zone and building type.

(7) 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 facade, 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 POMC. Additionally, only one entrance is permitted to be located in the front facade 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.

(8) 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 of Chapter 20.127 POMC (Design Standards), and shall be reviewed in conjunction with the underlying land use or building permit.

(9) 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. The detached ADU shall also be subject to the requirements of Chapter 20.139 POMC, Residential Design Standards.

(10) 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.

~~20.38.235 MVOD detached accessory dwelling units.~~

~~Accessory dwelling units within the MVOD shall comply with the requirements of Chapter 20.68 POMC except POMC 20.68.100(5).~~



CITY OF PORT ORCHARD

DEPARTMENT OF COMMUNITY DEVELOPMENT

216 Prospect Street, Port Orchard, WA 98366
Ph.: (360) 874-5533 • FAX: (360) 876-4980

PLANNING COMMISSION STAFF REPORT

Agenda Item No:	5(b)	Meeting Date:	July 5, 2022
	Discussion Revisions to POMC		
Subject:	20.33 and 20.34 – Accessory Structure Setbacks	Prepared by:	Nick Bond, Development Director

Issue: In 2018, the City Council adopted Chapters 20.33 and 20.34, the Greenbelt and Residential zoning designations, which contain development standards on properties designated Greenbelt (GB), Residential 1 (R1), Residential2 (R2), Residential 3 (R3), Residential 4 (R4), Residential 5 (R5) and Residential 6 (R6). City staff proposes to amend Chapters 20.33 and 20.34, to provide clarity and modify the required accessory structure setbacks.

Currently, POMC 20.33.010(2) does not permit accessory structures in the GB district. However, POMC 20.32.015 specifically identifies accessory structures as a permitted building type in the GB district. Staff intends to provide consistency between the two sections and include accessory structures in the GB district. The inclusion of accessory structures in POMC 20.33.010(2) then necessitates addressing the required setbacks in the event an accessory structure is proposed. The proposed GB accessory structure setbacks differ from those proposed in the Residential district as development in GB is generally of lesser density and intensity. The proposed setbacks recognize the difference between the types and intensity of development.

The R1, R2, R3 and R6 districts currently identify accessory structure setbacks. Staff intends to modify the accessory structure setbacks to provide more flexibility in the location of these structures on a Lot. This is of particular importance on smaller infill Lots which may have alleys access. In some instances, where alley access exists, the proposed accessory structure setbacks would allow the zero-lot line development and the sharing of common walls provided the walls meet fire separation requirements outlined in the Building Code. Additionally, the proposed amendments would reduce the required rear yard setback for accessory structures from 10 feet to three feet. The current rear yard setback for the primary structure on the site is 10 feet which sometimes presents challenges locating accessory structures behind a primary structure. The intent is to provide greater flexibility while creating consistency throughout the Residential districts.

The R4 and R5 districts are currently devoid of any accessory structure setback requirements. Staff proposes the adoption of the same standards as described above for the same purpose. While the R4 and R5 districts do not permit detached houses, multifamily development often proposes accessory structures such as covered shelters for parking, mechanical buildings and the like. Without accessory structure standards, staff cannot apply accessory structures setbacks and is often in a position where while the building type is permitted, the permitted location cannot be identified. Staff has used the principal building

setbacks in this instance; however, the introduction of these standards provides clarity for property owners and staff.

.

The current language in the code, and the proposed language in the ordinance, are presented for the Planning Commission's review. The Planning Commission is requested to hold a public hearing at the August 2, 2022 Planning Commission meeting.

Recommendation: The Planning Commission should review the proposed revisions to 20.33.010, 20.34.010, 20.34.020, 20.34.030, 20.34.040, 20.34.050, 20.34.060 prior to scheduling a public hearing. Staff recommends that a public hearing be scheduled for August 2, 2022 on the proposed amendment.

Attachments: POMC 20.33.010, 20.34.010, 20.34.020, 20.34.030, 20.34.040, 20.34.050, 20.34.060 Redline

Chapter 20.33 GREENBELT DISTRICT

Sections:

[20.33.010 Greenbelt.](#)

20.33.010 Greenbelt.

(1) Intent. The greenbelt district is intended to protect sensitive natural resources and critical areas. Residential development not exceeding one single-family residential unit per two 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.

(d) Accessory building.

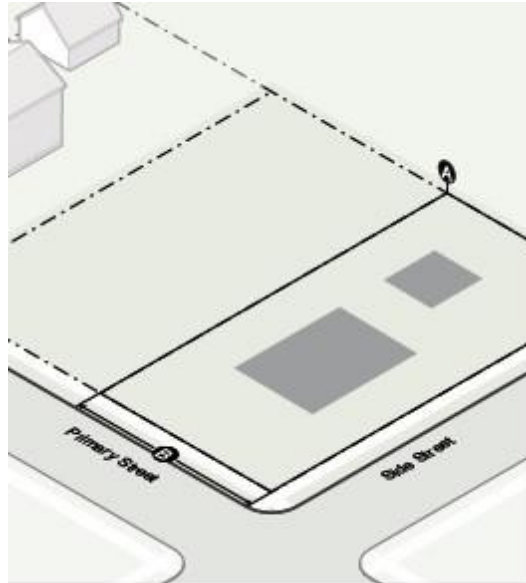


Greenbelt Buildings

(3) Lot Dimensions.

