**POULSBO DISTRIBUTION SCHEDULE**

**ORDINANCE NO. 2013-04**

**SUBJECT: 2012-2013 Zoning Code Update (Title 18)**

CONFORM AS TO DATES & SIGNATURES

(X) Filed with the City Clerk: 03/06/2013
(X) Passed by the City Council: 03/13/2013
(X) Signature of Mayor
(X) Signature of City Clerk
(X) Publication: 03/22/2013
(X) Effective: 03/27/2013
(_) Recorded: N/A

DISTRIBUTED COPIES AS FOLLOWS:

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Jill A. Boltz
City Clerk

March 25, 2013
Date

yellow

# ORDINANCE NO. 2013-04

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, AMENDING AND REPLACING TITLE 18 OF THE POULSBO MUNICIPAL CODE IN ORDER TO ADOPT THE 2012-2013 ZONING ORDINANCE UPDATE; DIVIDING THE CITY'S CURRENT ONE COMMERCIAL ZONING DISTRICT INTO FOUR COMMERCIAL ZONING DISTRICTS IN ORDER TO RECOGNIZE THE FOUR DISTINCT COMMERCIAL AREAS OF THE CITY; ADDING PROVISIONS FOR PLANNED MIXED USE DEVELOPMENTS FOR THE VIKING AVENUE AND SR-305 CORRIDOR COMMERCIAL AREAS; ADDING PROVISIONS FOR LIVE/WORK UNITS AND NEIGHBORHOOD COMMERCIAL IN RESIDENTIAL ZONING DISTRICTS; UPDATING SIGN CODE STANDARDS; ADDING PROVISIONS RELATING TO DEVELOPMENT AGREEMENTS, ANNEXATIONS, TREE RETENTION, AND TEMPORARY TRANSITORY ACCOMMODATIONS; AMENDING VARIOUS OTHER CITY STANDARDS, SUCH AS THOSE RELATING TO WIRELESS FACILITIES, PARKING, LANDSCAPING, AND DESIGN REVIEW; AMENDING THE ZONING MAP TO ADD THE NEW COMMERCIAL DISTRICTS AND TO PROVIDE FOR A MASTER PLAN OVERLAY; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

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**WHEREAS,** the Poulsbo City Council has approved a three-phase approach to updating the City's development regulations; and

**WHEREAS,** the first phase of the update was completed on February 16, 2011, when the Poulsbo City Council enacted Poulsbo Ordinance No. 2011-02; and

**WHEREAS,** the City began the second phase of the update in March 2012 when it adopted a public participation plan and released two ordinances drafted by the City planning staff: a draft zoning ordinance and a draft code enforcement ordinance; and

**WHEREAS,** the draft ordinances proposed numerous changes to Title 18 and other titles of the Poulsbo Municipal Code, including reformatting those portions of Title 18 amended by Ordinance 2011-02, and

**WHEREAS,** between March 2012 and August 2012, the Poulsbo Planning Commission conducted a thorough and methodical review of the draft ordinances and on August 21, 2012, the Planning Commission conducted a public hearing to take public input on the draft ordinances, as revised by the Planning Commission; and

**WHEREAS,** after considering the public testimony received, the Poulsbo Planning Commission adopted findings and conclusions and forwarded its recommendation to the Poulsbo City Council on the draft ordinances; and

**WHEREAS,** between September 2012 and February 2013, the Poulsbo City Council held a series of nine workshops to review and consider the Planning Commission's recommended ordinances and on February 27, 2013, the City Council held a public hearing in order to obtain public input on the draft ordinances, as revised by the City Council; and

**WHEREAS,** after considering the public testimony received, the Poulsbo City Council has determined to adopt the 2012-2013 Zoning Ordinance Update through the enactment of this ordinance and has determined to adopt the Code Enforcement Ordinance through the enactment of a separate ordinance, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF POULSBO, WASHINGTON, DO ORDAIN AS FOLLOWS:

**Section 1. Findings.** In support of the amendments made by this ordinance, the Poulsbo City Council adopts the Planning Commission's Recommendations and Findings of Fact dated August 21, 2012 and the Poulsbo Planning Department's February 20, 2013 Memorandum to Mayor Erickson and the Poulsbo City Council. In addition, the Poulsbo City Council specifically finds that Mayor, City Council, Planning Commission, and staff have considered the protection of private property rights under Goal 6 of the Growth Management Act (RCW 36.70A.040(6)) and have reviewed and considered the "warning signals" for unconstitutional takings set forth in the Washington State Attorney General's Advisory Memorandum: Avoiding Unconstitutional Takings, in making the amendments contained in this ordinance. The Poulsbo City Council finds that the amendments respect private property rights and do not unconstitutionally take private property.

**Section 2. Adoption of Zoning Ordinance Update.** Title 18 of the Poulsbo Municipal Code is hereby amended and replaced to read as set forth on Exhibit A attached hereto and incorporated herein by this reference as if set forth in full.

**Section 3. Adoption of Zoning Map.** The Official Zoning Map of the City of Poulsbo is hereby amended and replaced to read as set forth on Exhibit B attached hereto and incorporated herein by this reference as if set forth in full.

**Section 4. Severability.** If any section, sentence, clause or phrase of this ordinance or any code provision or map adopted herein should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance or any such code provision or map.

**Section 5. Effective Date.** This ordinance shall take effect five (5) days after publication of the attached summary, which is hereby approved.

ADOPTED by the Poulsbo City Council and approved by the Mayor this 13th day of March, 2013.

CITY OF POULSBO:

MAYOR, REBECCA ERICKSON

ATTEST/AUTHENTICATED:

JILL A. BOLTZ, CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

JAMES E. HANEY

FILED WITH THE CITY CLERK: 03/06/2013
PASSED BY THE CITY COUNCIL: 03/13/2013
PUBLISHED: 03/22/2013
EFFECTIVE DATE: 03/27/2013
ORDINANCE NO.: 2013-04

**SUMMARY OF ORDINANCE NO. 2013-04**

of the City of Poulsbo, Washington

On the 13th day of March, 2013, the City Council of the City of Poulsbo, passed Ordinance No. 2013-04. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, AMENDING AND REPLACING TITLE 18 OF THE POULSBO MUNICIPAL CODE IN ORDER TO ADOPT THE 2012-2013 ZONING ORDINANCE UPDATE; DIVIDING THE CITY'S CURRENT ONE COMMERCIAL ZONING DISTRICT INTO FOUR COMMERCIAL ZONING DISTRICTS IN ORDER TO RECOGNIZE THE FOUR DISTINCT COMMERCIAL AREAS OF THE CITY; ADDING PROVISIONS FOR PLANNED MIXED USE DEVELOPMENTS FOR THE VIKING AVENUE AND SR-305 CORRIDOR COMMERCIAL AREAS; ADDING PROVISIONS FOR LIVE/WORK UNITS AND NEIGHBORHOOD COMMERCIAL IN RESIDENTIAL ZONING DISTRICTS; UPDATING SIGN CODE STANDARDS; ADDING PROVISIONS RELATING TO DEVELOPMENT AGREEMENTS, ANNEXATIONS, TREE RETENTION, AND TEMPORARY TRANSITORY ACCOMMODATIONS; AMENDING VARIOUS OTHER CITY STANDARDS, SUCH AS THOSE RELATING TO WIRELESS FACILITIES, PARKING, LANDSCAPING, AND DESIGN REVIEW; AMENDING THE ZONING MAP TO ADD THE NEW COMMERCIAL DISTRICTS AND TO PROVIDE FOR A MASTER PLAN OVERLAY; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

DATED this 18th day of March, 2013.

CITY CLERK JILL A. BOLTZ, CMC

# Title 18
# Zoning Ordinance

Approved February 27, 2013
Adopted March 13, 2013
Effective March 27, 2013

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**Section I. General Provisions**

18.10 Intent and Purpose
18.20 Legal Provisions
18.30 Compliance
18.40 Definitions
18.50 Use Classifications
18.55 Reasonable Accommodations

**Section. II Land Use Districts**

18.60 Establishment of Zoning Districts
18.70 Residential Districts
18.80 Commercial Districts
18.90 Business and Employment Districts
18.100 Park Zoning District
18.110 Master Plan Overlay

**Section III. General Development Regulations**

18.120 Design Review
18.125 Essential Public Facilities
18.130 Landscaping
18.140 Off-Street Parking and Loading
18.150 Measurements
18.160 Non Conformities
18.170 Signage
18.180 Tree Retention
18.190 Temporary Transitory Accommodations
18.200 Wireless Communication Facilities

**Section IV. Permits and Decisions**

18.210 Amendments
18.220 Annexations
18.230 Conditional Use Permit
18.240 Development Agreements
18.250 Planned Mixed Use Development
18.260 Planned Residential Development
18.270 Site Plan Review
18.280 Temporary Use Permit
18.290 Variance

**Section V. Administration**

18.300 Administration and Interpretations
18.310 Exceptions
18.320 Enforcement and Violations

# Section I. General Provisions

## 18.10 Intent and Purpose.

**18.10.010 Overall Purpose**. The purpose of this Zoning Code is to implement the City's Comprehensive Plan, and by reference, the requirements of the Washington State Growth Management Act (GMA).

**18.10.020 Community Guiding Principles**. The Zoning Code contains regulations to manage the community's growth in a manner that ensures efficient use of land, preserves regulated critical areas, and encourages good urban design. Specifically, the code supports the vision of the City and is designed to implement the Comprehensive Plan, including:

A. Respecting Poulsbo's identity, including the historic downtown and existing neighborhoods and districts, as new areas are developed.

B. Maintaining, and where feasible improving, the health and beauty of the surrounding natural environment and existing neighborhoods.

C. Developing an economically sustainable balance of services, amenities and infrastructure for a diverse population.

D. Promoting community interaction by supporting gathering places, open spaces, and parks and recreational opportunities.

E. Supporting community members of all ages by providing opportunities for active lifestyle choices.

F. Connecting the City, neighborhoods, and neighbors through a variety of mobility options.

G. Establishing a process that engages citizens and community partners by adopting and implementing policies that reflect the desires and concerns of community members.

# 18.20 Legal Provisions.

**18.20.010 Name**.
This title shall be and may be cited as the Zoning Code of the City of Poulsbo, and shall be codified in Title 18 of the Poulsbo Municipal Code. The Poulsbo Municipal Code may be cited by the abbreviation PMC.

**18.20.020 Law of the City**.
The contents of this Zoning Code shall be the prima facie law of a general and permanent nature of the City of Poulsbo, State of Washington, and as such shall be entitled to recognition by all administrative bodies and tribunals of the city, state, and municipalities and by any court.

**18.20.030 Conflicting Regulations**.
Wherever any provision of this Zoning Code imposes a restriction on the use of land greater than is provided by another ordinance, then this Zoning Code shall prevail.

**18.20.040 Validity of Code.**
If any section, subsection, sentence, clause, or phase of this Zoning Code is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Zoning Code, and all other parts of the Code which are not expressly held to be void or unconstitutional shall continue in full force and effect.

**18.20.050 Legal Uses.**
No land use which is prohibited by state or federal law will be allowed by the City.

# 18.30 Compliance.

## 18.30.010 Compliance.

A. General. Except as specifically set forth elsewhere in this title, no building or other structure shall be constructed, improved, altered, enlarged or moved, nor shall any use or occupancy of premises within the city be commenced or changed; nor shall any condition of, or upon, real property be caused or maintained, after the effective date of this title, except in conformity with conditions prescribed in this Zoning Code and with all applicable local, state and federal laws and regulations. It shall be unlawful for any person, firm or corporation to erect, construct, establish, move into, alter, enlarge, use or cause to be used, any buildings, structures or improvements or use of premises located in any zone described in this title contrary to the provisions of this title; provided that the Planned Residential Development conditions as allowed in Chapter 18.260, Zoning Variances as allowed in Chapter 18.290 and Non Conformities in Chapter 18.160, shall be allowed and continue in the manner provided for in this Title.

B. Obligation of successor. The requirements of this title apply to the property owner of record and/or the person undertaking the development or use of structures or land; or to that person's successor in interest of the property and/or the undertaking of the development or use of structures or land.

C. Legality of pre-existing approvals. Any use of a structure or of land approved by the city prior to the effective date of this title, or by the county in annexed areas prior to annexation, may continue if consistent with such approvals. No such legal existing use shall be enlarged or modified in a manner contrary to these regulations, or as subject to the provisions of this code regarding nonconformities.

## 18.30.020 Enforcement.

The Planning Director or designee has authority to enforce the requirements of this title. Enforcement of Title 18 shall proceed under the provisions of Chapter 18.320. Any approval, permit, certificate, or license issued based on a knowing and material misrepresentation by an applicant, may be suspended or revoked by the Planning Director.

## 18.30.030 Certificates of Occupancy.

A. General. The purpose of this section is to ensure that each new or expanded use of a structure or of a site without a structure, and each new structure or alteration of an existing structure complies with all applicable provisions of this Title. Certificates of Occupancy also provide the City with a record of each new or expanded use of a structure or site.

B. Application of Certificates of Occupancy.

1. For use of new or expanded buildings. No buildings hereafter erected or enlarged shall be occupied, used or changed in use until a Certificate of

Occupancy has been issued. A Certificate of Occupancy shall be issued only after such building or enlargement has been completed in conformity with the provisions of this Title, with an approved site plan, if required, and when the proposed use conforms to this Title and to any and all other required conditions; and/or other applicable codes of the City of Poulsbo or State of Washington.

2. For use of existing buildings. In the event a change shall be made in the classification of occupancies or use of any existing building which would place the building in a different division of the same group of occupancy or in a different group of occupancies, such building shall be made to comply with the requirements of the City Adopted Building Code, and such change in occupancy classification shall require a Certificate of Occupancy. A Certificate of Occupancy shall not be required solely for changes in use within the same division of the same group of occupancy defined by the International Building Code, as adopted by the City.

C. Record. A record of all Certificates of Occupancy shall be kept on file with the Building Department.

# 18.40 Definitions.

## 18.40.010 General.

Except where specifically defined herein, all words used in this Code shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular. The word *shall* is always mandatory, the word *may* denotes a use of discretion in making a decision. The words *used* or *occupied* shall be considered as though followed by the words *or intended, arranged or designed to be used, or occupied*. The words *land* and *property* are used interchangeably unless the context clearly indicates to the contrary. The word *building* includes the word *structure*. The word *person* shall include *persons, association, firm, partnership or corporation*, as well as the *individual*. Words used in the masculine gender include the feminine, and the feminine the masculine.

## 18.40.020 Common Acronyms.

**AC** Administrative Conditional Use Permit

**ADA** The Americans with Disability Act

**ADU** Accessory Dwelling Unit

**BMP** Best Management Practices

**CUP** Conditional Use Permit

**FAA** Federal Aviation Administration

**FCC** Federal Communications Commission

**GMA** The Washington State Growth Management Act of 1990

**gsf** Gross Square Feet

**LID** Low Impact Development

**LOS** Level of service

**PMC** Poulsbo Municipal Code

**PMUD** Planned Mixed Use Development

**PRD** Planned Residential Development

**RCW** Revised Code of Washington

**SEPA** State Environmental Policy Act

**SPR** Site Plan Review

**SF** Square Feet. Also s.f. and sq.ft**.**

**WAC** Washington Administrative Code

**‘** Foot (relating to measurement)

**“** Inch (relating to measurement)

**%** Percent

**18.40.030 Definitions.**

**<u>A definitions:</u>**

**Abutting.** Contiguous or adjoining with a common boundary line, except that where two or more lots adjoin only at a corner or corners, they shall not be considered as "abutting" unless the common property line between the two parcels measures 8’ or more in a single direction. It shall include the terms adjacent, adjoining and contiguous.

