

ORDINANCE NO. 5390

AN ORDINANCE of the City Council of the City of Bremerton, Washington, for the 2019 Comprehensive Plan docket to amend the Zoning Code to modify the Multifamily Residential District, and to change the zoning maps for approximately 25 acres between 15th and 19th Street and Rainier and Naval Avenue from Multifamily Residential to Medium Density Residential; and

WHEREAS, the Washington State Growth Management Act ("GMA") requires internal consistency among comprehensive plan elements and applicable regional plans; and

WHEREAS, the City of Bremerton adopted a Zoning Code on May 18, 2016, by Ordinance No. 5301 hereinafter referred to as the "Zoning Code;" and

WHEREAS, the City adopted an area-wide land use classification and zoning for the Comprehensive Plan: Land Use Map (Ord. No. 5299) and Zoning Map (Ord. No. 5301) on May 18, 2016; and

WHEREAS, the zoning code and maps must be consistent with the Comprehensive Plan; and

WHEREAS, the City of Bremerton has established a procedure and criteria for approval for amending City proposed text amendments in the Zoning Code in Title 20.18 of the BMC. This procedure supports Comprehensive Plan and Zoning Code amendments to be processed concurrently; and

WHEREAS, this ordinance approves the 25 acres area-wide rezone from Multifamily Residential to Medium Density Residential pursuant to BMC 20.58.050 entitled Area-wide Rezones. This rezone will ensure consistency between this ordinance's amendments to the Comprehensive Plan and the City's Zoning Code; and

WHEREAS, the City Council will conduct an additional public hearing for the site-specific rezone for the Zoning Map change on Werner Road pursuant to BMC 20.58.040 entitled, Site-Specific Rezone.; and

WHEREAS, the Planning Commission conducted two workshops on the 2019 Comprehensive Plan amendments and associated Zoning Code changes proposal on April 22 and June 17, 2019; and

WHEREAS, on July 2, 2019, the Washington State Department of Commerce was notified of the City's Comprehensive Plan Amendment docket for 2019; and

WHEREAS, on August 8, 2019, a SEPA Determination of Nonsignificance was

issued for amendment docket items with a 14-day comment period; and

WHEREAS, on September 6, 2019, the public was notified by a legal advertisement in the Kitsap Sun of the opportunity to make comment and participate in the public hearing by the Planning Commission; and

WHEREAS, on September 16, 2019, the Planning Commission conducted a public hearing on the 2019 Comprehensive Plan Amendment Docket and its associated zoning code amendments, and the Planning Commission recommended the City Council adopt amendments as presented here in this ordinance; and

WHEREAS, on December 6, 2019, the public was notified by a legal advertisement in the Kitsap Sun of the opportunity to make comment and participate in the public hearing by the City Council; and

WHEREAS, on December 18, 2019 the City Council conducted a public hearing and considered all testimony prior to their decision; and

WHEREAS, on the December 18, 2019 the City Council adopted Ordinance No. 5389 which amended the City's Comprehensive Plan and those amendments require Zoning Code text and map change; and

WHEREAS, the proposal meets requirements of the GMA; and

WHEREAS, the proposal is consistent with Kitsap County Countywide Planning Policies ("KCCPP"); NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF BREMERTON, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. *Findings and Recitals Incorporated.* The findings and recitals set forth above are hereby incorporated by reference.

SECTION 2. Amend Chapter 20.40 of the Bremerton Municipal Code entitled "Administration" by amending Figure 20.40(a) to rename "Multifamily Residential (R-20)" to "High Density Residential (R-40);" and

SECTION 3. Amend the official Zoning Maps #1, #2, #3 and #4 of the Bremerton Municipal Code Title 20 by renaming the Zoning designation "Multifamily Residential" to "High Density Residential" as described in **Exhibit A** affixed hereto.