Gross Density: 1 unit/2 acres maximum

	Area (A)	Width (B)
Detached house	2 acres min	No minimum



Greenbelt Lot Dimensions

(4) Maximum hard surface coverage is 15 percent.

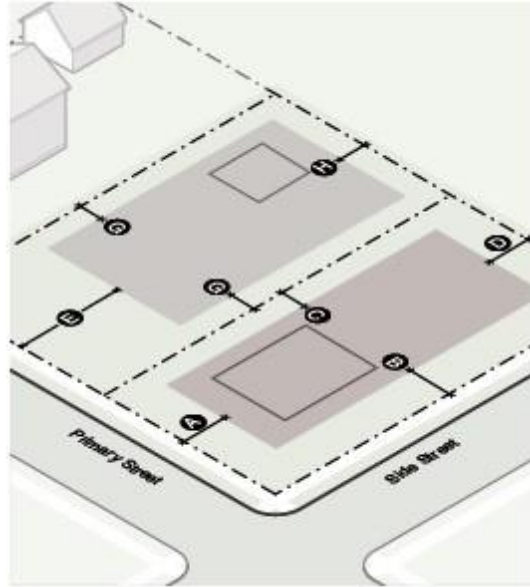
(5) Building Placement.

Principal Building Setbacks:

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

Accessory Structure Setbacks:

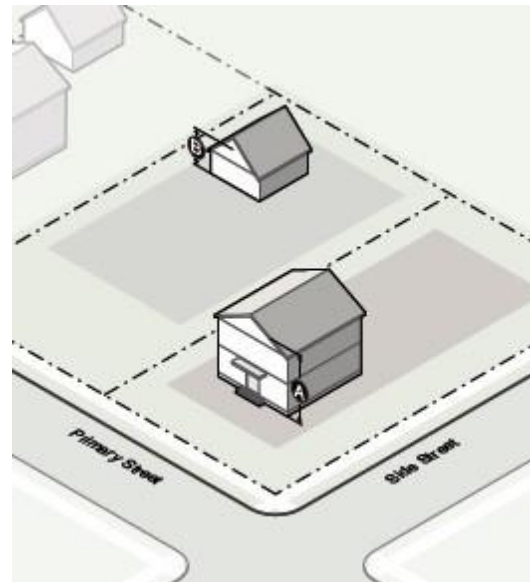
(a)	<u>Primary street</u>	<u>40 ft min</u>	<u>(A)</u>
(b)	<u>Side street</u>	<u>10 ft min</u>	<u>(B)</u>
(c)	<u>Side interior</u>	<u>5 ft min</u>	<u>(C)</u>
(d)	<u>Rear</u>	<u>5 ft min</u>	<u>(D)</u>



Greenbelt Building Placement

(6) Building Height.

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



Greenbelt Building Height

Chapter 20.34 RESIDENTIAL DISTRICTS

Sections:

[20.34.010 Residential 1 \(R1\).](#)

[20.34.020 Residential 2 \(R2\).](#)

[20.34.030 Residential 3 \(R3\).](#)

[20.34.040 Residential 4 \(R4\).](#)

[20.34.050 Residential 5 \(R5\).](#)

[20.34.060 Residential 6 \(R6\).](#)

20.34.010 Residential 1 (R1).

(1) Intent. The R1 district is intended to accommodate single-family detached houses with a minimum lot size of 5,000 to 6,000 square feet. (Cottage court developments may have individual lots as small as 1,200 square feet, as indicated below.) R1 may be applied in areas designated as residential low or residential medium in the Port Orchard comprehensive plan. Uses and building types that would substantially interfere with the single-family residential nature of the district are not allowed.

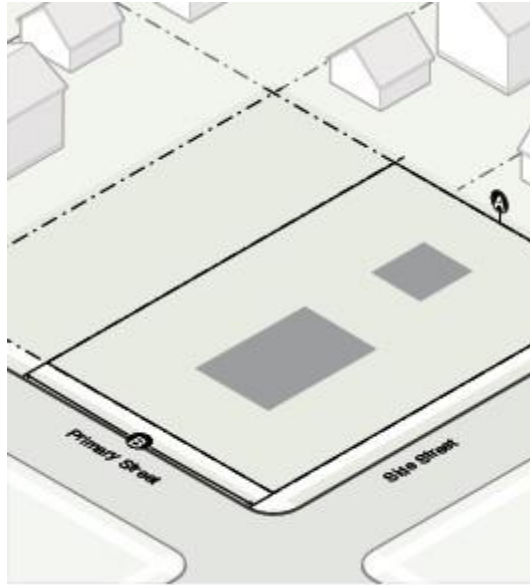
(2) Building Types Allowed. The allowed building types in the R1 zone are as follows:

- (a) Detached house (POMC [20.32.020](#)).
- (b) Backyard cottage (detached ADU) (POMC [20.32.030](#)).
- (c) Accessory buildings (POMC [20.32.010](#)(16)).
- (d) Cottage court (POMC [20.32.040](#)).



R1 Building Types

(3) Lot Dimensions.



(a) Minimum Lot Size.

(i) Lots that take vehicular access from primary street: 6,000 square feet.

(ii) Lots that do not take vehicular access from primary street (lots with vehicular access from alley): 5,000 square feet.

(iii) Cottage court: 1,200 square feet (see POMC [20.32.040](#)).

(b) Minimum lot width: 50 feet.