**Accept.** To receive as complete and in compliance with all submittal requirements.

**Access or Access Way.** The place, means or the way by which pedestrians, bicycles and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this title.

**Accessory Dwelling Unit (ADU).** One or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit within or attached to a single-family dwelling or in a detached building on the same lot as the primary dwelling unit. An ADU is distinguishable from a duplex in that, unlike a duplex, it is clearly subordinate to the primary dwelling unit, both in use and appearance.

**Accessory Equipment Structure.** An unstaffed structure that is subordinate and clearly incidental to the principal use or structure on the lot and may be used to house and protect the equipment necessary for the primary use. Associated equipment may include air conditioning and emergency generators.

**Accessory Structure.** A building or structure which is clearly incidental to the primary structure on the same lot, such as a storage shed, gazabo or greenhouse.

**Accessory Use.** A use of land or portion thereof which is clearly incidental and subordinate to the principle use of the land located on the same lot or premises.

**Acre.** A measure of land area containing 43,560 square feet.

**Active Recreation Area**. An area which provides active recreation facilities for residents of the development of which it is a part.

**Actual Construction.** The actual placing of building materials in their permanent position, fastened in a permanent manner, including any excavation.

**Addition.** Means the same as enlargement.

**Adjacent.** Abutting or located directly across a street right-of-way.

**Adjoin.** Means the same as abutting.

**Adult Day Care**. An adult care service use providing regularly scheduled care for a period less than 24 hours. An adult care service use meeting the definition of an Adult Family Home as defined pursuant to RCW 70.128.010(1) does not fall within the scope of this definition.

**Adult Entertainment Definitions.**

A. Adult Arcade. An adult arcade is a commercial establishment containing individual viewing areas or booths, where, for any form of consideration, including a membership fee, one or more still or motion picture projectors, slide projectors, or other similar image producing machines are used to show films, motion pictures, video cassettes, slides, or other visual representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas.

B. Adult Cabaret. An adult cabaret is a nightclub, bar, restaurant, tavern or other similar commercial establishment, whether or not alcoholic beverages are served, that regularly features adult entertainment.

C. Adult Entertainment. Adult entertainment means:

1. Any exhibition, performance or dance conducted in a sexually oriented business where such exhibition, performance or dance is distinguished or characterized by a predominant emphasis on depicting, describing, or simulating any specified sexual activities or any specified sexual anatomical areas; or
2. Any exhibition, performance or dance intended to sexually stimulate any patron and conducted in a sexually oriented business where such exhibition, performance or dance is performed for, arranged with, or engaged in with fewer than all patrons in the sexually oriented business at that time, with separate consideration paid, either directly or indirectly, for such performance, exhibition or dance. For purposes of example and not limitation, such exhibitions, performances or dances are commonly referred to as table dancing, couch dancing, taxi dancing, lap dancing, private dancing or straddle dancing.

D. Adult Motel. An adult motel is a hotel, motel, or similar commercial establishment which:

1. Offers sleeping accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or visual representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas, and that has a sign visible from a public right-of-way that advertises the availability of this type of sexually oriented materials; or
2. Offers a sleeping room for rent for a rental fee period of time that is less than 10 hours; or
3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours.

E. Adult Motion Picture Theater. An adult motion picture theater is a commercial establishment where, for any form of consideration, motion pictures, films, video cassettes, slides, or other similar visual representations are regularly shown that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas.

F. Adult Retail Store. An adult retail store is a commercial establishment such as a bookstore, video store, or novelty shop which as one of its principal business purposes offers for sale or rent, for any form of consideration, any one or more of the following:

1. Books, magazines, periodicals or other printed materials, or photographs, films, motion pictures, video cassettes, slides, or other visual representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified sexual anatomical areas; or
2. Instruments, devices, or paraphernalia that are designed for use in connection with any specified sexual activities.

**Adult Family Home.** A residential home in which a person or persons provide personal care, special care, room and board to more than one but not more than six adults who are not related by blood or marriage to the person providing the services.

**Affordable Housing.** Housing with a sales price or rental amount within the means of a household that may occupy low-income housing. The price of affordable units is based on that amount a household can afford to pay for housing, when household income is less than 80% of the median annual income, adjusted for household size, as determined by the United States Department of Housing and Urban Development for Kitsap County; and when the household pays no more than 30% of household income for housing expenses.

**Affordable Housing Development Agreement.** A written agreement between an applicant for a development and the City of Poulsbo containing specific requirements to ensure the continuing affordability of housing included in the development.

**Affordable Housing Dwelling Unit.** Any affordable housing subject to covenants or restrictions requiring such dwelling unit(s) to be sold or rented at prices preserving them as affordable housing for a period of at least 20 years.

**Agent.** A person who has written or oral, express or implied, authority to act on behalf of the legal owner.

**Agriculture, Current Use/Conservation Futures.** Those activities conducted on lands defined in RCW 84.34.020(2), and those activities involved in the production of crops or livestock, for example, the operation and maintenance of farm and stock ponds; the operation and maintenance of ditches, irrigation systems (including irrigation laterals, canals, or irrigation drainage ditches); changes between agricultural activities; and normal maintenance, repair, or operation of existing serviceable structures, facilities, or improved areas. Activities that bring an area into agricultural use are not part of an ongoing operation. Forest practices and timber lands are not included in this definition.

**Aisle.** The corridor by which vehicles enter into and depart from parking spaces.

**Alley.** A public right-of-way or private easement which provides a secondary means of access to abutting lots, not intended for general traffic circulation.

**Alteration, altered.** Any change, addition or modification in construction or occupancy or any change, addition or modification to a site, building or occupancy.

**Amateur or Ham Radio.** Radio facilities operated for non-commercial purposes by individuals licensed by the FCC with an interest in construction and operation of radio equipment, usually as a hobby or avocation.

**Amendment.** A change in the wording, context or substance of this title or the comprehensive plan, or a change in the boundaries of a district upon the zoning district map or the boundaries of a designation on the comprehensive plan map.

**Amenity.** A natural or created feature that enhances the aesthetic and functional quality or makes more attractive or satisfying a particular property, place or area.

**Americans with Disabilities Act (ADA).** A federal law designed to bring disabled Americans into the economic mainstream by providing them equal access to jobs, transportation, public facilities and services. The ADA contains requirements for most developments including accessible parking stalls, entrances and exits, pathways, and public facilities such as restrooms.

**Annexation.** The incorporation of a land area that is located within the Poulsbo Urban Growth Area, into the City of Poulsbo with a resulting change in the boundaries of the city.

**Antenna.** A device used to transmit and/or receive radio or electromagnetic waves between land- and/or satellite-based structures; any device commonly consisting of poles, panels,

rods, reflecting discs or similar device used for the transmission or reception of radio frequency signals, typically mounted on a supporting tower, pole, mast or building.

**Apartment.** Means the same as Dwelling, Multifamily.

**Apartment House.** Means the same as Dwelling, Multifamily.

**Appeal.** A request for an impartial review of a land use decision or interpretation of land use-related codes rendered by any review body of the City of Poulsbo.

**Applicant.** A person submitting an application for development.

**Approved Plan.** A plan that has been granted final approval by the appropriate approval authority.

**Area, Site.** The area within the property lines.

**Arterial.** An arterial road delivers traffic from collector roads to freeways, other arterials, and between urban centers at the highest level of service possible.

**Assessed Value.** The value at which property is appraised for tax purposes.

**Assisted Living**. An establishment which provides living quarters and a variety of limited personal care and supportive health care to individuals who are unable to live independently due to infirmity of age, physical or mental handicap, and does not provide the skilled nursing care of a convalescent or nursing home. These facilities may consist of individual dwelling units of a barrier-free design, with separate bathroom facilities, a full kitchen or no kitchen. The facility may provide a minimal amount of supportive health care monitoring, such as assistance with medication, but is limited to health care services which do not require state or federal licensing. In addition, these facilities may have a communal dining area, recreation facilities (library, lounge, game room), laundry facilities and open space.

**Attached Antenna.** An antenna is that affixed to an existing structure other than a wireless communication support structure.

**Attached Sidewalks.** Those sidewalks abutting the back of a curb.

**Auditorium.** A facility designed for the assembly of persons for exhibitions, performances, conferences, or other purposes serving an assembly function.

**Average**. The arithmetic mean.

**Awning.** A hood or cover which projects from the wall of a building, of a type which may or may not be retracted, folded or collapsed against the face of a supporting building.

**B definitions:**

**Banner.** An on-site sign such as those used to announce an open house or a grand opening, or to make a special announcement. Normally, it is constructed of fabric and is without a rigid frame.

**Basement.** That portion of a story partly or totally underground and having at least one-half of its height more than 5' below the adjoining finished grade.

**Bed and Breakfast**. A transient lodging establishment used to provide overnight guest lodging for compensation in which not more than ten rented guest rooms are provided and which usually provides a morning meal as part of the room rate structure.

**Berm.** A mound of earth, typically linear in form and generally used as a buffer between uses or properties.

**Best Management Practices.** Activities, prohibitions of practices, maintenance procedures, and structural and/or managerial practices approved by the City that, when used singly or in combination, prevent or reduce the release of pollutants and other adverse impacts to the waters of Washington State.

**Beverage/food and retail sales mobile vending cart.** A cart with functional wheels which is not affixed to the ground and is mobile; and which is operated for the purpose of vending food, drink, or retail goods.

**Binding Site Plan.** A type of land division that segregates a portion of a legal lot created for the sale or lease of commercially- or industrially-zoned property; placement of manufactured homes or travel trailers on leased sites; and creation of condominiums pursuant to 58.17.040 RCW.

**Block.** A group of lots, tracts or parcels within well defined and fixed boundaries.

**Block Face.** Regarding infill development, the block face consists of all residential properties along both sides of a public or private right-of-way or easement, on which the infill development fronts. The block face shall be measured from intersection to intersection, to the road end, or 200' in either direction from the building site, whichever is nearest.

**Boarding House**. Any home or other institution, however named, which is advertised, announced, or maintained for the express or implied purpose of providing housing, basic services, and assuming general responsibility for the safety and well-being of the residents, and may also provide domiciliary care, consistent with chapter 142, Laws of 2004, to seven or more residents after July 1, 2000. However, a boarding home that is licensed for three to six residents prior to or on July 1, 2000, may maintain its boarding home license as long as it is continually licensed as a boarding home. "Boarding home" shall not include facilities certified as group training homes pursuant to RCW 71A.22.040, nor any home, institution or

section thereof which is otherwise licensed and regulated under the provisions of state law providing specifically for the licensing and regulation of such home, institution or section thereof. Nor shall it include any independent senior housing, independent living units in continuing care retirement communities, or other similar living situations including those subsidized by the department of housing and urban development.

**Breezeway.** A structure for the principal purpose of connecting the main building or buildings on a property with other main buildings or accessory buildings.

**Buffer**. A buffer is a physical land separation between land uses, often either landscaped or in a natural state intended to separate potentially conflicting uses and reduce visual, noise, odors or other impacts.

**Buildable area**. That area of a property remaining after area defined as a critical area and critical area buffer pursuant to Title 16.20, has been subtracted from the gross land area.

**Building.** Any structure having a roof and walls, used or built for the shelter or enclosure of persons, animals or property of any kind.

**Building Envelope.** That portion of a legal lot exclusive of the areas required for front, side, and rear yards and other required open spaces and which is available for siting and constructing a building or buildings.

**Building Footprint.** For purposes of this Title, the building footprint is the outline of the exterior wall(s) of a building or portion of a building, and does not include courtyards, outdoor seating areas, eaves, balconies, or bay windows.

**Building Height.** See also Section 18.150.050. The vertical distance measured from the average elevation of the finished grade at an exterior building wall or building segment to the highest point of the building wall or building segment. The overall building height shall be calculated as the average of all building sides. A building segment is when a break in the roofline, change in number of stories, or break in finished grade occurs of at least 4'.

**Building Lot Coverage**. That percentage of the total lot area covered by structures, including all projections except eaves, balconies, bay windows, driveways, concrete patios or an uncovered deck 36 inches or less above grade.

**Building Official.** The designated Building Official for the City of Poulsbo or duly authorized designee, who is responsible for the administration and enforcement of the City's adopted building code.

**Building Segment**. That portion of a terraced building which has a separate roof line or finished floor elevation with a grade change of at least 4'.

**Building Permit.** The permit required for new construction and additions pursuant to Title 15 of the Poulsbo Municipal Code (PMC).

**Building Wall.** For purposes of this Title, building wall is the exterior wall of a structure or building.

**C Definitions:**

**Caliper.** The diameter of a tree in inches as measured according to specifications promulgated by the American Association of Nurseryman in American Standard for Nursery Stock.

**Capital Facilities Plan.** The City of Poulsbo Capital Facilities Plan element of the Comprehensive Plan adopted pursuant to Chapter 36.70A RCW and as such plan is amended.

**Carport.** A covered shelter for one or more vehicles that is open on at least two sides.

**Center, On**. The distance or spacing of trees or shrubs, and as measured from the center of two or more plants.

**Certificate of Occupancy**. Permit to occupy, or change occupancy in a structure; issued by the Poulsbo Building Department.

**City.** The City of Poulsbo, Washington.

**City Arborist.** The contracted or city employee who is a current certified arborist by the International Society of Arboriculture and works under the direction of the planning director.

**City Council or Council.** The City Council of the City of Poulsbo, Washington.

**City Standards.** Shall mean standard specifications, technical drawings, detail drawings and other information the city has adopted as minimum standards.

**Clearing.** The destruction or removal of vegetation from a site by physical, mechanical, chemical or other means. This does not include landscape maintenance or pruning consistent with accepted horticultural practices, such as those recommended by the Washington State University Extension Service, which does not impair the health or survival of the trees or native vegetation.

**Clinic, medical/dental**. A building designed and used for the diagnosis and treatment of human patients which does not include overnight care facilities.

**Collector.** A collector road is a moderate-capacity road which serves to move traffic from local access streets to arterial roads.

**Commercial retail.** See retail sales.

**Commercial convenience.** A commercial establishment engaging in the retail sale of a limited line of goods intended for the site's residents or employees. Typical uses include small food and drug stores, variety stores selling confectionery, beverages, personal care items, newspaper and magazines, and/or hardware.

**Commercial vehicle.** Any vehicle with or without identifying commercial signage which is used primarily for a commercial purpose and are 22' in length or greater.

**Compatible Design**. A building and/or site design which blends with the surrounding area. This might include a pitched roof of a similar pitch to surrounding roofs, trim, shutters or other architectural window detail; horizontal siding and/or brick exterior; and similar unit size or scale.

**Comprehensive Plan.** A long-range plan intended to guide the growth and development of a community or region that typically includes inventory and analytic sections leading to recommendations for the community's future economic development, housing, recreation and open space, transportation, community facilities and land use, all related to the community's goals and objectives for these elements.