SECTION 4. Amend Chapter 20.79 of the Bremerton Municipal Code entitled "Multifamily Residential" by renaming this Zoning designation to "High Density Residential (R-40);" and

SECTION 5. Amend Chapter 20.79 of the Bremerton Municipal Code entitled “Multifamily Residential” by amending Subsection 20.79.010 as follows:

20.79.010 INTENT.

The intent of the ~~multifamily residential (R-20)~~ high density residential (R-40) zoning district is to provide a high standard of development for residential multifamily type structures and to provide a variety of housing options for a wide diversity of people, within neighborhoods that are currently developed with multifamily development. In addition, this zone supports ~~to supporting~~ the adopted Downtown Subarea Plan.

SECTION 6. Amend Chapter 20.79 of the Bremerton Municipal Code entitled “Multifamily Residential” by amending Subsection 20.79.020 as follows:

20.79.020 OUTRIGHT PERMITTED USES.

The following uses are permitted outright:

- (a) Co-location of wireless communications per BMC 20.46.140;
- (b) Residential Use. Dwelling units, including a duplex or townhouse, must meet the underlying density of this zone unless otherwise allowed for by state law or city code.

Residential uses include:

- (1) Day care facility (twelve (12) or fewer persons receiving care);
- (2) Foster home;
- (3) Class I group residential facility;
- (4) Multi-unit dwelling units;
- (5) Single-unit dwelling unit, attached (zero (0) lot lines);
- (6) Single-unit dwelling unit, detached;
- (7) Townhouses;
- (8) Duplexes.

SECTION 7. Amend Chapter 20.79 of the Bremerton Municipal Code entitled “Multifamily Residential” by amending Subsection 20.79.040 as follows:

20.79.040 CONDITIONAL USES.

The following conditional uses shall be permitted pursuant to BMC 20.58.020, provided the conditional use complies with the corresponding standard as listed in BMC 20.60.040 (low density residential (R-10) zone), except the criteria for minimum site area is not applicable to this zone for the following uses:

- (a) Bed and breakfast;
- (b) Senior housing complex;
- (c) Nursing/convalescent home;
- (d) Day care facilities (more than twelve (12) persons receiving care);
- (e) Worship, religious, and community facilities;
- (f) Schools, parks and associated facilities of the types set forth in BMC 20.60.040(j).

SECTION 8. Amend Chapter 20.79 of the Bremerton Municipal Code entitled “Multifamily Residential” by amending Subsection 20.79.060 as follows:

20.79.060 DEVELOPMENT STANDARDS.

(a) For properties located within the downtown regional center, the Downtown Subarea Plan will regulate development standards. The following development standards listed are for all other locations where the ~~R-20~~ R-40 zone is located.

(b) Lot Standards. Lot development requirements shall be in accordance with this section and the following standards unless allowed for by law otherwise:

(1) Setbacks.

(i) Minimum front yard setback is fifteen (15) feet;

(ii) Minimum side yard setback is five (5) feet;

(iii) Minimum rear yard setback is fifteen (15) feet.

(2) The maximum height of the structure shall meet the following:

(i) Maximum structure height is forty-five (45) feet, except that conditionally allowed uses per BMC 20.79.040 may be sixty (60) feet unless otherwise noted; and

(ii) For properties that are adjacent to Low Density Residential (R-10) zone, buildings taller than thirty-five (35) feet shall increase the setback by one foot from the R-10 zone property line for every one (1) foot building height increase over thirty-five (35) feet.

~~(3) Minimum lot width is thirty (30) feet~~

~~(43) Maximum development coverage is sixty (60) percent.~~ seventy-five (75) percent.

~~(bc)~~ Zero (0) Lot Line (ZLL) Development. An attached ~~single-family~~ dwelling and/or garage structure may have a ~~single~~ shared side or rear lot line, and a setback reduced to zero (0), provided the structure complies with building code fire separation requirements.

~~(ed)~~ Garages, Storage Buildings and Shops.

(1) Garage, Carport, and Shop Vehicle Entrance Setbacks. When the vehicle entrance faces the street, the garage, carport, or shop shall have a front yard setback of at least twenty (20) feet, except as provided in BMC 20.44.020 (Traditional front yard).