(4) Maximum hard surface coverage is 50 percent.

(5) Principal Building Setbacks.

(a) Primary street: 10 feet minimum or average front setback (see POMC [20.40.020](#)).

(b) Side street: 10 feet minimum.

(c) Side interior: five feet minimum.

(d) Rear: 10 feet minimum.

(6) Accessory Structure Setbacks.

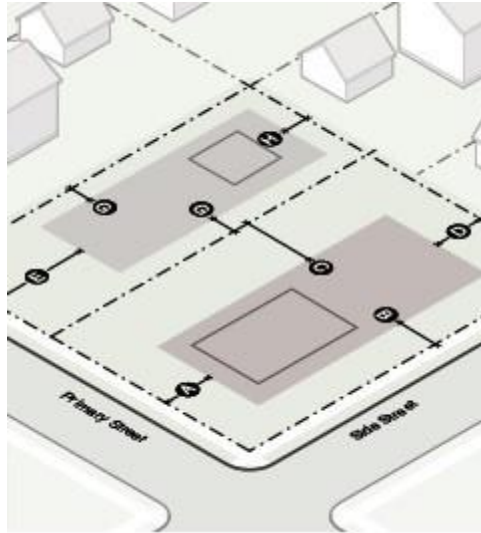
(a) Primary street: 40 feet minimum.

(b) Side street: 10 feet minimum.

(c) Side interior: five feet minimum.

(d) Rear: three feet minimum (rear setback for an accessory structure abutting an alley may be reduced to two feet).

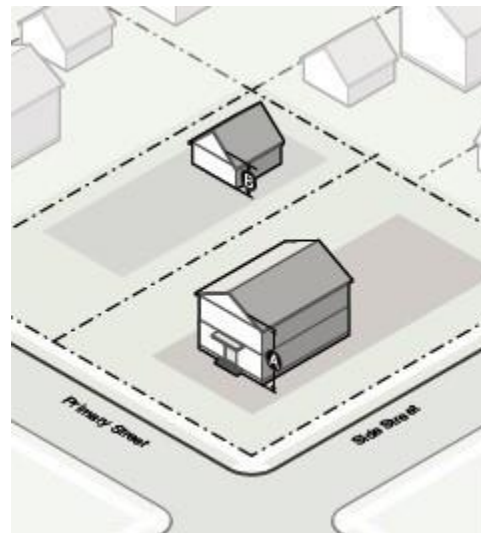
(e) Fire separation as specified in the building code may be required for accessory buildings.



R1 Building Placement

(7) Building Height.

- (a) Principal building: three stories/35 feet maximum.
- (b) Accessory structure: 24 feet maximum.



R1 Building Height

(Ord. 056-19 § 9; Ord. 011-19 § 4 (Exh. 1)).

20.34.020 Residential 2 (R2).

(1) Intent. The R2 district is primarily intended to accommodate detached house, duplex, and townhouse development with a minimum lot size that varies based on building type. The R2 district is intended to implement the residential medium density comprehensive plan designation. Additional building types that are allowed include backyard cottage (detached accessory dwelling unit), cottage court, duplex and attached house. Uses that would substantially interfere with the residential nature of the district are not allowed.

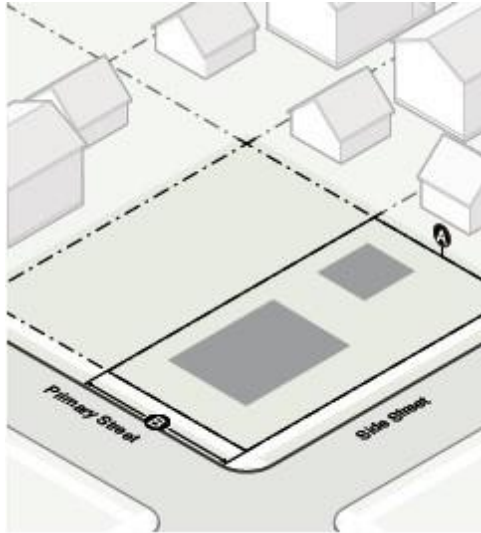
(2) Building Types Allowed. The allowed building types in the R2 zone are as follows:

- (a) Detached house (POMC [20.32.020](#)).
- (b) Backyard cottage (detached ADU) (POMC [20.32.030](#)).
- (c) Cottage court (POMC [20.32.040](#)).
- (d) Duplex: side-by-side (POMC [20.32.050](#)).
- (e) Duplex: back-to-back (POMC [20.32.060](#)).
- (f) Attached house (POMC [20.32.070](#)).
- (g) Townhouse (POMC [20.32.090](#)) (three to four units townhouse buildings only).
- (h) Accessory buildings (POMC [20.32.010](#)(16)).



R2 Building Types

(3) Lot Dimensions.



R2 Lot Dimensions

(a) Minimum Lot Size by Building Type.

(i) Detached House (POMC [20.32.020](#)).

(A) Lots that take vehicular access from primary street: 5,000 square feet.

(B) Lots that do not take vehicular access from primary street (lots with vehicular access from alley): 3,000 square feet.

(ii) Backyard cottage (detached ADU) (POMC [20.32.030](#)): not applicable.

(iii) Cottage court (POMC [20.32.040](#)): 1,200 square feet.

(iv) Duplex: side-by-side (POMC [20.32.050](#)): 5,000 square feet.