**Conditional Use**. An activity specified by this title as a principal use, permitted when authorized by the appropriate approval authority and subject to certain conditions.

**Condominium**. A development consisting of an undivided interest in common for a portion of a parcel coupled with a separate interest in space in a residential or commercial building on the parcel.

**Confidential Shelters**. Shelters for victims of domestic violence as defined and regulated in Chapter 70.123 RCW and Chapter 388-61A WAC. Such facilities are characterized by a need for confidentiality.

**Congregate Care Senior Housing.** A complex of dwellings, exclusively designed for and occupied by households having at least one person 62 years of age or older, which provides common facilities such as but not limited to dining, recreation, and practical nursing care. Some of the dwellings may contain kitchens; some may not.

**Contiguous**. Means the same as abutting.

**Convalescent Home**. See Nursing Home.

**Cottage**. Detached dwelling units clustered around a commonly owned courtyard/common area.

**Courtyard**. An open, uncovered, and unoccupied space within an allotted property line.

**Critical Root Zone.** The area where the majority of the tree's roots are located. This root zone is generally the area surrounding a tree trunk at a distance equal to one foot for every

inch of tree diameter at breast height (dbh). This area is described as the radius of a circle around the tree.

**Crown.** The portion of a tree containing leaf- or needle-bearing branches.

**Crown Cover.** The ground area within the drip line or perimeter of the foliage of a tree.

**Cul-de-Sac.** The circular turnaround at the end of a dead-end street.

**Cultural Resources.** The historic or prehistoric or archeological sites and standing structures, cemeteries, burial grounds and funerary objects and distributions of cultural remains and artifacts.

**D definitions:**

**Day Care Center**. A state licensed child care service use providing regularly scheduled care for a period of less than 24 hours. Day care center means any child care facility other than a family day care home and includes infant centers, preschools, and extended day care facilities.

**Dedication.** The limited grant by a property owner allowing the use of property by the public for specified purposes by means of a deed or transfer to the city.

**Deed.** A legal document conveying ownership of real property.

**Demolish.** To raze, destroy, dismantle, deface or in any other manner cause partial or total ruin of a structure or other improvement.

**Density**. A measurement of ratio comparing the number of dwelling units with land area in relationship to a specified amount of land, expressed as the number of residential dwelling units per acre of land or the amount of land area expressed in the square feet of land assignable to each dwelling unit in a residential development.

**Density, Maximum.** The maximum density shall be calculated by multiplying the development's subject site gross acreage by the maximum number of dwelling units allowed in the applicable zoning district. Maximum density is used to determine the maximum number of lots or units that may be achieved in a development.

**Density, Minimum.** The minimum density shall be calculated by multiplying the development's subject site net acreage by the minimum number of dwelling units required in the applicable zoning district. (Net acreage is the development subject site's gross acreage minus acreage for public rights-of ways, street tracts, private road easements, critical area and buffer protection, and storm management facilities, but not including parks and public or private recreation facilities dedicated or created as an integral part of the development.)

**Detached Garage.** A building or structure intended for the storage and parking of vehicles that is physically separated from the primary residential structure.

**Detached Accessory Structure**. A building or structure that is secondary to and associated with a primary single-family or multifamily structure, such as sheds, greenhouses or similar structures.

**Detached Sidewalks.** A sidewalk separated from the back of curb by a uniform width planting strip.

**Developer.** Any person, firm or corporation undertaking the development of any parcel of land.

**Development.** All structures and other modifications of the natural landscape above and below ground, on a particular site.

**Director, Planning.** The Director of the Poulsbo Planning Department for the City of Poulsbo or the Director's authorized representative.

**District**. A land use zoning district.

**Division of Land**. The separation of any parcel of land into two or more parcels.

**Dog Day Care.** A facility where dogs may be groomed, trained, exercised, and socialized, but not kept overnight, bred, or sold.

**Doorway Identification Nameplates.** A non-electric sign that is limited to the name, address, and number of the building, institution or person and is limited to the activity carried on in the building or institution or to the occupancy of the person.

**Dormitory.** A residential structure intended principally for sleeping accommodations, where no individual kitchen facilities are provided, and which is related to an educational or public institution or is maintained and operated by a non-profit welfare organization.

**Drive-Through Facility.** A facility or structure that is designed and intended to allow drivers to remain in their vehicles before and during participation in an activity on the site.

**Driveway.** A private way providing ingress and egress from one or more lots, parcels or tracts to a public or private street.

**Duplex**. One building containing two single-family dwelling units totally separated from each other.

**Dwelling or Dwelling Unit.** A single unit providing a complete independent living space for one or more persons, including permanent facilities for living, sleeping, eating, cooking and sanitation.

**Dwelling, Multi family**. A building designed to house two or more persons or families living independently of each other. Includes duplexes, triplexes, fourplexes, townhouses, apartments and other multi-unit configurations.

**Dwelling, Single-Family**. A building containing but one kitchen, designed for and occupied exclusively by one family, except where a valid accessory dwelling unit has been approved.

**E definitions:**

**Easement.** A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation or another person or entity.

**Ecology**. The Washington State Department of Ecology.

**Egress.** An exit from a building or site.

**Elevation, Building.** A scale drawing of the side, front or rear of a structure.

**Emergency Repair.** The work necessary to prevent destruction or dilapidations to real property or structural appurtenances thereto immediately threatened or damaged by fire, flood, earthquake or other disaster.

**Employees.** Refers to all persons, including proprietors, working on the premises.

**Employer.** A sole proprietorship, partnership, corporation, unincorporated association, cooperative, joint venture, agency, department, district or other individual or entity, whether public, nonprofit or private, that employs workers.

**Engineer.** An individual licensed by the State of Washington to practice ~~civil~~ engineering.

**Enlargement.** An increase in size of an existing structure or use, affecting the physical size of the property, building, parking, and other improvements.

**Erosion Control.** The design, installation, and maintenance of measures to control erosion and sedimentation during and after construction and to permanently stabilize soil exposed during and after construction using a combination of structural control measures, cover measure, and construction practices.

**Essential Public Facilities (EPF).** Public facilities and privately-owned or operated facilities serving a public purpose that are typically difficult to site. Essential public facilities are defined in RCW 36.70A.200 and include "airports, state education facilities and state or regional transportation facilities, as defined in RCW 47.06.140, regional transit authority facilities as defined in RCW 81.112.020, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities,

mental health facilities, group homes and secure community transition facilities as defined in RCW 71.09.020."

**Essential public facility, local.** An EPF meeting the definition in RCW 36.70A.200 and which is owned, operated, or sponsored by the City of Poulsbo, a special purpose district, Kitsap County (for facilities that do not provide service to the county-wide population), or another unit of local government. An EPF is "sponsored" by a local government when it is to be owned or operated by a nongovernmental entity pursuant to a contract with the local government to provide the EPF.

**Essential public facility, regional**. An EPF meeting the definition in RCW 36.70A.200 and which is owned, operated, or sponsored by Kitsap County or a regional agency, whose boundaries encompass the City and which serves the county-wide population or an area that is greater than the County. An EPF is "sponsored" by the County or a regional agency when it is to be owned or operated by a nongovernmental entity pursuant to a contract with the County or regional agency to provide the EPF.

**Essential public facility, state.** An EPF that is owned, operated, or sponsored by the State of Washington.

**Exception.** Permission to depart from a specific design standard in this title.

**Existing Grade**. The existing elevation of land prior to any cuts and fills or other disturbances, which may, at the discretion of the Director, be determined by a topographic survey or soil sampling.

**Expansion**. Construction which increases the floor area to an existing building, structure or complex.

**F Definitions**

**Façade.** Any exterior building face, from corner to corner and finished floor to eave, exclusive of any roof area.

**Face.** To front upon.

**Family.** See **Household**.

**Family Day Care Home**. A state licensed day care provider as defined in RCW 74.15.020 who regularly provides day care for not more than 12 children in the provider's home.

**Fence**. A barrier, including supporting posts, enclosing or separating a field, yard, or other real property. This definition includes solid and open fences. A fence may be constructed of wood, masonry or other material.

**Fence, Sight-Obscuring.** A fence constructed or arranged in such a way as to obstruct vision.

**Fire Marshal.** The designated Fire Marshal for the City of Poulsbo or duly authorized designee, who is responsible for the administration and enforcement of the City's adopted fire code.

**Findings.** A written statement of the facts determined to be relevant by the Review Authority as the basis for making its decision. The Review Authority applies the relevant facts to the approval criteria or standards to reach its decision.

**Floor Area, Gross.** The area included within the inside finished wall surface of the surrounding exterior walls of a building, excluding interior openings in floor plates (e.g. vent shafts, stair wells and interior atriums), outdoor courts and exterior balconies.

**Front.** See **Lot Line, Front.**

**Frontage.** That portion of a parcel of property that abuts a dedicated public street, highway or approved private street, from property line to property line.

**Fronting Street.** Shall mean a public or private road providing for vehicular access to the boundary of a parcel of real property being proposed for development.

**G definitions**

**Garage, Private**. A sheltered or enclosed space designed and used for the storage of motor vehicles or boats of the residents of the premises.

**Garage, Public**. A structure or portion thereof for the storage of vehicles or trailers. Any garage open to use by members of the public.

**Glare**. Unwanted light that causes eyestrain, discomfort, nuisance or adversely affects a visual task.

**Grade**. Average ground level around a building; for the purposes of measuring building height, "grade" is defined as the average elevation of the finished surface of the ground or paving where it touches the building per building wall or segment.

**Grade, Finished**. Grade following development.

**Grading.** Any excavation, filling or combination thereof.

**Grading Permit.** The permit required under Title 15 of the PMC.

**Grocery Store.** A store or marketplace whose primary and substantial retail is the selling of food and which includes both a fresh produce and meat section.

**Gross Floor Area**. Means the same as floor area, gross.

**Gross Square Feet**. Sum of the total number of square feet within the inside finished wall surface of the outer building walls of a structure, excluding vent shafts, outdoor courts and parking (structured and surface).

**Ground-disturbing Action or Activity.** Any development, construction, or related operation which could alter the site, including but not limited to: tree clearing or tree stump removal, removal of vegetation, soil disruption, road or building construction or grading.

**Group Home.** A place of residence for the handicapped, physically or mentally disabled, developmentally disabled, homeless, or otherwise dependent persons. Group Homes are intended to provide residential facilities in a home-like environment. Such homes range from licensed establishments operated with 24 hour supervision to non-licensed facilities offering only shelter. They shall not include correctional facilities (except as authorized by Chapter 137-56 and 137-57 WAC for work/training release programs), nursing homes, Type III group care facilities, foster family homes, or adult family homes as defined by the Washington State Department of Social and health Services or its successor agency. Group homes include, but are not limited to the following:

(A) Home for the Disabled. A home or other facility which provides board and domiciliary care to individuals who, by reason of infirmity, require such care. An infirmity may be based on conditions including, but not limited to, physical handicap, mental illness, and other developmental disabilities. These group homes are a type of boarding home, as defined and regulated in Chapter 18.20 RCW. However, boarding homes serving the aged infirm are not included in this definition.

(B) Group Home for Youth. Any home maintained and operated for the care of children on a 24 hour basis as defined and regulated in Chapter 388-73 WAC and Chapter 74.15 RCW.

(C) Group Home for Offenders. A home or other facility operated for housing and supervision of work/training release residents during their stay in a work/training release program as defined and regulated in Chapter 237-56 WAC and 137-57 WAC.

**Group Residential Home**. A residential home in which a person or persons provide personal care, special care, room, and board to more than one (1) but not more than six (6) children and/or adults who are not related by blood or marriage to the person or persons providing the services; provided, however, any limitation on the number of residents resulting from this definition shall not be applied if it prohibits the City from making reasonable accommodations to disabled persons in order to afford such persons equal opportunity to use and enjoy a dwelling as required by the Fair Housing Amendments Act of 1988, 42 U.S.C. 3604(f)(3)(b).

**Guest House.** A detached accessory building designed, constructed and used for the purpose of providing temporary living accommodations for guests, or for members of the same household as that occupying the main structure, and containing no kitchen or kitchen facilities.

## H Definitions

**Hazardous Waste.** All dangerous and extremely hazardous waste as defined in RCW 70.105.010 except for moderate-risk waste.

**Hazardous Waste Storage.** The holding of dangerous waste for a temporary period as regulated by State Dangerous Waste Regulations, Chapter 173-303 WAC.

**Height (of Building).** See Building Height.

**Home Business.** A use conducted entirely within a residential building or allowed detached accessory structure, which is clearly incidental and secondary to the use of the residence for dwelling purposes, and which no customers or clients visit the home for business purposes.

**Home Occupation.** A use conducted entirely within a residential building or allowed detached accessory structure, which is clearly incidental and secondary to the use of the residence for dwelling purposes; and which customers or clients visit the home for business purposes and complies with the criteria established in Section 18.70.070.F.

**Homeless Shelter**. A facility offering lodging and/or emergency shelter to homeless individuals, and meeting the standards of Chapter 246-360 WAC.

**Homeowners Association**. A non-profit corporation or association operating under a recorded land agreement through which:

1. Each person owning or purchasing a lot in a planned unit, land or other described area is automatically by such ownership or purchase a member; and
2. Each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common area and improvements.

**Hospice Care Center.** Facilities licensed under Chapter 70.41 RCW which provide for the emotional and physical care of terminally ill patients. Such centers provide food, lodging, and palliative care on a full-time (24 hour) basis for two or more people, unrelated to the Center's operator, who are in the latter stages of a disease expected to cause death.

**Hospital**. A building requiring a license pursuant to Chapter 70.41 RCW and designed and used for the medical, surgical diagnosis, treatment and housing of persons under the care of doctors and nurses and including ancillary uses such as cafeterias, florist and patient- and visitor-related services. Rest homes, nursing homes, convalescent homes and clinics are not included.

**Host Agency**. In relation to RCW 35A.21.360, a host agency is a religious organization that owns or controls the property on which a temporary transitory accommodation is proposed to be located and that applies for a Temporary Use Permit for Transitory Accommodations to provide basic services and support to transitory accommodation residents. A "host agency" may be the same entity as the sponsoring agency.

**Hotel/Motel**. A building or portion thereof designed or used to provide transient lodging for compensation. A central kitchen and dining room and accessory shops and services catering to the general public can be provided.

**Hotel, Boutique.** A building or portion thereof designed to provide transient lodging for compensation. Boutique hotels differ from nationalized hotel/motel brands, by its smaller size, architectural style, service distinction and individuality, often based on the geographic area in which it is located.

**Household.** One or more persons related by blood, marriage, adoption, or a group of not more than 6 persons not related by blood or marriage, living together as a single housekeeping unit in a dwelling unit. For purposes of this definition, children with familial status within the meaning of Title 42 United Stated Code, Section 3602(k); and individuals with disabilities within the meaning of Title 42 United Stated Code, Section 3602(h), and others under protection by the Fair Housing Act, will not be counted as unrelated persons. Adult family homes as defined by RCW 70.128 are included within the definition of household.

**Household pets**. Includes dogs, cats, rabbits, gerbils, guinea pigs, hamsters, cage birds, fish, nonvenomous reptiles and amphibians, and other animals of similar size and character normally associated with a dwelling and generally housed within the dwelling unit.