(e) Minimum density: ~~five (5)~~ eighteen (18) dwelling units per acre.

(f) Maximum density: ~~twenty (20)~~ forty (40) dwelling units per acre.

(g) Open Space. For projects of 25 units or more, a minimum of 15% of the net site area shall be set aside and utilized as open space for use and enjoyment of future residents either as passive and/or active space. Designated critical areas pursuant to Chapter 20.14 BMC shall not be used for the open space. Such open spaces shall at a minimum meet the following standards:

(1) Passive and Active Open Spaces. All open spaces must include facilities for active and/or passive recreation. Passive spaces could include facilities such as trails, benches, shelters, public plaza, and year-round water-feature. Active spaces can include children play equipment, paved hard court (basketball or tennis court), flat, open lawn for ballfield and other such facilities.

(2) Open Space Plan. For all designated open space areas the proposal shall include an open space plan. This plan is to ensure the open space is maintained and preserved in perpetuity. All open space areas shall comply with the following:

(i) Identify all proposed improvements such as public facilities, proposed vegetation, and existing vegetation to remain; and

(ii) The plan must comply with the requirements of the landscaping chapter, found in Chapter 20.50 BMC; and

(iii) The plan shall outline maintenance responsibilities; and

(iv) The plan shall include a notice to title approved by the City and recorded with the County Auditor. This notice shall include provisions for the designation and retention of open space, and provisions for permanent maintenance of the open space and/or commonly owned facilities.

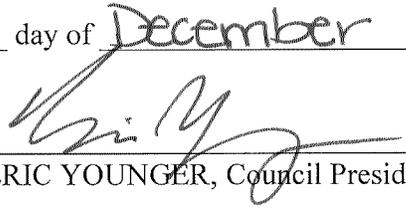
SECTION 9. The City of Bremerton Zoning Maps #2, adopted by Ordinance 5301 located within Title 20 of the Bremerton Municipal Code, is hereby amended as set forth in **Exhibit A**. The amendments are described as the 25 acres rezone from Multifamily Residential to Medium Density Residential between 15th and 19th Street and Naval and Rainier Avenue.

SECTION 10. Corrections. The City Clerk and codifiers of this corrections to this ordinance including, but not limited to, the correction of scrivener, clerical, typographical, and spelling errors, references, ordinance numbering, section/subsection numbers and any references thereto.

SECTION 11. Severability. If any provision of this ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remainder of this ordinance. Provided however, that if any provision of this ordinance is held invalid or unconstitutional, then the provision in effect prior to the effective date of this ordinance shall be in full force and effect for that individual provision as if this ordinance had never been adopted.

SECTION 18. Effective Date. This Ordinance shall take effect and be in force ten (10) days from and after its passage, approval, and publication as provided by law.

PASSED by the City Council the 18th day of December, 2019.


ERIC YOUNGER, Council President

Approved this 19th day of December, 2019.


GREG WHEELER, Mayor

ATTEST:

APPROVED AS TO FORM:


ANGELA HOOVER, City Clerk

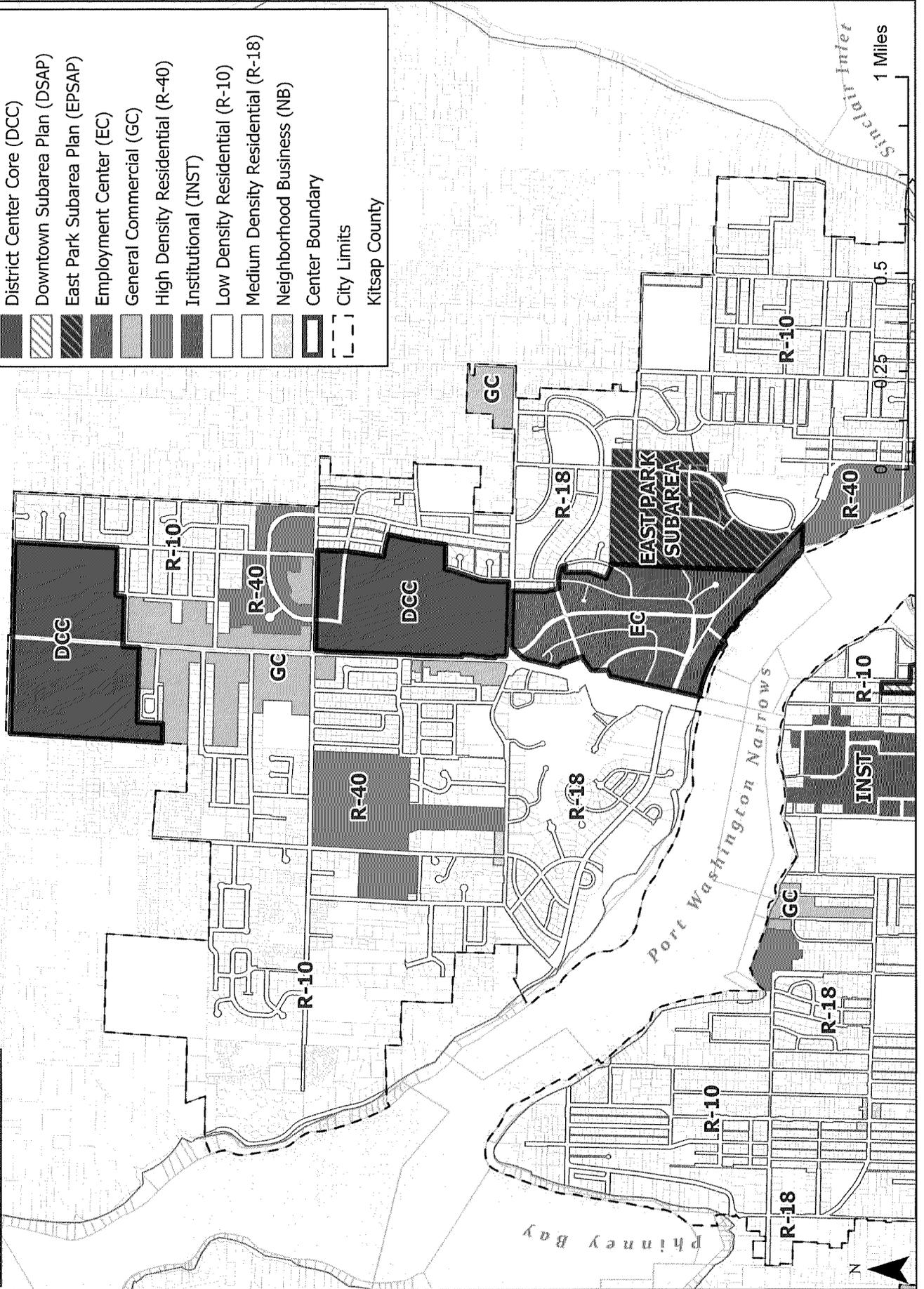

ROGER A. LUBOVICH, City Attorney

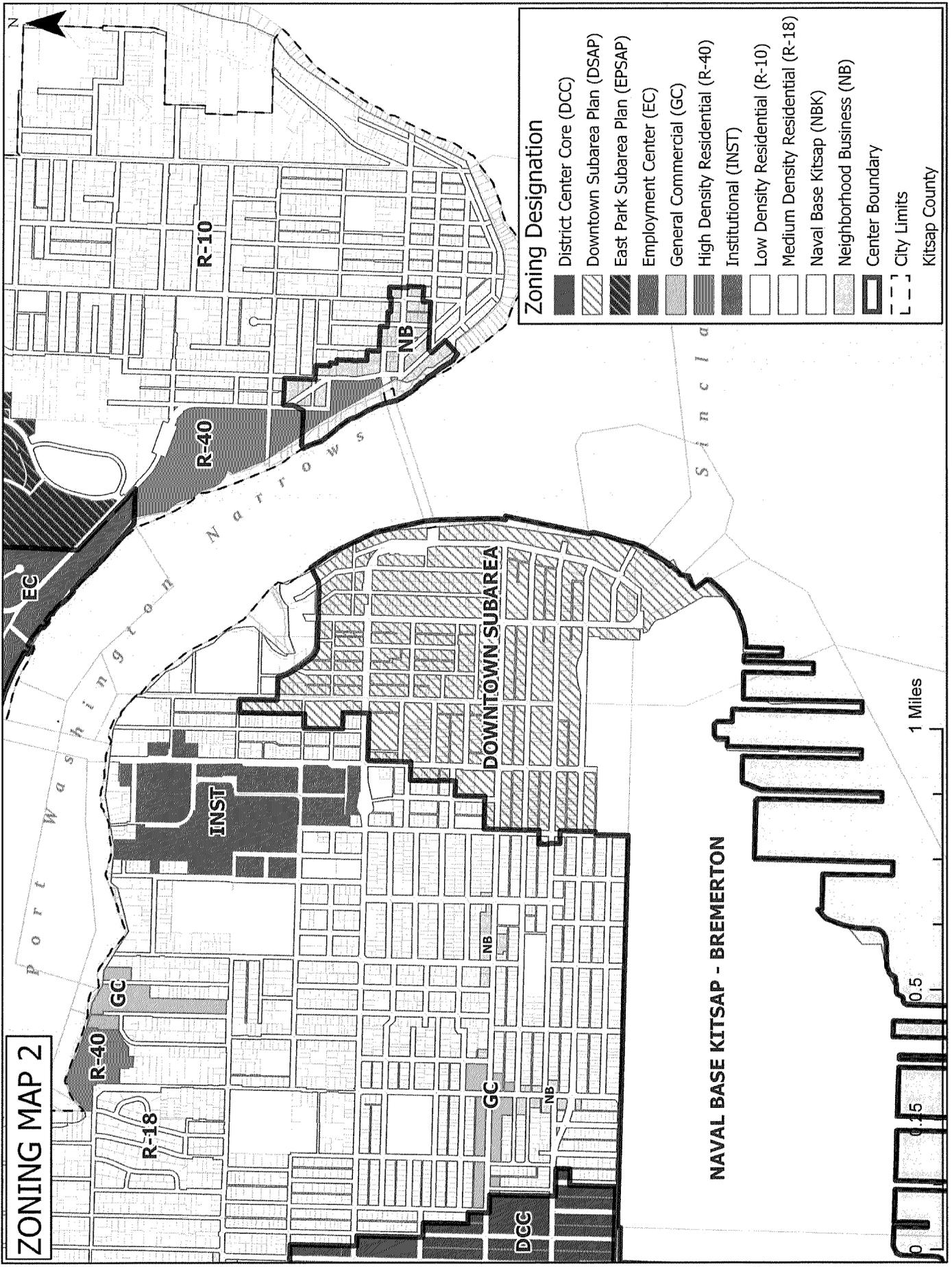
PUBLISHED the 21st day of December, 2019.
EFFECTIVE the 31st day of December, 2019.
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ZONING MAP 1