(v) Duplex: back-to-back (POMC [20.32.060](#)): 5,000 square feet.

(vi) Attached house (POMC [20.32.070](#)): 2,500 square feet.

(vii) Townhouse (POMC [20.32.090](#)): 2,000 square feet.

(b) Minimum Lot Width.

(i) Detached House (POMC [20.32.020](#)).

(A) Lots that take vehicular access from primary street: 50 feet.

(B) Lots that do not take vehicular access from primary street: 30 feet.

(ii) Backyard cottage (detached ADU) (POMC [20.32.030](#)): not applicable.

(iii) Cottage court (POMC [20.32.040](#)): 20 feet.

(iv) Duplex: Side-by-Side (POMC [20.32.050](#)).

(A) Lots that take vehicular access from primary street: 60 feet.

(B) Lots that do not take vehicular access from primary street: 40 feet.

(v) Duplex: back-to-back (POMC [20.32.060](#)): 40 feet.

(vi) Attached House (POMC [20.32.070](#)).

(A) Lots that take vehicular access from primary street: 30 feet.

(B) Lots that do not take vehicular access from primary street: 20 feet.

(vii) Townhouse (POMC [20.32.090](#)).

(A) Lots that take vehicular access from primary street: 30 feet.

(B) Lots that do not take vehicular access from primary street: 20 feet.

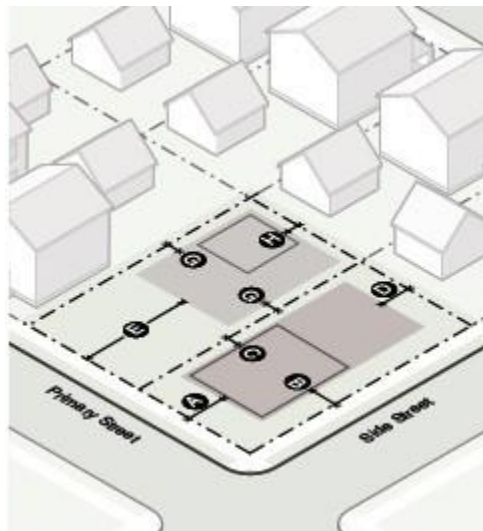
(4) Maximum hard surface coverage is 70 percent.

(5) Principal Building Setbacks.

- (a) Primary street: 10 feet minimum or average front setback (see POMC [20.40.020](#)).
- (b) Side street: 10 feet minimum.
- (c) Side interior: five feet minimum (except attached housing types with dwellings on individual lots such as townhouses or attached houses which do not require a side interior setback).
- (d) Rear: 10 feet minimum (rear setback for an accessory structure abutting an alley may be reduced to two feet).

(6) Accessory Structure Setbacks.

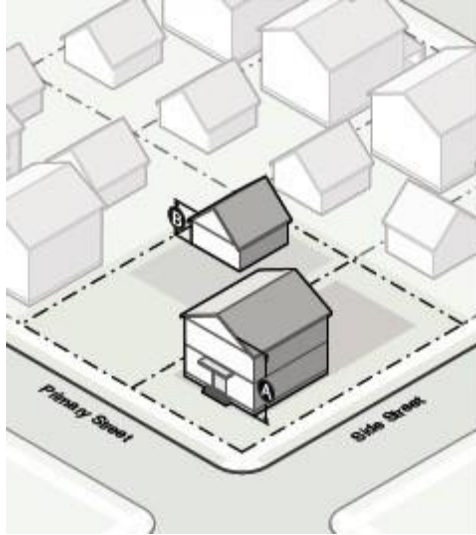
- (a) Primary street: 40 feet minimum.
- (b) Side street: 10 feet minimum.
- (c) Side interior: five feet minimum (except attached housing types with dwellings on individual lots such as townhouses or attached houses which do not require a side interior setback). Side interior setback may be reduced to zero (0) feet within principal building rear yard where an opened alley abuts rear property line.
- (d) Rear: ~~10~~ three feet minimum (rear setback for an accessory structure abutting an alley may be reduced to two feet).
- (e) Fire separation as specified in the building code may be required for accessory buildings.



R2 Building Placement

(7) Building Height.

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



R2 Building Height
(Ord. 011-19 § 4 (Exh. 1)).

20.34.030 Residential 3 (R3).

(1) Intent. The R3 district is intended to accommodate a variety of residential options limited to three stories in height. The R3 zone should be applied in areas designated as residential medium density in the Port Orchard comprehensive plan. Uses that would substantially interfere with the residential nature of the district are not allowed.

(2) Building Types Allowed. The allowed building types in the R3 zone are as follows:

- (a) Detached house (POMC [20.32.020](#)).
- (b) Backyard cottage (detached ADU) (POMC [20.32.030](#)).
- (c) Cottage court (POMC [20.32.040](#)).
- (d) Duplex: side-by-side (POMC [20.32.050](#)).
- (e) Duplex: back-to-back (POMC [20.32.060](#)).
- (f) Attached house (POMC [20.32.070](#)).
- (g) Fourplex (POMC [20.32.080](#)).
- (h) Townhouse (POMC [20.32.090](#)).
- (i) Apartment (POMC [20.32.100](#)).
- (j) Accessory buildings (POMC [20.32.010](#)(16)).



R3 Building Types

(3) Lot Dimensions.

(a) Minimum Lot Size by Building Type.