**I definitions**

**Impact Fee.** The fee levied as a condition of issuance of a building permit or development approval to support necessary public improvements affected by the development such as the transportation system, park acquisition and development, and schools.

**Impervious Surface.** A non vegetated surface area that either prevents or retards the entry of water into the soil mantel as under natural conditions prior to development. A non vegetated surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common examples include, but are not limited to, roof tops, walkways, patios, driveways, parking lots, storage areas, concrete or asphalt paving, gravel roads, packed earthen materials and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater.

**Improvement.** Any permanent structure including building, paving, or infrastructure that becomes part of, placed upon, or is affixed to property.

**Ingress.** Access or entry onto a site, parcel, lot or building.

**J definitions**

**Joint Parking**. The development and use of parking areas on two or more separate properties for joint use by the businesses on those properties.

**Junkyard/Salvage Yard.** A place where waste, discarded, or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, or handled, including auto wrecking yards, house wrecking yards, used lumber yards, and places where such uses are conducted entirely within a completely enclosed building, but not including pawn shops or establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in operable condition, or salvaged materials incidental to manufacturing operations.

**K definitions**

**Kitchen.** Any room or rooms, or portion thereof, used or intended to be used for cooking or the preparation of food, and includes a permanently placed stove.

**L definitions**

**Land Area**. See Area, Site.

**Land-disturbing activity**. Any activity that results in movement of earth, a change in the existing soil cover (both vegetative and non-vegetative) or existing soil topography.

**Land Use**. In relation to this Title, land use is the use to which an area of land, or building thereon, is put, and the human activity taking place thereon. Categories of land uses in this Code are found in Chapter 18.50 and the district-specific land use charts.

**Landscaping.** To beautify or improve a section of ground by contouring the land and planting flowers, shrubs or trees. Landscaping may include existing native vegetation. Landscaping may also include non-vegetative improvements such as courtyards, fountains, pedestrian walkways, plazas, and medians.

**Lattice Tower.** A wireless communications support structure, which consists of a network of vertical and horizontal supports and crossed metal braces, forming a tower that is usually triangular or square in cross-section.

**Legal Owner.** See definition of Owner.

**Legally Created Lot**. A lot properly created pursuant to the laws and requirements of the State of Washington and the local government having jurisdiction at the time of the lot's creation.

**Live/Work Units.** A building use that combines business activities within the same structure as a residential living space. Live/Work units are distinctive from mixed use because the business owner or employee must live in the unit.

**Livestock.** Any horse, beef or dairy cattle, sheep, goat, llama, alpaca, mule, jack, jenney, burro, emu, ostrich, poultry or similar animal.

**Load Space or Loading Area.** An off-street space or berth on the same lot or parcel with a building or use, or contiguous to a group of buildings or uses, for the temporary parking of a vehicle which is loading or unloading, merchandise or materials.

**Logo.** A group of letters, typically stylized, or symbols that represent a word, group of words or business name.

**Lot Area**. The computed area contained within a subject site or parcel lot lines.

**Lot, Corner**. A lot abutting upon two or more streets at their intersection.

**Lot Coverage**. See Building Lot Coverage.

**Lot Depth.** The average distance measured from the front lot line to the rear lot line. In the case of a corner lot, the depth shall be the length of its longest side lot line.

**Lot, Flag.** A lot generally in the shape of a flag, where access is typically by a narrow, private easement or driveway.

**Lot, Interior**. A lot or parcels of land other than a corner lot.

**Lot, Legal.** A parcel of land used or which is capable of being used under the regulations of this title, lawfully created as such in accordance with the subdivision laws or ordinances in effect at the time of its creation.

**Lot Line.** Any line bounding a lot as herein defined.

**Lot Line, Front**. The property line abutting a street, or the edge of a private street, or primary access. For a flag lot, the front lot line is the shortest lot line adjoining the pole portion of the lot, excluding the unbuildable portion of the pole. On a corner lot, the Planning Director shall determine which of the lot lines shall be considered the front lot line and street side lot line, based upon the proposed orientation of the house at the time of building permit application.

**Lot Line, Rear.** A lot line that is opposite and most distant from the front lot line.

**Lot Line, Side.** Any lot line that is not a front or a rear lot line.

**Lot of Record.** A legal lot shown on the records of the County Auditor at the time of the passage of an ordinance or regulation establishing the zoning district in which the lot is located.

**Lot, Through.** Lot having front and rear frontage on two streets and/or highways. Lots with rear alley frontage shall not be considered through lots.

**Lot Width.** The horizontal distance between the side lot lines measured within the lot boundaries or the average horizontal distance measured halfway between the front and rear setback lines.

**Low Impact Development (LID)**. A stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.

A. LID Best Management Practices: Distributed stormwater management practices, integrated into a project design, that emphasize pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration. LID BMPs include, but are not limited to, bioretention/rain gardens, permeable pavements, roof downspout controls, dispersion, soil quality and depth, minimal excavation foundations, vegetated roofs, and water re-use.

B. LID Principles: Land use management strategies that emphasize conservation, use of on-site natural features, and site planning to minimize impervious surfaces, native vegetation loss, and stormwater runoff.

**Low-Income Housing.** See Affordable Housing.

**<u>M definitions</u>**

**Maintain**. To allow to continue in existence. When the context indicates, the word shall mean to preserve and care for a structure, or to improve in condition an area to such an extent that it remains attractive, safe, and presentable and carries out the purpose for which it was installed, constructed or required.

**Manufacture.** Includes production, processing, assembling, packaging or treatment of semi-finished or finished products from raw materials or previously prepared materials or components.

**Manufactured Home**. A single-family residence constructed after June 15, 1976, and installed in accordance with the U.S. Department of Housing and Urban Development (HUD) requirements for manufactured housing and bearing the appropriate insignia indicating such compliance.

**Manufactured Home, Designated**. A manufactured home constructed after June 15, 1976, in accordance with state and federal requirements for manufactured homes. Conforms to federal Manufactured Home Construction and Safety Standards (HUD Code – "Red Label") rather than to the Building Code ("Gold Label") requirements.

**Manufactured Home, Modular**. A home built in modules at a factory. Modular homes conform to all state and local building codes. Modules are transported on truck beds, and then joined together at the site. (Regulated under the IBC standards). This definition includes "pre-fabricated," "panelized" and "factory built" units.

**Manufactured Home, New**. A manufactured home required to be titled under Title 46 RCW, which was not titled to retail purchaser before July 1, 2005, and was not a "used mobile home" as defined in RCW 82.45.032. (Regulated under the HUD construction and safety standards).

**Manufactured Home Development.** A site containing spaces with required improvements and utilities for the long-term placement of manufactured homes. This term shall also include "mobile home parks".

**Manufactured Home Subdivision**. A subdivision created for the placement of manufactured homes on individual lots.

**Marquee.** A roofed structure attached to and supported by the building and projecting over public property.

**Master Plan.** A comprehensive, long-range site plan for a development project. The project may be located on a single parcel or on several contiguous parcels that are owned by one or more parties working cooperatively and collectively, and is usually implemented in phases with site specific permit approvals.

**Mixed-Use Development.** The development of a tract of land, building or structure with a variety of complementary and integrated uses, such as, but not limited to, residential, office, manufacturing, retail, public or entertainment, in a compact urban form.

**Mixed-Use Structure.** A single structure containing at least two complementary, integrated, or mutually-supporting uses (such as residential, offices, manufacturing, retail, public service, or entertainment). The structure must achieve physical and functional integration within itself.

**Mobile Home.** A residential structure transportable in one or more sections, which is built on a permanent chassis, used as a single family home when connected to the required utilities. (Generally built before June 15, 1976).

**Monopole Tower.** A wireless communications support structure, consisting of a single pole to support antennae and connecting appurtenances.

**Motel**. See Hotel/Motel.

**Multifamily**. A building designed to house two or more families living independently of each other. Includes duplexes, triplexes, fourplexes, townhouses, apartments and other multi-unit configurations.

**<u>N definitions</u>**

**Natural or Existing Topography**. The topography of the lot, parcel or tract of real property immediately prior to any site preparation or grading, including excavation or filling.

**Neighborhood Commercial**. Small commercial establishments located in residential areas, with the function of providing for the needs of consumers, clients or residents within a limited geographic area.

**New Development**. Development of a site not previously developed or redevelopment of a site which involves demolition of all existing structures and construction of new structures.

**Nonconforming Lot.** A lot that does not conform to the area, width, depth or street frontage regulations of the district in which it is located due to changes in zoning ordinance requirements, condemnation or annexation.

**Nonconforming Site.** A lot which does not conform to site development regulations, including but not limited to, the landscaping, parking, fence, driveway, street opening, pedestrian amenity, screening and curb cut regulations of the district in which it is located due to changes in zoning ordinance requirements, condemnation or annexation.

**Nonconforming Structure.** A structure which does not conform to the dimensional regulations, including but not limited to, setback, height, lot coverage, density and building configuration regulations of the district in which it is located due to changes in zoning ordinance requirements or annexation.

**Nonconforming Use.** The use of a structure or of land which does not conform to the regulations of the district in which the use exists due to changes in zoning ordinance requirements or annexation.

**Nursing Home.** Any home, place or institution which operates or maintains facilities providing convalescent or chronic care, for 24 consecutive hours for three or more patients not related by blood or marriage to the operator, who by reason of illness or infirmity, are unable to properly care for themselves. Convalescent and chronic care may include but not be limited to any or all procedures commonly employed in waiting on the sick, such as administration of medicines, preparation of special diets, giving of bedside nursing care, application of dressings and bandages, and carrying out of treatment prescribed by a duly licensed practitioner of the healing arts. It may also include care of mentally incompetent persons. Nothing in this definition shall be construed to include general hospitals or other places which provide care and treatment for the acutely ill and maintain and operate facilities for major surgery or obstetrics, or both. Nothing in this definition shall be construed to include any boarding home, guest home, hotel or related institution which is held forth to the public as providing, and which is operating to give only board, room and laundry to persons not in need of medical or nursing treatment or supervision except in the case of temporary acute illness. The mere designation by the operator of any place or institution as a hospital, sanitarium, or any other similar name, which does not provide care for the acutely ill and maintain and operate facilities for major surgery or obstetrics, or both,

shall not exclude such place or institution from the provisions of this Code; provided, that any nursing home providing psychiatric treatment shall, with respect to patients receiving such treatment, comply with the provisions of RCW 71.12.560 and 71.12.570. See Chapter 18.51 RCW.

**O definitions**

**Occupant.** Any individual living or sleeping in a building, or having possession of a building or space therein.

**Occupancy Certificate.** A city certificate allowing the use of a building or structure after it has been determined that all the requirements of applicable ordinances have been met; also Certificate of Occupancy.

**Office, Professional**. A building to be used for purpose of providing professional, administrative or business related services.

**Offset**. A recess or protrusion in a building's wall.

**Off-Site Impact.** A condition that creates, imposes, aggravates or leads to inadequate, impractical, unsafe or unhealthy conditions on a site proposed for development or on off-site property or facilities. This includes, but is not limited to, noise, glare, and odor.

**Off-Site Improvement.** Improvements required to be made off-site to address impacts identified from an application for development and including, but not limited to, road widening and upgrading, storm water facilities, and traffic system improvements.

**Open Space**, **Common or Private.** Land within or related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents and may include such complementary structures and improvements as are necessary and appropriate.

**Outdoor Display.** The temporary and accessory sale of products or materials related to the season, such as Christmas trees, firewood or spring/summer season products such as bedding plants, landscape plants, bagged products such as potting soil, mulch and other soil amendments, landscaping hardscape (such as stones, pavers) and other related products.

**Outdoor Storage.** The outdoor placement of products, whether for sale, rent or as material for processes occurring on the site. This includes products on pallets, in shipping containers or in crates.

**Overlay.** A designated area within a base zoning district for which specific land use regulations apply, in addition to the base zoning requirements.

**Owner.** The owner of record of real property as shown on the tax rolls of Kitsap County, or a person purchasing a piece of property under contract.

**Ownership Interest.** A property interest under a recorded deed or under a contract of purchase, recorded mortgage, or recorded deed of trust by which the applicant is responsible under penalty of forfeiture, foreclosure or default for payment of real property taxes and/or local improvement district assessments. The term shall also include a share ownership in a cooperative housing association, corporation or partnership if the applicant can establish that his or her share represents the specific unit or portion of such structure.

**P Definitions**

**Parent Lot/Parcel.** Regarding subdividing, the larger parcel of land from which new parcels are divided.

**Park, City.** A recreational facility and/or open space operated by the City under the direction of the Park Director or his or her designee for the use and benefit of the general public.

**Parking Area, Public.** An open area other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free of charge or as an accommodation for clients or customers.

**Parking Space**. A permanently surfaced and marked area for the parking of a motor vehicle, excluding paved area necessary for access.

**Party of Record.** A person or group who makes an appearance in a proceeding through the submission of either written or verbal evidence. Groups shall designate one person as a representative or contact.

**Pathway**. In relation to this Title, a deliberate, manmade pathway designed for use by pedestrians, bicyclists, and other non-motorized users.

**Pedestrian Area**. Any sidewalk, walking trail, courtyard, plaza or other area intended primarily for use by pedestrians.

**Pedestrian Connection**. A continuous, accessible, and usable area, open at either end and designed primarily to provide public access between two or more accessible spaces.

**Perimeter.** The boundaries or borders of a lot, tract or parcel of land.

**Permitted Use.** Those uses allowed as a matter of right within certain zoning districts provided that such use is in accordance with requirements of the particular district and general conditions stated elsewhere in this title.

**Permittee.** The person who is proposing to use or who is using the land pursuant to any permit required herein.

**Person.** Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state or local governmental entities.

**Personal Service Use.** An establishment that provides services involving the care of a person or person's apparel, such as salons, barber shops, banks and credit unions, laundry and dry cleaning services, shoe/apparel repair shops, and the like.

**Pet day care.** Same as Dog day care.

**Planned Residential Development (PRD**). A development designed in a manner that facilitates greater variety, creativity and diversified residential projects; preserves or protects unique or sensitive physical features; promotes more economic and efficient use of land; and provides open space and recreational amenities; than would be possible under conventional land development.

**Planned Mixed Use Development (PMUD).** A development in a commercial district that promotes the integration of commercial businesses and residential units in close proximity to each other.

**Planning Commission**. The Planning Commission of the City of Poulsbo, Washington.

**Planting strip.** The area from the back of curb and the front of sidewalk or the area in the raised median used for grass or approved landscaping plants.

**Plat, Final.** The final drawing of the subdivision or short subdivision and dedication prepared for filing for record with the Kitsap County Auditor and containing all elements and requirements set forth in this title and in state law.

**Plat, Preliminary.** An orderly and approximate drawing to scale of either a proposed subdivision or short subdivision showing the general layout of streets and alleys, lots and blocks, and other required submittals which shall furnish a basis for the approval or disapproval.

**Plaza.** A continuous open space which is readily accessible to the public at all times, open above, and designed specifically for use by people as opposed to serving as seating for a building.

**Poultry.** Domesticated fowl such as chickens, ducks, geese and similar, and all game birds which are legally held in captivity.

**Predominant**. Regarding infill development, the most frequently occurring residential design characteristic along both sides of the road frontage along the block face.