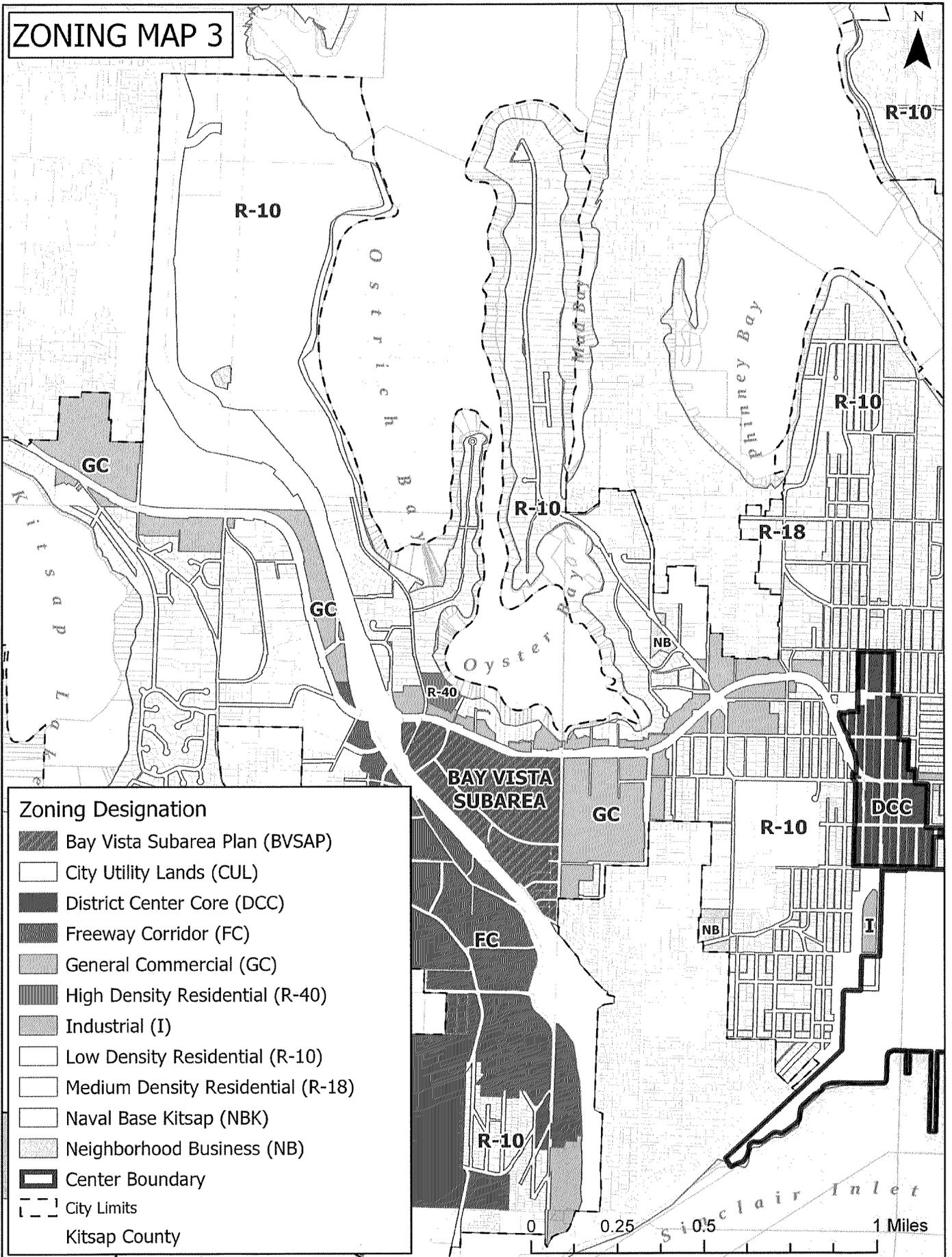
Zoning Designation

	District Center Core (DCC)
	Downtown Subarea Plan (DSAP)
	East Park Subarea Plan (EPSAP)
	Employment Center (EC)
	General Commercial (GC)
	High Density Residential (R-40)
	Institutional (INST)
	Low Density Residential (R-10)
	Medium Density Residential (R-18)
	Neighborhood Business (NB)
	Center Boundary
	City Limits
	Kitsap County