(i) Detached House (POMC [20.32.020](#)).

(A) Lots that take vehicular access from primary street with three or more side-by-side enclosed parking stalls (three-car garage): 5,000 square feet.

(B) Lots that take vehicular access from primary street with two side-by-side enclosed parking stalls (two-car garage): 4,000 square feet.

(C) Lots that take vehicular access from primary street with one side-by-side enclosed parking stall (one-car garage or tandem configuration two-car garage): 2,800 square feet.

(D) Lots that do not take vehicular access from primary street (lots with access from alley): 2,400 square feet.

(ii) Backyard cottage (detached ADU) (POMC [20.32.030](#)): not applicable.

(iii) Cottage court (POMC [20.32.040](#)): 1,200 square feet.

(iv) Duplex: side-by-side (POMC [20.32.050](#)): 5,000 square feet.

(v) Duplex: back-to-back (POMC [20.32.060](#)): 5,000 square feet.

(vi) Attached house (POMC [20.32.070](#)): 2,000 square feet.

(vii) Fourplex: 7,000 square feet.

(viii) Townhouse (POMC [20.32.090](#)): 800 square feet.

(ix) Apartment (POMC [20.32.100](#)): 10,000 square feet.

(b) Minimum Lot Width.

(i) Detached House (POMC [20.32.020](#)).

(A) Lots that take vehicular access from primary street: 36 feet.

(B) Lots that do not take vehicular access from primary street: 26 feet.

(ii) Backyard cottage (detached ADU) (POMC [20.32.030](#)): not applicable.

(iii) Cottage court (POMC [20.32.040](#)): 20 feet.

(iv) Duplex: Side-by-Side (POMC [20.32.050](#)).

(A) Lots that take vehicular access from primary street: 60 feet.

(B) Lots that do not take vehicular access from primary street: 40 feet.

(v) Duplex: back-to-back (POMC [20.32.060](#)): 40 feet.

(vi) Attached House (POMC [20.32.070](#)).

(A) Lots that take vehicular access from primary street: 30 feet.

(B) Lots that do not take vehicular access from primary street: 20 feet.

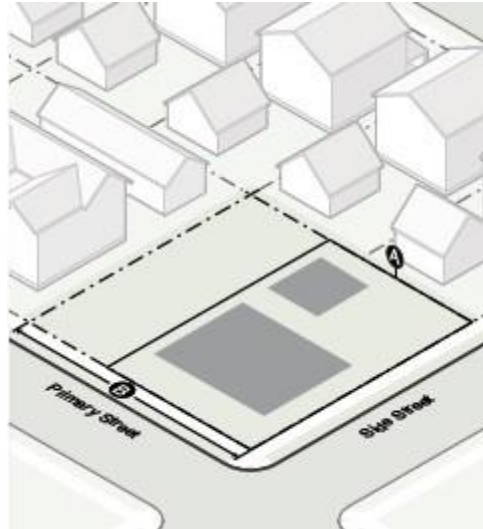
(vii) Fourplex (POMC [20.32.080](#)): 60 feet.

(viii) 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.

(ix) Apartment: 80 feet.



R3 Lot Dimensions

(4) Maximum hard surface coverage is 80 percent.

(5) Principal Building Setbacks.

(a) Primary street: 10 feet minimum or average front setback (see POMC [20.40.020](#)).

(b) Side street: 10 feet minimum.

(c) Side interior: five feet minimum (except attached housing types with dwellings on individual lots such as townhouses or attached houses which do not require a side interior setback).

(d) Rear: 10 feet minimum.

(6) Accessory Structure Setbacks.

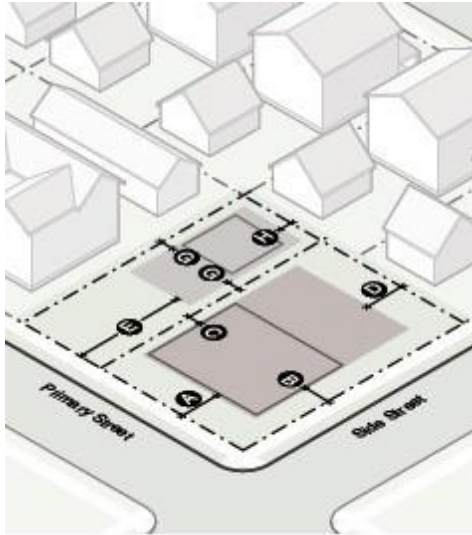
(a) Primary street: 40 feet minimum.

(b) Side street: 10 feet minimum.

(c) Side interior: five feet minimum. Side interior setback may be reduced to zero (0) feet within principal building rear yard where an opened alley abuts rear property line.

(d) Rear: ~~10~~ Three feet minimum (rear setback for an accessory structure abutting an alley may be reduced to two feet).

(e) Fire separation as specified in the building code may be required for accessory buildings.



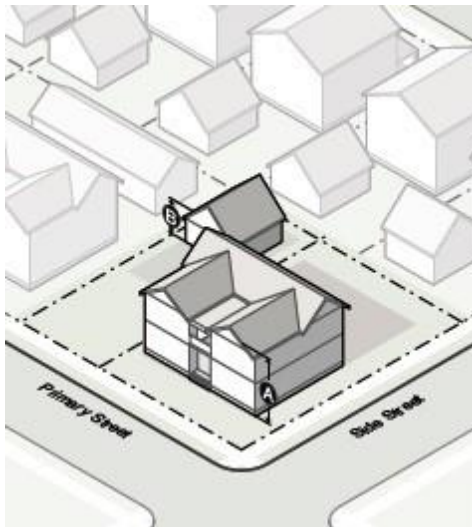
R3 Building Placement

(7) Building Height.