**Premises.** A lot or number of lots on which is situated a building or group of buildings designed as a unit, or on which a building or group of buildings are to be constructed.

**Preserved.** Leaving in the present condition.

**Primary.** The largest or most substantial use or element on the property, as in "primary" activity, residence, entrance, etc. All other similar elements are secondary in size or importance.

**Primary Structure**. The structure on a site that houses the principal use. For residential uses, the primary structure houses the dwelling unit(s). For nonresidential uses, the primary structure houses the use undertaken on the site. Primary structures do not include structures that contain only certain functions or equipment that support the principal use, such as sheds, garages, or mechanical equipment structures.

**Prohibited Use**. A use that is not permitted in a base zoning district; any use that is not specifically enumerated in this title as a permitted or conditional use; or has not been determined by the Planning Director to be a legal non-conforming use.

**Project Area.** The portion of a site where development activity will take place.

**Project Improvements.** Project improvements shall mean site improvements and facilities that are planned and designed to provide service for a particular development project and that are necessary for the use and convenience of the occupants or users of the project, and are not system improvements.

**Project Permit**. Any land use or environmental permit or approval for a proposed action that is subject to the procedural provisions of PMC Title 19.01.

**Protected Area, Tree Root.** All land within and surrounding the critical root zone of those trees to be preserved.

**Publicly Accessible Space**. An area that is open to the general public for passage, recreation or shopping during normal business hours.

**Q Definitions**

**Qualified Professional.** A person with experience and training in the pertinent scientific discipline, and who is a qualified scientific expert with expertise appropriate for the relevant subject.

**R Definitions**

**Recreation Space Common or Private.** Interior or exterior areas designed and set aside exclusively for diversion, amusement or entertainment; including, but not limited to,

swimming pools, tennis courts, rest areas, or picnicking areas, located and designed for common use of all residents.

**Recreational Vehicle.** A vehicle with or without motor power, which is designed for sport or recreational use; or which is designed for human occupancy on an intermittent basis such as vacation trailers, motor homes and fifth-wheel trailers. A camper is considered a recreation vehicle when it is standing alone.

**Regional Retail, Large-size.** A singular retail or wholesale user who occupies 50,001 square feet or more of gross floor area, typically requires high parking to building area ratios and has a regional sales market. Regional retail uses can include, but are not limited to, supercenters, membership warehouse clubs, discount stores, retail chain home improvement stores and department stores.

**Regional Retail, Midsize**. A singular retail or wholesale user who occupies 50,000 square feet or less of gross floor area. Midsize regional retail users can include, but are not limited to, drug stores, fresh format or traditional grocery stores, specialty retailers, sporting goods, discount or dollar stores.

**Remodel.** An internal or external modification to an existing building or structure that does not increase the site coverage.

**Residential Care Home.** Any state or federally approved dwelling used as a residence for the care or rehabilitation of dependent children, the elderly, and the physically and/or mentally handicapped. Residential care homes shall provide care for 6 or fewer residents.

**Residential Care Facility.** Any state or federally approved facility, other than a clinic, used as a residence for the care or rehabilitation of dependent children, the elderly, and the physically and/or mentally handicapped. Residential care centers shall provide care to 7 or more residents.

**Restaurant, Fast Food**. An establishment which offers quick and drive-up food service which is accomplished through a limited menu of items already prepared and held for service, or prepared, fried, or griddled quickly, or heated in a device such as a microwave oven. Orders are not generally taken at the customer's table, and food is generally served in disposable wrappings or containers.

**Restaurant.** A restaurant at which food and drink is generally intended to be consumed on the premises.

**Retail Sales**. Commercial establishments primarily engaged in selling goods or merchandise to the general public for personal, business, or household consumption and rendering services incidental to the sale of such goods. Some characteristics of retail sales establishments are:

A. The establishment is usually a place of business and is engaged in activity to attract the general public to buy.

B. The establishment buys and receives as well as sells merchandise.
C. It may process, repair, or manufacture some of the products, such as jewelry, baked goods, apparel, pottery, or consumer electronics, where such processing, repair, or manufacturing is incidental or subordinate to sale activities.
D. Retail establishments sell to consumers for their own personal or household use.

**Review Authority.** The person or body responsible for interpreting and/or deciding a land use permit or activity, and as set forth in PMC Title 19.01 Project Permit Application Procedures.

**Right-of-Way, Public.** The property held by the city or other governmental jurisdiction for existing and/or future public access including land occupied or intended to be occupied by a street, crosswalk, pedestrian and bike paths, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, street trees or other special use.

**Road.** Means the same as street.

**Road, Private**. A way open to vehicular ingress and egress established as a separate tract for the benefit of certain, adjacent properties. This definition shall not apply to driveways.

**Road, Public**. All public property reserved or dedicated for street traffic.

**Roof.** The exterior surface and its supporting structure on the top of a building.

**Roof Line.** The uppermost line of the roof of a building or, in the case of an extended or mansard facade, the uppermost height of said facade.

**Rooming House.** See Boarding House.

**S Definitions**

**Sales, Retail.** Sale to the ultimate consumer for direct consumption and not for resale.

**Sales, Trade or Wholesale.** Sales for resale and not for direct consumption.

**School.** An institution primarily engaged in academic instruction for all or part of the K through 12 educational program, public, parochial or private, and recognized or approved as such by the state. A school may also include the following uses: common accessory uses such as associated meeting rooms, auditoriums, athletic facilities and support facilities related to school district operations (e.g., offices, kitchens, counseling centers, head start, childcare, adult education, and family support centers).

**School, Pre.** An institution primarily in child training and academic instruction prior to the mandatory first grade.

**School, Specialized Instructional.** An institution providing instruction and training in a specific service, art, dance, driving, and music. Includes vocation or trade such as business, real estate, travel, auto machinery repair, welding, and skill center.

**Search Ring.** Regarding wireless communications facilities, a geographic area identified by the communications service provider as necessary within which to locate a wireless facility or to enhance or expand its service.

**SEPA.** State Environmental Policy Act, as amended.

**SEPA Rules**. Chapter 197-11 WAC, as adopted, revised, and amended by Ecology and by Chapter 16.04 of the Poulsbo Municipal Code.

**Setback.** The minimum allowable horizontal distance from a given point or line of reference, such as a property line or street right of way, to the nearest vertical wall, such as the structure's foundation.

**Short Plat or Short Subdivision.** A short subdivision is the division or redivision of land into four or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership.

**Sidewalk.** A facility made of concrete or other approved material for the conveyance of pedestrians usually adjacent to a street or between streets.

**Sign.** Any structure, device, advertisement, advertising device or visual representation intended to advertise, identify or communicate information to attract the attention of the public for any reason.

A. **Sign, Abandoned.** Any sign advertising a business, product, service, activity or purpose which is no longer conducted or publicly available and which has deteriorated into a state of disrepair. Disrepair shall mean a sign face or structure that is peeling, chipping, rusting, wearing, fading, rotting, breaking or otherwise deteriorating; or has vegetation growing upon it or obscuring the sign face or sign parts.

B. **Sign Area.** Means the entire area of a sign on which graphics, letters, figures, symbols, trademarks and/or text is to be placed, excluding sign structure, architectural embellishments and framework. Sign area is calculated by measuring the perimeter enclosing the extreme limits of the module or sign face containing the graphics, letters, figures, symbols, trademarks, and/or text; provided, however, the area of any sign using individual letters, numbers or symbols with a canopy, awning or wall as the background, without added decoration or change in the canopy, awning or wall, shall be the area within the shortest line drawn to include all letters, design and tubing which are a part of the sign or structure.

C. **Sign, Awning.** A sign attached to or incorporated into an awning. Awning signs are a type of wall-mounted sign.

D. **Sign, Banner.** A sign usually of cloth, paper, plastic or other non-rigid material with no enclosing framework that is fastened or otherwise attached to support structures spanning horizontally and overhanging an area, and generally temporary in nature.

E. **Sign, Billboard.** An outdoor advertising structure, 12' by 25' or larger.

F. **Sign, Business Directory.** A type of business identification sign that lists the names of the individual uses in a development or multiple user building.

G. **Sign, Changeable Copy.** See Sign, Reader board.

H. **Sign, Construction.** A temporary sign giving the name or names of principal contractors, architects, lending institutions, or other persons or firms responsible for construction on the site where the sign is located, together with other related information.

I. **Sign, Development Identification**. A sign that identifies the name of the development. For the purpose of sign standards, a development consists of multiple business center such as shopping malls, industrial and business parks, residential developments, and multiple business buildings.

J. **Sign, Directional.** A sign designed and erected solely for the purpose of traffic or pedestrian direction, and which is placed on the property to which or on which the public is directed.

K. **Sign, Electronic Reader Board.** Electronic reader board sign means an electrically activated sign whose message content, either in whole or in part, may be changed by means of electronic programming.

L. **Sign Face.** Means the portion of the sign on which the graphics, letters, figures, symbols, trademark or text is placed.

M. **Sign, Flashing.** Any sign which contains an intermittent or flashing light source or which includes the illusion of intermittent or flashing light by means of animation or an externally-mounted intermittent light source. Time and temperature signs are excluded from this definition.

N. **Sign, Flush Mounted.** A flat sign which projects one foot or less from the face or wall of the building, including parapet, upon which it is affixed, painted or attached, running parallel for its whole length to the face or wall of the building, and which does not extend beyond the horizontal width of such building.

O. **Sign, Free Standing.** A sign that is not attached to a building and is erected on a frame connected to the ground. Pole signs and monument signs are specific types of freestanding signs. A freestanding sign does not include a portable sign.

P. **Sign Height.** The vertical distance measured from finished grade at the point of support to the top of the sign and includes the sign's structure.

Q. **Sign Maintenance.** The repair or refurbishment of a sign, sign structure or any part of each.

R. **Sign, Mansard.** A sign attached to a roof-like façade architecturally comparable to a building wall.

S. **Sign, Marquee.** A sign commonly placed over the entrance to a theatre, stating the name of the play or movie appearing at the venue, and often includes a surrounding cache of light bulbs that flash intermittently.

T. **Sign, Monument.** A permanent, freestanding sign mounted on a base or other support, and is erected on a frame connected to the ground.

U. **Sign, Neon.** An illuminated sign constructed from fluorescent lights in the form of bent glass tubes; the different colors being obtained by adding different noble gases to the neon.

V. **Sign, Off-Premises.** Refers to signs that advertise goods, products, services or facilities and directs persons to a location different from where the sign is installed.

W. **Sign, On-Premises.** Refers to signs that carry only advertisement strictly to a lawful use of the premises on which it is located.

X. **Sign, Political.** Any temporary sign which displays the name and/or picture of an individual seeking election or appointment to a public office or which pertains to a forthcoming public election or referendum or which advocates political views or policies.

Y. **Sign, Projecting.** Shall mean any sign other than a wall sign, which is attached to or projects 12 inches or more from a structure or building face or wall.

Z. **Sign, Reader Board.** A sign constructed for the placing of advertising messages, which messages are changeable by use of manually removable or electrically changeable letters.

AA. **Sign, Roof.** A sign erected upon the roof of a building, the entire face of which is situated above the roof line of the building to which it is attached, and which is wholly or partially supported by said building.

BB. **Sign, Rotating.** A sign, any portion of which moves or is movable by any mechanical manner.

CC. **Sign, Sandwich Board.** A portable sign, typically in the shape of an inverted V, with two sign boards attached to each other at the top of the sign; also known as a sidewalk or A-frame sign.

DD. **Sign, Stake**. A sign that is temporary and affixed to a wooden or metal stake that is placed in the ground.

EE. **Sign, Structural Alteration.** Any change or modification in the supporting members of the structure, such as the pole, cabinet, footing/foundation.

FF. **Sign, Structure.** Any structure which supports or is capable of supporting any sign.

GG. **Sign, Temporary**. Any sign, banner, pennant, valance or advertising display intended to be displayed for only a limited amount of time.

HH. **Sign, Wall. Mounted.** A permanent sign that is attached to, erected against, or painted on, any exterior wall, fascia or window of a building or structure. For the purpose of this Title, signs that shall be considered wall mounted signs, include flush mounted signs, signs on marquees and awnings, projecting signs and signs erected on the side of a mansard roof.

II. **Sign, Wall Painted.** An advertisement painted directly on the wall of a building.

JJ. **Sign, Window**. Any sign affixed to (or painted on) the inside or outside of a window and intended to be viewed from the exterior of the structure.

**Single-Family**. See **Dwelling, Single-Family**.

**Site.** A lot or group of lots associated with a certain application, building or buildings or other development.

**Sight-Obscuring Planting**. A planting of evergreen trees and shrubs that will prevent a through penetration of sight.

**Sponsoring Agency.** An organization that is a joint applicant with a host agency for a Transitory Accommodation Temporary Use Permit application, and assumes responsibility for providing basic services and support to transitory accommodation residents. A "sponsoring agency" may be the same entity as a host agency.

**Start of Construction.** The start of permanent construction; activities include the pouring of slab or footings, the installation of pilings, construction of columns or any work beyond

site preparation, excavation, setting of temporary forms or the placement of accessory buildings or a manufactured home on site.

**Stealth Design.** A wireless communications facility's support structure, antennae or accessory equipment structure that is designed to blend in with the existing physical environment, and reduce visual impacts to the extent possible.

**Step back**. The result when an upper level or portion of a building is set back from the building story below.

**Storage Space.** Sufficient space, either in individual dwelling units or common storage rooms, to provide adequate, secure, and convenient storage for items owned by building tenants.

**Story.** That portion of a building between the surface of any floor and the surface of the next floor above it; or, if there is no floor above it, the space between such floor and ceiling.

**Street.** A private or public way designed primarily for vehicular traffic. It includes the terms road, highway, avenue, boulevard, thoroughfare, or other traffic way, and usually includes improvements, including curbs, sidewalks, and street pavement within the right-of-way.

**Street Frontage.** The linear frontage of a parcel of property abutting a single public street.

**Street, Private.** A thoroughfare that is a privately owned means of access to a property or properties.

**Street, Public.** A thoroughfare or right-of-way dedicated, deeded, condemned or otherwise acquired by the public for use as such, other than an alley, which affords the principal means of access to abutting property including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare.

**Structure.** A combination of materials constructed and erected permanently on or under the ground, or attached to something having a permanent location on or under the ground. Not included are residential fences, retaining walls or rockeries less than 48" in height and similar improvements of a minor character.

**Subdivision.** The division or re-division of land for the purpose of sale, lease or transfer of ownership. The term subdivision also applies to an area or tract of land that has been subdivided.

**Subordinate Use.** A use which is secondary or incidental to a permitted or principal use.

**Substantial Construction.** Construction or improvement of a structure that equals or exceeds 50% of the market value of the structure.

**System Improvements.** Public facilities that are included in the capital facilities plan and are designed to provide service areas within the community at large, in contrast to project improvements.

**T Definitions**

**Telecommuting.** The use of telephones, computers or other similar technology to permit an affected employee to work at home or at a location closer to home than the affected employer's principal worksite.

**Temporary.** A period not to exceed one year except as otherwise provided in this title.

**Temporary Use Permit**. A license authorizing a short-term use of property.

**Tenant Improvements**. Construction improvements typically made to the interior of a non-residential building to fit the building to a particular tenant's needs, or to create separate tenant spaces. Typically it involves such things as adding or removing walls, ceilings and doors; re-wiring for electrical outlets and lighting; and providing plumbing, sprinklers, counters and walk-in coolers, often as part of a separate lease space in a building.