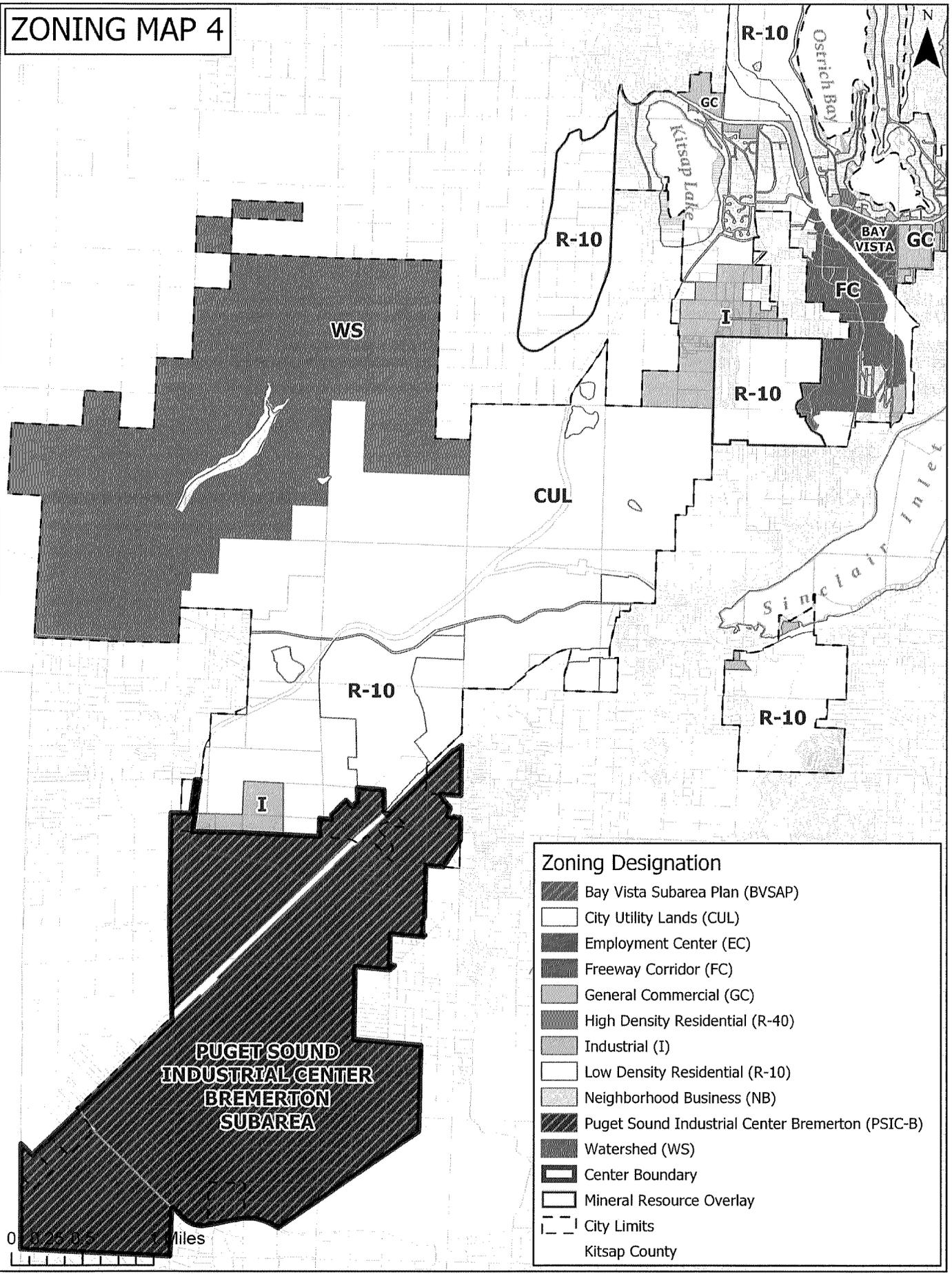




ZONING MAP 3



ZONING MAP 4



Zoning Designation

- Bay Vista Subarea Plan (BVSAP)
- City Utility Lands (CUL)
- Employment Center (EC)
- Freeway Corridor (FC)
- General Commercial (GC)
- High Density Residential (R-40)
- Industrial (I)
- Low Density Residential (R-10)
- Neighborhood Business (NB)
- Puget Sound Industrial Center Bremerton (PSIC-B)
- Watershed (WS)
- Center Boundary
- Mineral Resource Overlay
- City Limits

Kitsap County