Principal building 3 stories/35 ft max (A)

Note: If a property is located within an area designated by the city as a receiving site for the transfer of development rights, additional height for apartment buildings may be allowed. Refer to Chapter [20.41](#) POMC, Transfer of Development Rights Program, for additional information.

Accessory structure 24 ft max (B)



R3 Building Height

(Ord. 011-19 § 4 (Exh. 1)).

20.34.040 Residential 4 (R4).

(1) Intent. The R4 district is intended to accommodate a variety of multifamily residential options at heights of 45 feet or less. Uses that would substantially interfere with the residential nature of the district are not allowed.

(2) Building Types Allowed. The allowed building types in the R4 zone are as follows:

- (a) Cottage court (POMC [20.32.040](#)).
- (b) Fourplex (POMC [20.32.080](#)).
- (c) Townhouse (POMC [20.32.090](#)).
- (d) Apartment (POMC [20.32.100](#)).
- (e) Accessory buildings (POMC [20.32.010](#)(16)).



R4 Building Types

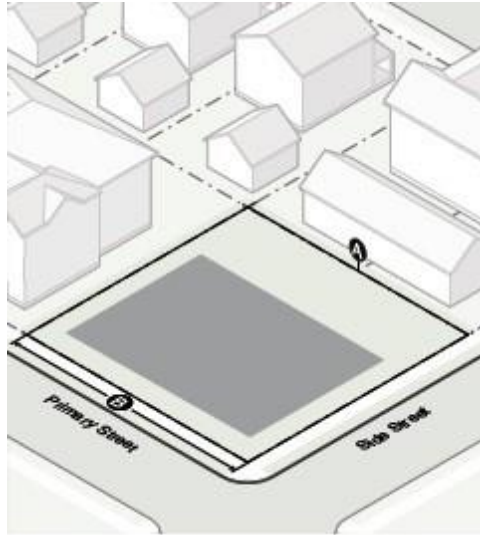
(3) Lot Dimensions.

(a) Minimum Lot Size by Building Type.

- (i) Cottage court (POMC [20.32.040](#)): 1,200 square feet.
- (ii) Fourplex (POMC [20.32.080](#)): 7,000 square feet.
- (iii) Townhouse (POMC [20.32.090](#)): 800 square feet.
- (iv) Apartment (POMC [20.32.100](#)): 10,000 square feet.

(b) Minimum Lot Width.

- (i) Cottage court (POMC [20.32.040](#)): 20 feet.
- (ii) Fourplex (POMC [20.32.080](#)): 60 feet.
- (iii) 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.
- (iv) Apartment: 80 feet.



R4 Lot Dimensions

(4) Maximum hard surface coverage is: 80 percent.

(5) Principal Building Setbacks.

(a) Primary street: 10 feet minimum or average front setback (see POMC [20.40.020](#)).

(b) Side street: 10 feet minimum.

(c) Side interior: five feet minimum (except attached housing types with dwellings on individual lots such as townhouses which do not require a side interior setback).

(d) Rear: 10 feet minimum (four feet minimum where abutting an alley).

(6) Accessory Structure Setbacks.

(a) Primary street: 40 feet minimum.

(b) Side street: 10 feet minimum.

(c) Side interior: five feet minimum. Side interior setback may be reduced to zero (0) feet within principal building rear yard where an opened alley abuts rear property line.

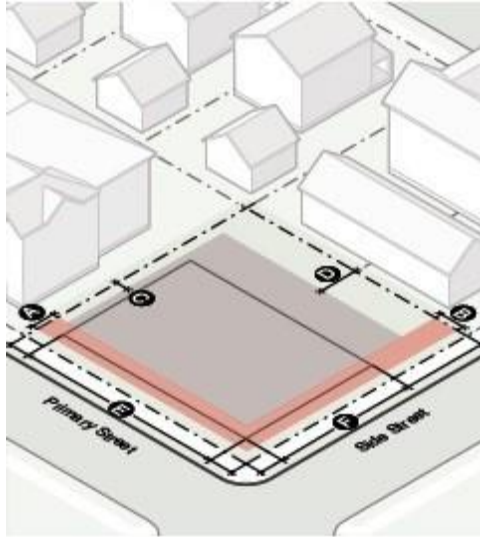
(d) Rear: Three feet minimum (rear setback for an accessory structure abutting an alley may be reduced to two feet).

(e) Fire separation as specified in the building code may be required for accessory buildings.

(67) Build-to Zone (BTZ).

(a) Building facade in primary street: 60 percent minimum BTZ (percent of lot width).

(b) Building facade in side street: 30 percent minimum BTZ (percent of lot width).



R4 Building Placement

(78) Building Height.

(a) All buildings and structures: four stories/45 feet maximum.

Note: If a property is located within an area designated by the city as a receiving site for the transfer of development rights, additional height for apartment buildings may be allowed. Refer to Chapter [20.41](#) POMC, Transfer of Development Rights Program, for additional information.



R4 Building Height

(Ord. 011-19 § 4 (Exh. 1)).