**Through-Ventilation.** The encouragement of natural cross-ventilation.

**Townhouse**. A single-family dwelling unit which is part of a group of two or more such units separated by a completely independent structural wall (including utilities in separate walls), extending from the ground to the roof in accordance with the applicable Building Code and which has no doors, windows or other provisions for human passage or visibility through the wall. See also Dwelling, Multifamily.

**Tract.** A piece of land set aside in a separate area for dedication to the public, a homeowner's association, or other entity, (e.g., open space, recreational facilities, and tree preservation) wetland or other sensitive lands.

**Traffic Study.** A study of traffic behavior by a licensed traffic engineer.

**Trail**. See definition of Pathway.

**Transit.** A multiple-occupant vehicle operated on a for-hire, shared-ride basis, including bus, ferry, rail, shared-ride taxi, shuttle bus or vanpool.

**Transit Facility.** A development provided by a public transportation provider, which is designed to aid or encourage community use or multi-modal public transportation system, such as bus, van/carpools and park and ride facilities.

**Transient Lodging**. Lodging provided for a fee or charge in a hotel, motel, boarding house, bed and breakfast, short term stay use or other granting of any similar license to use real property for a period of less than thirty (30) days.

**Transitory Accommodation.** Shelters that are not permanently attached to the ground, that may be easily erected, dismantled or moved, and are intended for temporary occupancy.

**Transplant.** The relocation of a tree or other vegetation from one place to another on the same property.

**Tree.** Any self-supporting perennial woody plant with a trunk diameter of greater than 2" that matures at a height greater than 6' is generally referred to in the nursery and landscape industry as a tree.

**Tree, Hazard.** Any tree with structural defect, disease or proximity to persons or property that makes it subject to a high probability of failure, as determined and recommended by a qualified and certified arborist or urban forester.

**Tree Removal.** The removal of a tree by digging up, cutting down or other act which causes the tree to die.

**Tree, Street.** A tree located within a street right-of-way or street tree easement, adjacent to public or private streets, including undeveloped areas.

**Tree Tract.** A separate tract of land, specifically set aside for the retention and/or planting of trees, and consistent with the limitations and requirements of an approved land use permit. Storm water retention/detention facilities, and other common areas may be considered tree tracts if they currently or are designed to support the growth of trees.

**U Definitions**

**Undevelopable Area.** An area that cannot be used practicably for a habitable structure because of natural conditions, such as slopes; severe topographic relief; water bodies; or conditions that isolate one portion of a property under another portion so that access is not practicable to the unbuildable portion. Undevelopable area also includes man-made conditions such as existing development restrictions that prohibit development of a given area of a lot by law or private agreement; or existence or absence of easements or access rights that prevent development of a given area.

**Unit**. See definition of Dwelling Unit.

**Urban Forestry.** The art and science of planning, managing, and protecting natural and planted vegetation in urban areas.

**Use.** An activity or purpose for which land or premises or a building thereon is designed, arranged or intended, or for which it is occupied or maintained, let or leased.

**Utility.** Services, facilities and infrastructure that produce, transmit, carry, store, process or dispose of electric power, gas, water, sewage, communications, oil, storm water, and the like.

**Utility Facilities.** The physical facilities and appurtenances necessary for the provision of sanitary sewer, water, storm water drainage, electricity, natural gas, telephone, and cable; such as utility buildings, sewage pumping stations, substations, storm drainage detention facilities, and other similar facilities located on a specific site and necessary for the operation of a utility.

**Utility System**. Physically dispersed elements through which a utility supplies service, including but not limited to, underground transmission and distribution lines; pipes; mains; interceptors; cables and underground conduits; overhead lines and poles, transformers and regulator stations, pad mounted switches, switches and above-ground transformers; and underground transformers.

**V Definitions**

**Variance.** An administrative or quasi-judicial decision to lessen or otherwise modify the requirements of the development code.

**Vehicle, Recreational.** See definition of Recreational Vehicle

**Vehicle.** A motorized conveyance that includes, but is not limited to an automobile, car, motorcycle, small watercraft, jet ski or snowmobile in operable condition.

**Vending cart**. See definition of Beverage/food and retail vending cart.

**Veterinary Clinic or Hospital**. The office of one or more licensed veterinarians, including operating space, and space for the overnight keeping of animals.

**Visual Obstruction.** An obstruction of vision through landscaping, structure or device in those areas near intersections of roadways and motor vehicle access points where a clear field of vision is necessary for traffic safety.

**W Definitions**

**Walkway.** A facility for pedestrian use to or through a parcel that may or may not be adjacent to the street. Walkways may differ from sidewalks in standards, alignment, shape, location, construction materials, and overall installation.

**Wireless Communications Facilities.** The site, wireless communications support structures, antennae, accessory equipment structures, and appurtenances used to transmit, receive, distribute, provide or offer wireless telecommunications services. Wireless communications facilities include, but are not limited to, antennae, poles, towers, cables, wires, conduits, ducts, pedestals, vaults, buildings, electronic, and switching equipment.

**Wireless Communication Facilities, Co-located.** A co-located wireless communication facility exists when more than one wireless communication provider mounts equipment on a single building or support structure.

**Wireless Communications Support Structures.** A structure erected to support wireless communications antennas and connecting appurtenances. Wireless communications support structures may include, but are not limited to lattice tower, monopoles, and guyed towers.

**Wireless Communications Systems.** The sending and receiving of radio frequency transmissions and the connection and/or relaying of these signals to land lines and other sending and receiving stations (cell sites), and including, but not limited to cellular radiotelephone, personal communications services (PCS), enhanced/specialized mobile radio (ESMR), commercial paging services, and any other technology which provides similar services.

**X Definition**

**Xeriscape**. A landscape method that utilizes water-conserving techniques, such as the use of drought-tolerant plants, mulch and efficient irrigation.

**Y Definitions**

**Yard.** Any open space on the same lot with a building or a dwelling group, which open space is unoccupied and unobstructed by any structure from the ground upward to the sky. Required setback areas shall be considered yards as defined herein.

**Yard, Front.** An open space defined by setbacks extending the full width of the lot between a setback line and the front lot line, unoccupied, and unobstructed from the ground upward, except as specified elsewhere in this title. On a corner lot, the Planning Director shall determine which of the yards shall be considered the front yard and street side yard, based upon the proposed orientation of the house at the time of building permit application.

**Yard, Rear.** An open space defined by setbacks extending the full width of the lot between a setback line and the rear lot line, unoccupied, and unobstructed from the ground upward, except as specified elsewhere in this title.

**Yard, Side.** An open space defined by setbacks extending from the front yard to the rear yard between a setback line and the nearest side lot line, unoccupied, and unobstructed from the ground upward, except as specified elsewhere in this title.

**Yard, Street Side.** On corner lots where two streets intersect, an open space defined by setbacks extending from the front lot line to the rear lot line, along the side of the lot which fronts on a street and between the setback line and side street lot line, unoccupied, and unobstructed from the ground upward, except as specified in this title.

**Youth Oriented Facility.** Facilities providing recreational and/or educational opportunities for youth, including but not limited to Boys and Girls Clubs, YMCAs, indoor or outdoor youth sports facilities, little league baseball, and other youth sports associations.

## Z Definition

**Zoning District.** A geographic area which corresponds to a comprehensive plan designation and which specifies allowed and conditionally allowed uses and applicable standards for development within the district. Also referred to as Zone or District.

# 18.50 Use Classifications.

## 18.50.010 Purpose.

The purpose of this chapter is to classify uses into a limited number of use types on the basis of common functional, product or compatibility characteristics, thereby providing a basis for the regulation of uses in accordance with criteria that are directly relevant to the public interest.

## 18.50.020 Listing of Use Classifications.

A. **Residential use types.**

1. Household Living. Living facilities for small groups (households) of people who are related or unrelated, featuring self-contained units including facilities for cooking, eating, sleeping, and hygiene. Tenancy is longer than 30 consecutive calendar days. Household structures include single-family detached and attached dwellings; duplexes; multi-family dwellings; and modular and manufactured housing units. Most types of senior housing, (e.g., congregate care or assisted living) are considered to be household living if residents live in self-contained units, even if there are also shared facilities within the building.

2. Group Living. Living facilities for groups of unrelated individuals that include at least one person residing on the site who is responsible for supervising, managing, monitoring and/or providing care, training or treatment of residents. Larger group living facilities may also be characterized by shared facilities for eating, hygiene and/or recreation. Examples include nursing/convalescent homes, residential care homes or centers; sororities/fraternities and convents/monasteries. Tenancy is typically 30 consecutive calendar days or more. Excludes detention and post-detention facilities.

3. Transitional Housing. Public or non-profit living facilities for groups of unrelated individuals that include at least one person residing on the site who is responsible for supervising, managing, monitoring and/or providing care, training or treatment of residents where tenancy is typically less than 30 consecutive calendar days. Examples include: homeless shelters and drug/alcohol treatment facilities. Can include associated soup kitchens or other on-site food preparation and service. Excludes private, for-profit-short-term housing and detention and post-detention facilities.

4. Home Occupation. Commercial, office or other economic activity wholly contained within the residence or accessory building within which it is located, and is clearly subordinate to the primary residential use.

B. **Commercial use types.**

1. Commercial Lodging. Residential facilities such as hotels, motels, rooming houses and bed-and-breakfast establishments where tenancy is typically less than one month. May include accessory meeting, convention facilities, and restaurants/bars.

2. Eating and Drinking Establishments. Establishments that sell prepared food and beverages for consumption on site or take-away including restaurants, delicatessens, bars, taverns, brew pubs, and espresso bars.

3. General Retail.
   a. Sales-Oriented. Establishments which provide consumer-oriented sales, leasing and rental of consumer, home and business goods including art; art supplies; bicycles; clothing; dry goods; electronic equipment; fabric; gifts; groceries; hardware; household products; jewelry; pets and pet products; pharmaceuticals; plant; printed materials; and stationery.

   b. Personal Services. Establishments which provide consumer services such as banks and credit unions; barber and beauty shops; automated teller machines (ATMs) and related automated vending facilities; pet grooming; laundromats and dry cleaners; copy centers; photographic studios; specialized instructional schools; trade/vocational schools; massage therapy; acupuncture; and mortuaries.

   c. Repair-Oriented. Establishments which engage in the repair of consumer and business goods including television and radios; bicycles; clocks; jewelry; guns; small appliances and office equipment; tailors and seamstresses; shoe repair; locksmiths; and upholsterers.

   d. Bulk Sales. Establishments which engage in the sales, leasing and rental of bulky items requiring extensive interior space for display including furniture, large appliances, and home improvement sales.

   e. Outdoor Sales. Establishments that engage in sales requiring outdoor display and/or storage including lumberyards and nurseries.

4. Motor Vehicle Related

   a. Motor Vehicle Sales/Rental. Includes car, light and heavy truck, motorcycles or scooters, ATVs, mobile home, boat and recreational vehicle sales, rental and service.

b. Motor Vehicle Servicing/Repair. Vehicle service and repair establishments, including quick and general vehicle service, car washes, tire and body shops and are not an accessory to new vehicle sales.

c. Vehicle Fuel Sales. Establishments engaging in the sale of gasoline, diesel fuel, oil products, other liquid gas, or electric charging stations, for cars, trucks, recreational vehicles, and boats.

5. Office

a. General Office. Government, business and professional offices that operate during typical weekday hours. Examples include local, regional, state, and federal offices and agencies; medical and dental laboratories; offices for attorneys, architects, accountants, engineers, stockbrokers, real estate agents, mortgage bankers, insurance brokers, and other consultants; headquarters offices; sales offices; radio, and television studios. Also includes painting, landscaping, building and janitorial contractors where the indoor storage of materials and equipment are incidental to the office use.

b. Medical Office. Offices for physicians, dentists, chiropractors, and allied health care professionals; outpatient health care facilities; urgency clinics; naturopathic, and homeopathic facilities; and home health organizations that provide on-site services to patients and that generally operate during typical peak weekday hours.

6. Non-Accessory Parking. Any private or public vehicle and bicycle parking, either paid or free, which is not accessory to a primary use. Includes public and private parking structures and lots; and fleet vehicle parking lots.

7. Self-Service Storage. Commercial operations that provide rental of storage space to the public. The storage areas are designed to allow private access by the tenant for storing or removing personal property.

8. Artisan and Specialty Goods Production. Small scale businesses that manufacture artisan goods or specialty foods.

9. Rentals. Establishments engaging in renting equipment, tools or vehicles on short-term basis.

D. **Business/Employment type use types.**

1. Industrial Services. Includes the repair and servicing of industrial and business machinery, equipment and/or products.

2. Manufacturing and Production. Includes production, processing, assembling, packaging or treatment of semi-finished or finished products from raw materials or previously prepared materials or components. Manufacturing production is intended for the wholesale market rather than for direct sales.

3. Research and Development. Facility featuring a mix of uses including office, research laboratories, and prototype manufacturing.

4. Warehouse/Freight Movement. Uses involved in the storage and movement of large quantities of materials or products indoors and/or outdoors; associated with significant truck traffic.

5. Wholesale Sales/Trade. Involves sales, leasing or rental of equipment or products primarily intended for industrial, institutional or commercial businesses. Businesses may or may not be open to the general public, and sales to the general public are limited.

E. **Civic use types.**

1. Basic Utilities. Unstaffed public and quasi-public infrastructure, including but not limited to water tanks, sewer pump stations, telephone exchanges, and electric power substations. Excludes facilities that include offices, service centers and/or material storage.

2. Colleges. Institutions of higher education. Accessory uses may include classrooms, laboratories, theaters, auditoriums, libraries, dormitories, eating facilities, bookstores, other small-scale retail, general offices, and parking.

3. Community Recreation. Public, private, and non-profit recreational, social and multi-purpose facilities that are open to the public for free or fee (including membership fees). Examples include: community centers; senior centers; health/fitness clubs; indoor or outdoor tennis/racquetball and soccer clubs and other sports fields; indoor/outdoor swimming pools; boat launches; golf courses, and shooting ranges.

4. Cultural Institutions. Public or non-profit cultural facilities including libraries, museums, historic sites, and galleries.

5. Emergency Services. Public safety facilities including police and fire stations, and emergency communications, but not including ambulance services.

6. Human Service Facilities. Any office, store, assembly place or facility, the general purpose of which is to provide human need services directly and at no or reduced cost to individuals who do not have the means, ability or opportunity to obtain such services themselves.

7. Parks. Lands that are designed for public use and include active and passive recreation. Examples include parks, public squares, recreational trails and nature preserves.

8. Postal Service. Refers to postal services and processing as operated by the U.S. Postal Service. Such facilities include customer sales, mail sorting, and fleet truck storage.

9. Religious Institutions. Permanent places of religious worship that may include related accessory uses that are clearly incidental and secondary to religious worship, congregation, and teaching such as administrative offices; child care centers/pre-schools; classrooms for religious instruction; auditoriums; social halls; rectories; and gymnasiums, playgrounds and other recreational facilities.

10. Schools. Public and private pre-school, kindergarten, elementary, middle, and high schools. Accessory uses include administrative offices; classrooms and laboratories; kitchen/cafeterias; auditoriums; gymnasium, swimming pools; playing fields and related indoor and outdoor physical education facilities; and storage and maintenance facilities.