20.34.050 Residential 5 (R5).

(1) Intent. The R5 district is intended to accommodate a variety of multifamily residential options at heights of 55 feet or less. Uses that would substantially interfere with the residential nature of the district are not allowed.

(2) Building Types Allowed. The allowed building types in the R5 zone are as follows:

- (a) Cottage court (POMC [20.32.040](#)).
- (b) Fourplex (POMC [20.32.080](#)).
- (c) Townhouse (POMC [20.32.090](#)).
- (d) Apartment (POMC [20.32.100](#)).
- (e) Accessory buildings (POMC [20.32.010](#)(16)).



R5 Building Types

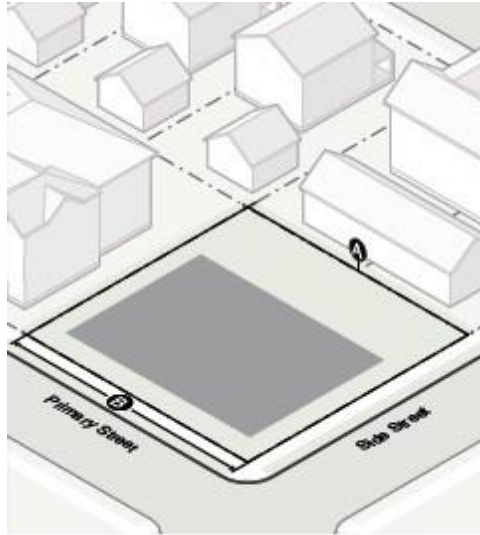
(3) Lot Dimensions.

(a) Minimum Lot Size by Building Type.

- (i) Cottage court (POMC [20.32.040](#)): 1,200 square feet.
- (ii) Fourplex (POMC [20.32.080](#)): 7,000 square feet.
- (iii) Townhouse (POMC [20.32.090](#)): 1,000 square feet.
- (iv) Apartment (POMC [20.32.100](#)): 10,000 square feet.

(b) Minimum Lot Width.

- (i) Cottage court (POMC [20.32.040](#)): 20 feet.
- (ii) Fourplex (POMC [20.32.080](#)): 60 feet.
- (iii) 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.
- (iv) Apartment: 80 feet.



R5 Lot Dimensions

(4) Maximum hard surface coverage is 80 percent.

(5) Principal Building Setbacks.

(a) Primary Street: 10 feet minimum or average front setback (see POMC [20.40.020](#)).

(b) Side street: 10 feet minimum.

(c) Side interior: five feet minimum (except attached housing types with dwellings on individual lots such as townhouses which do not require a side interior setback).

(d) Rear: 10 feet minimum (four feet minimum where abutting an alley).

(6) Accessory Structure Setbacks.

(a) Primary street: 40 feet minimum.

(b) Side street: 10 feet minimum.

(c) Side interior: five feet minimum. Side interior setback may be reduced to zero (0) feet within principal building rear yard where an opened alley abuts rear property line.

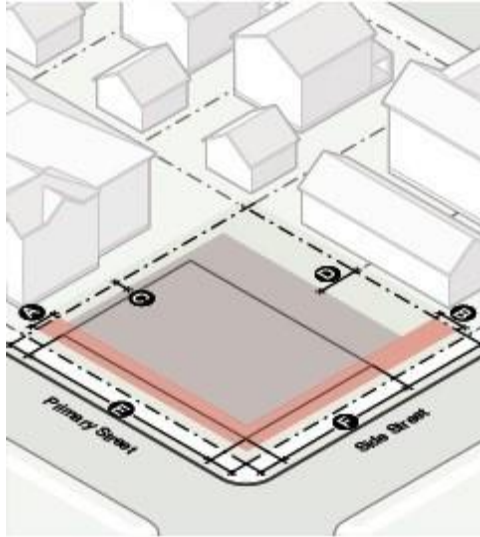
(d) Rear: Three feet minimum (rear setback for an accessory structure abutting an alley may be reduced to two feet).

(e) Fire separation as specified in the building code may be required for accessory buildings.

(67) Build-to Zone (BTZ).

(a) Building facade in primary street: 60 percent minimum BTZ (percent of lot width).

(b) Building facade in side street: 30 percent minimum BTZ (percent of lot width).



R5 Building Placement

(78) Building Height.

(a) All buildings and structures: five stories/55 feet maximum.

Note: If a property is located within an area designated by the city as a receiving site for the transfer of development rights, additional height for apartment buildings may be allowed. Refer to Chapter [20.41](#) POMC, Transfer of Development Rights Program, for additional information.



R5 Building Height

(Ord. 011-19 § 4 (Exh. 1)).

20.34.060 Residential 6 (R6).

(1) Intent. The R6 district is primarily intended to accommodate detached house development with a minimum lot size that varies based on building type. The R6 district is intended to implement the residential medium density comprehensive plan designation in selected parts of the McCormick Woods master planning area. Additional building types that are allowed include backyard cottage (detached accessory dwelling unit), cottage court, duplex and attached house. Uses that would substantially interfere with the residential nature of the district are not allowed.