11. Social/Fraternal and Clubs/Lodges. Non-profit organizations with social, philanthropic and/or recreational functions and activities.

12. Transportation Facilities. Public streets and sidewalks; bus, transit stops and stations; and accessory bicycle parking.

13. Park & Ride Facilities. Park & Ride facilities means parking facilities that serve motorists transferring to or from urban public transportation vehicles or private car-pool vehicles.

14. Utility Facilities. Corridors or easements in public or private ownership dedicated for use by above-grade or underground power or communication lines; water, sewer and storm sewer lines or similar services.

15. Road and Maintenance Shops. Public facilities where tools, equipment, vehicles, materials and supplies are stored for the repair, maintenance or upkeep of publicly owned facilities.

E. **Other use types.**

1. Cemeteries. Facilities for storing human remains. Accessory uses may include chapels, mortuaries, crematoria, mausoleums, administrative offices, maintenance facilities, and parking.

2. Temporary Uses. Uses permitted not to exceed one year, except as otherwise provided, through the issuance of a Temporary Use Permit.

3. Communication Facilities. Includes publicly- and privately-owned towers and related transmitting equipment for television; FM/AM radio; cellular and two-way radio and microwave transmission; and related ancillary equipment buildings.

**18.50.030 Authorization of Similar Use.**

A. Purpose. It is not possible to contemplate all of the various uses that will be compatible within a zoning district. Therefore, unintentional omissions occur. The purpose of these provisions is to establish a procedure for determining whether certain specific uses would have been permitted in a zoning district had they been contemplated and whether such unlisted uses are compatible with the listed uses.

B. Process. The Planning Director shall render an interpretation by means of a Type I permit, as governed by PMC Title 19.01.

C. Approval standards. The Planning Director shall use the following criteria to determine the appropriate category for an unlisted use as follows:

1. The use is consistent with the intent and purpose of the applicable zoning district;
2. The use is similar to and of the same general type as the typical uses listed in the zoning district;
3. The use has similar intensity, density, and off-site impacts as the typical uses listed in the zoning district; and
4. The use has similar impacts on the community facilities as the typical listed uses. Community facilities include streets, schools, libraries, hospitals, parks, police and fire stations, water, sanitary sewer, and storm drainage systems.

D. Maintaining list. The Planning Director shall maintain a list by zoning district of approved unlisted uses.

# 18.55 Reasonable Accommodations for Persons with Disabilities.

## 18.55.010 Purpose.

The Federal Fair Housing Act and Fair Housing Act Amendments require that reasonable accommodations be made in the rules, policies, practices, or services, when such accommodations may be necessary to afford disabled persons equal opportunity to use and enjoy a dwelling. The rights created by the statutes are requirements of Federal law and shall be interpreted and applied in accordance with Federal case law.

## 18.55.020 Application.

The Planning Director is therefore authorized to make reasonable accommodations in the provisions of this Code as such provisions apply to dwellings occupied or to be occupied by disabled persons as defined by the Federal Fair Housing Act and Fair Housing Act Amendments. Accommodations may include:

A. Increasing the number of nonrelated persons allowed to live together in a single-family house.

B. Reducing setback requirements to retrofit a house with handicap accessible facilities.

C. Other modifications to the Zoning Code necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling, provided such modification does not reduce public safety nor keep the intent of the code from being met.

## 18.55.030 Authority.

Exceptions from code requirements are made pursuant to the requirements of the Federal Fair Housing Amendments Act of 1988, 42 U.S.C. Section 3604(f)(3)(B); and Washington Law Against Discrimination, Chapter 29.60 RCW for persons with disabilities as defined by Federal law in 42 U.S.C. Section 3602(h).

## 18.55.040 Accommodation Procedure.

A. Request. Any person with a disability, or a person acting on his or her behalf, who wishes to be excused from an otherwise applicable requirement of this Code must provide the Planning Director with verifiable documentation of the disability and need for accommodation. Such accommodation shall be reasonable, personal to the applicant and granted pursuant to the definitions and requirements of the Fair Housing Act and Fair Housing Act Amendments as the same exists or is hereafter amended.

B. Decision Process.

1. Planning Director Authority. If disability and need for accommodation are demonstrated, the Planning Director, in consultation with the City Attorney, is hereby authorized to vary, modify, or waive the provisions of the Zoning Code, in order to provide reasonable accommodation necessary to afford a disabled person the opportunity to use a dwelling. The Planning Director's decision shall be made in writing and provided to the requestor and any other person(s) who request a copy of the decision.

2. The Planning Director shall act within 10 working days on the request or accommodation.

3. The Planning Director shall not charge a fee for responding to such request.

4. The Planning Director's decision shall constitute final action by the City on the request for accommodation and review of that decision will be available only in court. Any action seeking review must be filed no more than twenty-one days after the Director's decision.

**18.55.050 Criteria.**

The Planning Director or his or her designee may determine that such reasonable accommodations may be necessary in order to comply with the Federal Fair Housing Act and Fair Housing Act Amendments. All such accommodations shall be personal to the applicant and shall expire immediately if the disabled applicant terminates occupancy at the subject site.

# Section II. Land Use Districts

## 18.60 Establishment of Zoning Districts.

### 18.60.010 Purpose.

The City is divided into land use zoning districts as established in this Code, with the intent to provide for the geographic distribution of land uses as contemplated in the Comprehensive Plan; to maintain stability in land use commitments through the provision of harmonious groupings of uses possessing compatible characteristics and levels of activity; to maintain commitments in public service facilities such as transportation systems, utilities and parks; and to provide an efficient and compatible relationship of land uses and land use districts.

### 18.60.020 Establishment of land use zones.

Land use zoning districts in the City are hereby established as follows:

| District or Zone | Map Symbol |
|---|---|
| Residential | |
| Residential Low | RL |
| Residential Medium | RM |
| Residential High | RH |
| Commercial | |
| Downtown/Front Street | C-1 |
| Viking Avenue | C-2 |
| SR 305 Corridor | C-3 |
| College MarketPlace | C-4 |
| Business and Employment | |
| Office Commercial Industrial | OCI |
| Business Park | BP |
| Light Industrial | LI |
| Park | P |
| Master Plan Overlay | MPO |

### 18.60.030 Establishment of map.

The designation, location and boundaries of the land use zoning districts established by this Code are as shown and depicted on the map entitled Zoning Map of the City of Poulsbo, dated with the effective date of adoption and referenced with adopting ordinance number.

### 18.60.040 Property classified.

Each property in the City of Poulsbo is hereby classified pursuant to this Code and is subject to the requirements of this Code.

### 18.60.050 Maintenance of map.

An original signed copy of the Zoning Map containing the zoning districts designated at the time of adoption of this Title shall be filed in the office of the City Clerk pursuant to RCW

35.63.100 and a duplicate shall be filed in the Planning Department. Copies of zoning maps and amendments shall be dated with the effective date of the document adopting the map and amendments, and shall be maintained with the adopting documents, on file in the Planning Department. It shall be the responsibility of the Planning Director to keep the Zoning Map up to date at all times.

**18.60.060 Interpretation of Zoning map.**

Where, due to the scale, lack of detail or illegibility of the zoning map, there is uncertainty, contradiction or conflict as to the intended location of any zoning district boundary as shown thereon, the Planning Director shall make an interpretation in writing of said map upon request of any person pursuant to Chapter 18.300 Interpretations and Minor Adjustments. Any person aggrieved by any such interpretation may appeal such interpretation to the Hearings Examiner under PMC Title 19.01. The Planning Director, in interpreting the zoning map or the Hearings Examiner in deciding any appeal, shall apply the following standards:

A. Where district boundaries are indicated as approximately following the centerline of streets, alleys or highways, the actual centerline shall be construed to be the boundary.

B. Where district boundaries are indicated as running approximately parallel to the centerline of a street, the boundary line shall be construed to be parallel to the centerline of the street.

C. Where district boundaries are indicated as approximately following lot or tract lines, the actual lot or tract lines shall be construed to be the boundary lines of such use district.

D. Unmapped shorelands shall be considered to be within the same land use district as the adjacent upland as shown on the Zoning map.

E. Where a public street or alley is officially vacated, the regulations applicable to the abutting property to which the vacated portion shall revert, shall apply to such vacated street or alley.

F. In case uncertainty exists which cannot be determined by application of the foregoing rules, the Planning Commission shall recommend, and the City Council shall determine, the location of such use district boundaries.

# 18.70 Residential Districts.

## 18.70.010 Zoning Districts.

The City's Comprehensive Plan establishes three land use designations that support the residential goals and policies of the City of Poulsbo. The three land use designations will also serve as titles of zoning districts on the City's Zoning Map, and are identified as:

Residential Low (RL)
Residential Medium (RM)
Residential High (RH)

## 18.70.020 Purposes.

A. The Residential Low (RL) district provides for residential areas of low urban densities of 4-5 dwelling units per acre; and permit compatible, related activities. In addition, this district is intended to:
   1. Recognize, maintain, and protect established low urban density residential areas.
   2. Create residential areas that promote neighborhood livability.
   3. Provide for additional related uses such as schools, parks, and utility uses necessary to serve immediate residential areas.
   4. Serve as the primary zoning district for single-family detached residences.

B. The Residential Medium (RM) district provides for residential areas of moderate urban densities of 6-10 dwelling units per acre; and is intended to:
   1. Provide for multiple-family residential development based upon consistency with the comprehensive plan and compatibility with surrounding land uses.
   2. Provide convenient housing opportunities near employment and business centers.
   3. Facilitate public transit, and encourage efficient use of commercial services and public infrastructure.
   4. Encourage development of a variety of housing types, including townhouses, apartment, condominiums, smaller lot single-family cottages, and duplexes.

C. Residential High (RH) district provides appropriate locations for residential areas of high urban densities of 11-14 dwelling units per acre; and is intended to:
   1. Provide for higher density residential development for those members of the population who prefer such housing, and which is consist with the comprehensive plan.
   2. Facilitate public transit and efficient use of public infrastructure.
   3. Encourage maximization of land through the development of higher density housing types, including townhouses, apartment, and condominiums.

## 18.70.030 Uses.

A. Types of uses. For the purposes of this chapter, there are four kinds of uses:

1. A permitted (P) use is one that is permitted outright, subject to all the applicable provisions of this title.

2. A conditional use (C) is a discretionary use reviewed through the process set forth in Chapter 18.230 governing conditional uses.

3. An administrative conditional use (AC) is a discretionary use reviewed through the process set forth in Chapter 18.230 governing administrative conditional uses.

4. A prohibited use (X) is one that is not permitted in the zoning district under any circumstances.

B. Similar Uses. Recognizing that there may be certain uses not mentioned specifically in Table 18.70.030 because of changing housing markets or other reasons, the Planning Director is authorized to make similar use determinations, as set forth in Section 18.50.030.

The following Table 18.70.030 is a list of uses for the three residential zoning districts:

**Table 18.70.030 Residential Districts Uses**

| USE | RL | RM | RH |
|---|---|---|---|
| **Residential** | | | |
| Accessory dwelling units<br>(*subject to provisions of Section 18.70.070.A)* | AC | AC | AC |
| Accessory structures normal to residential environment | P | P | P |
| Adult family home | P | P | P |
| Boarding or rooming houses | C | AC | P |
| Confidential shelter (including confidential transition homes) *no public noticing required, see Section 18.70.070.H* | AC | AC | P |
| Dormitory | C | AC | P |
| Dwelling, multi-family<br>*Duplex, triplex, apartment, townhomes, detached/clustered cottage, attached or detached condominiums* | PRD<br>*Only allowed through planned residential development provisions; see Chapter 18.260* | P | P |
| Dwelling, single-family | P | P | P |
| Group residential home | P | P | P |
| Group home | P | P | P |
| Guest houses | P | P | P |
| Homeless Shelter | AC | AC | AC |
| Infill Residential Development | AC | *Not applicable* | *Not applicable* |
| Manufactured home parks/subdivisions | C | C | C |

| USE | RL | RM | RH |
|---|---|---|---|
| Planned Residential Developments *(subject to provisions of Chapter 18.260)* | P | P | P |
| **Business Services** | | | |
| Bed and Breakfast | AC *(up to five rooms)*<br>C *(six or more rooms)* | AC | AC |
| Home Business | P | P | P |
| Home Occupation | AC | AC | AC |
| Live/Work Units | X | AC | AC |
| Neighborhood Commercial | C | AC | AC |
| Professional offices, freestanding up to 5,000 square feet | X | AC | AC |
| Self-serve mini storage | X | X | AC |
| **Medical and Health Services** | | | |
| Animal hospital and veterinary clinics, freestanding up to 5,000 square feet | X | AC | AC |
| Assisted living | C | AC | P |
| Congregate care senior housing | C | AC | P |
| Medical/Dental offices and clinics, freestanding up to 5,000 square feet | X<br>*Limited dental office/clinic allowed as neighborhood commercial; see Section 18.70.070.F.6* | AC | AC |
| Nursing home | C | AC | AC |
| Residential care facility | C | AC | P |
| Residential care home | P | P | P |
| **Education Services** | | | |
| Day care, family home | P | P | P |
| Day care center | X<br>*Unless as an accessory use in conjunction with a permitted use; see Section 18.70.070.D.* | AC | AC |
| Schools, public or private | C | C | C |
| **Public and quasi-public** | | | |
| Essential Public Facilities, Regional and State<br>Essential Public Facilities, Local<br>*(subject to the provisions of Section 18.125)* | P<br>C | P<br>C | P<br>C |
| Governmental and public administration buildings, including fire stations, recreation buildings, post offices, and similar government services, but not including | | | |

| USE | RL | RM | RH |
|---|---|---|---|
| government maintenance shops.<br><br>In RM and RH zones only: Non-government professional office use, personal service, eating/drinking and retail commercial use may be permitted within the government and public administration buildings; all non-government uses combined shall not total more than 25% of gross building square footage. (Other agreements, funding constraints or mechanisms that limit the use(s) of government/public administration buildings shall take precedent over this provision.)<br><br>Existing structures or new construction 5,000 square feet or less<br><br>New construction 5,001 square feet or more | <br><br><br>

**18.70.040 Minimum and Maximum Densities.**

A. To ensure implementation of the City's adopted Comprehensive Plan for planned densities in the residential zoning districts, the following shall establish the minimum and maximum density required in each residential zoning district:

RL: Minimum 4 du/net acre
Maximum 5 du/gross acre

RM: Minimum 6 du/net acre
Maximum 10 du/gross acre

RH: Minimum 11du/net acre
Maximum 14 du/gross acre

B. Calculation.

1. The minimum density shall be calculated by multiplying the development's subject site net acreage by the minimum number of dwelling units required in the applicable zoning district. (Net acreage is the development subject site's gross acreage minus acreage for public rights-of ways, private road easements, designated critical area and buffer protection, and storm management facilities; but not including parks and public or private recreation facilities dedicated or created as an integral part of the development.)

2. The maximum density shall be calculated by multiplying the development's subject site gross acreage by the maximum number of dwelling units allowed in the applicable zoning district.