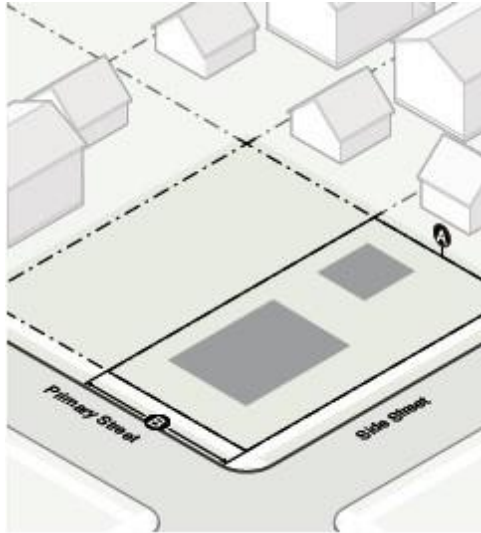
(2) Building Types Allowed. The allowed building types in the R6 zone are as follows:

- (a) Detached house (POMC [20.32.020](#)).
- (b) Backyard cottage (detached ADU) (POMC [20.32.030](#)).
- (c) Cottage court (POMC [20.32.040](#)).
- (d) Duplex: side-by-side (POMC [20.32.050](#)).
- (e) Duplex: back-to-back (POMC [20.32.060](#)).
- (f) Attached house (POMC [20.32.070](#)).
- (g) Accessory buildings (POMC [20.32.010](#)(16)).



R6 Building Types

(3) Lot Dimensions.



R6 Lot Dimensions

(a) Minimum Lot Size by Building Type.

- (i) Detached house (POMC [20.32.020](#)): 4,000 square feet.
- (ii) Backyard cottage (detached ADU) (POMC [20.32.030](#)): not applicable.
- (iii) Duplex: side-by-side (POMC [20.32.050](#)): 5,000 square feet.
- (iv) Duplex: back-to-back (POMC [20.32.060](#)): 5,000 square feet.
- (v) Attached house (POMC [20.32.070](#)): 2,500 square feet.

(b) Minimum Lot Width.

- (i) Detached house (POMC [20.32.020](#)): 40 feet.
- (ii) Backyard cottage (detached ADU) (POMC [20.32.030](#)): not applicable.
- (iii) Duplex: Side-by-Side (POMC [20.32.050](#)).
 - (A) Lots that take vehicular access from primary street: 60 feet.
 - (B) Lots that do not take vehicular access from primary street: 40 feet.
- (iv) Duplex: back-to-back (POMC [20.32.060](#)): 40 feet.
- (v) Attached House (POMC [20.32.070](#)).
 - (A) Lots that take vehicular access from primary street: 30 feet.
 - (B) Lots that do not take vehicular access from primary street: 20 feet.

(4) Maximum hard surface coverage is 75 percent.

(5) Principal Building Setbacks.

- (a) Primary street: 10 feet minimum or average front setback (see POMC [20.40.020](#)).
- (b) Side street: 10 feet minimum.
- (c) Side interior: five feet minimum.
- (d) Rear: 10 feet minimum (rear setback for an accessory structure abutting an alley may be reduced to two feet).

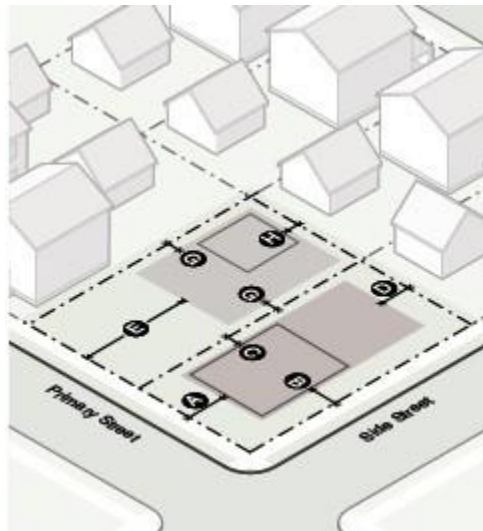
(6) Accessory Structure Setbacks.

- (a) Primary street: 40 feet minimum.
- (b) Side street: 10 feet minimum.

(c) Side interior: five feet minimum. Side interior setback may be reduced to zero (0) feet within principal building rear yard where an opened alley abuts rear property line.

(d) Rear: ~~10~~ Three feet minimum (rear setback for an accessory structure abutting an alley may be reduced to two feet).

(e) Fire separation as specified in the building code may be required for accessory buildings.

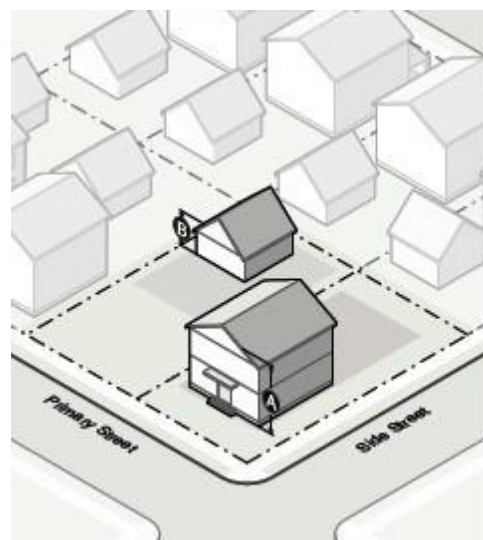


R6 Building Placement

(7) Building Height.

(a) Principal building: three stories/35 feet maximum.

(b) Accessory structure: 24 feet maximum.



R6 Building Height

(Ord. 011-19 § 4 (Exh. 1)).

Next Planning Commission Meeting – August 2, 2022