3. The units associated with assisted living, congregate care, nursing home, residential care facilities and the like, that rely on shared cooking/dining facilities, will not be counted for purposes of the minimum/maximum density calculation. Independent dwelling units (i.e.containing a bed, bathroom, and a kitchen with a sink, stove, and refrigerator) in such group living residential uses, however, shall be counted as individual dwelling units in the density calculation. The density for non-independent dwelling units shall not be transferred to another portion of the development.

C. Standards.

1. All new residential development (subdivisions, PRDs, site plans, condominium) must meet the minimum and maximum density requirements.

2. Land subdivision in all residential zones must meet the minimum and maximum density requirements; provided that a subdivision may create one lot in a size large enough to be further subdivided in the future based on the minimum lot size requirements of the applicable residential zone and the subject lot must be developed in such a way so not to prevent future

subdivision from occurring that meets all of the City's lot dimensional requirements.

3. Non-residential uses, accessory dwelling units, and on-site residences in conjunction with neighborhood commercial are exempt from minimum/maximum density requirements.

4. Legal lots of record that do not meet the minimum density requirements may be developed with a single dwelling unit; provided that if the lot is of a size that can be further subdivided in the future based on the minimum lot size requirements of the applicable residential zone, the dwelling unit must be located so not to prevent future subdivision from occurring that meets all of the City's lot dimensional requirements.

5. When the minimum or maximum density results in a fraction of a unit, the density shall be rounded to the nearest whole number. For calculations of X.1-X.4, the density shall be rounded down; for calculations of X.5-X.9, the density shall be rounded up to the next whole number.

6. On parcels proposed for residential development where an existing dwelling exists and is not proposed to be removed or replaced, the existing dwelling will be included in the subject site's minimum/maximum density calculation and must meet the required minimum/maximum lot size.

7. For residential development utilizing the provisions of Planned Residential Developments (PRD), see Chapter 18.260 for additional provisions.

**18.70.050 Development Standards in RL zone.**

A. For development standards in the RL zone, see Table 18.70.050 below:

| **Table 18.70.050 Residential Low (RL) District Development Standards** | |
|---|---|
| Minimum Lot Size | 7,500 square feet |
| Maximum Lot Size | 10,890 square feet<br>*when subdividing, a parent lot may remain larger than 10,890 square feet; provided that it must be a minimum of 15,000 square feet in order to be further subdivided in 7,500 square foot increments.* |
| Minimum Lot Width | 60' at the midpoint of the lot. Each lot shall have a minimum of 20' of frontage on a dedicated street or approved access way. |
| Minimum Lot Depth | 90' |
| Maximum Building Coverage | 50% |
| Front Yard Setback | 20' from main building façade;<br>25' from attached garage façade if front loaded and |

| | |
|---|---|
| | protrudes streetward from main building façade. |
| Rear Yard Setback | 10’ |
| Side Yard Setback | 5’ with a combined total of 15’ |
| Street Corner Setback *(corner lots at intersection(s) of public or private streets)* | 10’ *(or greater if necessary for sight distance as determined by the City Engineer)* |
| Maximum Building Height | No building or structure may exceed 35’ in height. |

B. Non-residential uses requiring an administrative or standard conditional use permit shall be subject to the landscaping standards identified in Section 18.70.060.D.

C. Lot Averaging.
In order to preserve natural features, address irregular site shape, and provide a variety of housing sizes, for subdivisions creating 9 lots or greater in the RL zoning district and not utilizing the provisions of the PRD (Chapter 18.260), lot averaging may be employed, provided that:

1. The average lot size when all lot areas are totaled together must be at least 7,500 square feet, but no greater than 10,000 square feet.

2. The minimum lot size is 5,000 square feet; the maximum lot size is 10,890 square feet.

3. No attached residential units are allowed.

4. No lot less than the required RL minimum lot size (7,500 square feet) may be placed adjacent to previously developed lots which meet the minimum lot size requirements.

5. All other development standards identified in Table 18.70.050 are required; provided that the following alternative standards are allowed:
   a. Lot width: 50’ at the midpoint of the lot. Each lot shall have a minimum of 20’ of frontage on a dedicated street or approved access way.
   b. Lot depth: 80’.

D. Street trees are required for all new residential developments and shall be provided as set forth in Section 18.130.090.

**18.70.060 Development Standards in RM and RH zones.**

A. Lot Requirements. Table 18.70.060 establishes the lot requirements in the RM and RH zoning districts.

| Table 18.70.060 Lot Requirements in the RM/RH Districts | | | |
|---|---|---|---|
| **Development Standard** | **Single-Family Detached** *(including any method of subdivision for single-family detached, except detached cottage*)* | **Multifamily Developments** *(including duplex, triplex, apartment, townhouse, detached cottage*, or attached or detached condominium)* | **Nonresidential** |
| Minimum Lot Area | 4,000 square feet | None | 6,000 square feet |
| Minimum Lot Width | 50’ | 20’ | 50’ |
| Maximum Building Lot Coverage | 50% | 60% | 50% |
| Front Yard Setback | 15’ | 10’ | 20’ |
| Rear Yard Setback | 10’ | 10’<br>20’ when abutting RL zone | 20’ |
| Side Yard Setback | 5’ | Detached: 10’<br>20’ when abutting RL zone | Minimum 5’ for a combined total of 15’ |
| Street Corner Yard Setback *(corner lots at intersections(s) of public streets/rights of way)* | 10’<br>*or greater if necessary for sight distance as determined by the City Engineer* | 10’<br>*or greater if necessary for sight distance as determined by the City Engineer* | 10’<br>*or greater if necessary for sight distance as determined by the City Engineer* |
| Increases in yard setbacks | N/A | For side, rear and peripheral yards, the setback shall be increased by 6” for each foot the building height exceeds 25’. | |
| Building Height | No building or structure shall exceed 35’ in height.<br>*See Section 18.150.050 for building height measurement; Section 18.310.010 for building height exceptions* | | |

* *See Section 18.70.070.I for cottage housing development lot requirements.*

B. <u>Special setbacks between residential buildings with more than two attached units</u>.

1. There shall be a minimum distance of 10’ between buildings or structures when a structure has two or more units and it exceeds 25’ in height. There shall be an additional minimum distance of 6”for each foot buildings or structures exceed 25’ of height on the same parcel or in the same development.

2. For the purpose of calculating special setback required in B.1, the determination of special setback distance shall be calculated based on the average height of the facing sides of the buildings or structures.

C. <u>Recreational Amenities.</u>

1. For all residential developments proposed in the RM/RH zone, recreational amenities shall be provided. The number of amenities shall be based upon the number of dwelling units provided:

| | |
|---|---|
| 1 - 20 units | 2 amenities |
| 21 - 40 units | 3 amenities |
| 41 – 60 units | 4 amenities |
| 61-80 units | 5 amenities |
| 81 units or over | 1 additional amenity per 20 units |

2. Usable recreational amenities shall be provided for their intended use and anticipated residents of the development. Examples of usable recreational amenities include swimming pools, whirlpools, community buildings, large picnic areas including barbecues and covered shelters, tennis courts, outdoor exercise circuits, community gardens, improved playgrounds, paths and passive seating areas, exercise rooms, basketball courts, pickleball courts, and shuffleboard, and others as approved by the Review Authority.

3. Larger amenities, such as (but not limited to) community building, tennis courts, and swimming pools may count as at least two amenities towards a project's required recreational amenities, or as approved by the Review Authority.

4. For attached units, each unit shall have an exclusive accessible outdoor private space of not less than 48 square feet in area. The area shall be designed to provide privacy for unit residents and their guests.

5. The recreational amenities are to be maintained by a homeowners association, property management, or other private association approved by the Review Authority.

D. Landscaping, Site and Building Design Standards.

1. Site Landscaping. All developments proposed in the RM/RH zoning districts must provide landscaping as follows:

   a. Minimum Requirement. A minimum of 20% of the property area shall be landscaped. Setback, parking lot, street trees and building perimeter landscaping contributes to this requirement.

   b. Critical area buffers may count toward this requirement, but cannot contribute more than 40% of the 20% overall site landscaping requirement.

   c. Retaining land at its natural grade with existing native vegetation is strongly encouraged and may contribute toward the required landscape percentage requirement if the existing vegetation is healthy and likely to survive development. A maintenance assurance device,

agreement or bond for two years will be required to ensure the existing vegetation remains healthy and additional vegetation appropriate to the overall site's landscape plan must be installed if the existing vegetation does not survive.

d. Tree retention as required in Chapter 18.180 may contribute toward the required landscape percentage requirement.

e. Low impact development techniques for storm water management that are not fenced and can be designed to integrate vegetation appropriately into the site's overall landscape plan, may count toward this requirement as approved by the Review Authority.

f. Areas designated for special setbacks between buildings, and common recreational amenities shall be landscaped; and such landscaped areas may contribute toward the required landscape percentage requirement.

2. Setback Landscaping.

a. Setback areas are to be landscaped and covered with live plant materials that will ultimately cover 75% of the ground area within 3 years. One tree (deciduous tree of a minimum of 2" caliper or one 6' evergreen tree) and three shrubs each of which will attain a height of 3½' within 3 three years, shall be provided for every 300 square feet of area to be landscaped.

b. Setback landscaping may include low impact development stormwater management facilities that are not fenced and can be designed to integrate vegetation appropriately into the setback's landscape area.

c. When adjacent to the RL zoning district, setback landscaping shall be provided for the full width of the setback, and will include a combination of sight obscuring fencing, solid screen of evergreen trees and shrubs and berming, as approved by the Review Authority.

3. Street Trees. Street trees and related landscaping shall be provided 40' on center for arterials and 30' on center for collectors within a minimum 5' planting strip. Ground cover of sod or other approved ground cover shall be provided. Species of trees shall be as set forth in the City's Master Street Tree Plan if applicable, or as otherwise approved by the Review Authority.

4. Parking Lot Landscaping. Parking lots with more than 10 spaces shall be landscaped. A minimum of 5% of the parking lot area (that area inside parking lot perimeter curbing) shall be landscaped; planting area width shall be a minimum of 5'. Providing adequate shading opportunities should be

taken into account. Parked vehicles may not overhang if the planting area width is the minimum 5'. Wheel stops are required for all parking spaces abutting landscaped areas. Unfenced low impact development stormwater management facilities may be located in parking lot landscaping when feasible and when designed to be integrated appropriately in the landscaped area, and may count toward the parking lot landscaping requirement.

5. Building Perimeter Landscaping. For any building wall that exceeds an average of 30' in height, a planting bed is required with a hierarchy of plantings for at least 60% of the wall length provided:

   a. Columnar trees shall installed minimum 4' from the building's foundation within a minimum 6' wide planting bed at the structure's foundation/base; or larger trees may be planted 25' on center within a 15' planting bed and minimum10' from base.

   b. Shrubs or small trees ranging from 1 to 6 feet in height at maturity shall be planted 3 to 6 feet on center (depending on size at maturity) within the required planting bed.

   c. Ground cover, or other organic material shall be provided to reduce wind and water erosion.

6. On-site pedestrian circulation.
For residential developments in the RM/RH zoning districts, an on-site pedestrian circulation system meeting the following standards shall be provided. The pedestrian circulation system is in addition to recreational amenities identified in Section 18.70.060.C.

*Example of townhouse units with a pedestrian connection to the sidewalk.*

   a. Pathways between dwelling units and the street are required. Such pathways shall make a direct connection to the street.

   b. The pedestrian circulation system shall connect entrances on the site. For townhouses or other residential units fronting on the street, the sidewalk may be used to meet this standard. For multiple-building developments, pedestrian connections to other areas of the site, such as parking areas, recreational areas, common open space and other amenities shall be required. Pedestrian pathways may be located within setback landscaping.

   c. Landscaped beds shall be provided along interior site pedestrian pathways and have a combination of overstory and understory vegetation.

d. Pedestrian pathways should be at least 5' wide. Segments of the circulation system that provide access to no more than 6 residential units may be 3' wide. Pervious pavement or other permeable surfacing will be allowed on pedestrian connections, as approved by the City Engineer.

e. Pedestrian pathways shall be clearly defined and designed to be separated from driveways and parking areas, through the use of raised curbs, elevation changes, bollards, landscaping, different paving materials, and/or other similar treatments. Striping does not meet this requirement.

7. <u>On-site vehicular circulation, parking and bicycle facilities.</u>

a. Minimize the number of vehicular access points from public roads or primary private drives, by sharing driveways and linking parking lots between adjacent uses.

*Example of multifamily building with garage parking at basement level designed to complement the building.*

b. On-site primary vehicular circulation drive should be separated and provide minimal vehicular conflict with parking areas.

c. Parking lots shall be located to the side and rear of buildings or between buildings. If located adjacent to public street frontage, a landscaped buffer of 15' in width shall be provided.

*Example of underbuilding parking carports accessed from the interior of the site.*

d. Parking garages should be designed and sited to complement, not dominate, the streetscape and shall be screened when visible from public streets. Above grade parking garages shall be designed to incorporate architectural elements that complement the adjacent buildings.

e. Bicycle racks shall be located near the entrances to each residential building and to the main features of each recreational amenity.

8. <u>Building Design Standards.</u>

The purpose of building design standards in the RM and RH zoning districts is to facilitate attractive architectural design and scale by avoiding large blank walls, bright colors and providing roofline treatment.

The following standards apply to multifamily developments, live/work, neighborhood commercial, and non-residential use building design in the RM and RH zoning Districts. The City's design review process applies to all proposals that require site plan review or a building permit that contains substantial building façade alteration to the exterior of an existing building. See also Chapter 18.120.

a. Building facades.

i. Architectural articulation and interest is required for all building facades visible from public streets, internal access roads, common open space, parking areas and other publicly visible areas. Treatments include but are not limited to, insets or offsets, canopies/awnings, colonnades, wing walls, gables, window clusters, trellises, building façade landscaping, material/color/texture variation, multiplaned roof line, planters, and pedestrian amenities, such as benches and tables. Both vertical and horizontal building modulation shall be required.

*Example of multifamily building with modulated façade, including extended eaves, insets, trellises, landscaping and multiplaned roofline. The sloped roof and extended eaves provide a cap to the building.*

ii. Provide visual terminus to tops of buildings. To avoid a truncated appearance, all structures shall have a visual "cap." Provide picture of and identify. Options include extended eaves; steep pitch, hip, gable or saltbox roof form; false pitch roof with appearance of hip gable or saltbox; or projecting cornice of appropriate scale to the building and part of building's trim detail.

iii. All structures including residential units must include but are not limited to, two of the following: decorative porch with distinct design; decorative treatment of windows and doors, such as molding/framing details, decorative glazing, or door designs; landscaped trellises or other decorative element that incorporates landscaping near building entry or entries; brick or stonework covering more than 10% of the façade; decorative roofline design, including multiple gables and/or dormers, decorative railings, grill work, or terraced landscape beds integrated along the façade of the building; decorative balcony design; other detailing work that adds visual interest to the building as approved by the Review Authority.

iv. Window trim shall be provided for all windows above ground floor and of a width appropriate to scale for the building. The trim shall contrasts with the base building color. Other distinctive window treatment may be approved by the Review Authority.

*Example of a duplex multifamily unit (or triplex with a basement unit). It is stacked flats, featuring multiplaned rooflines with broad overhang, modulated façade, framed windows, decorative balconies, and a variety of façade materials with contrasting corners.*

b. Materials.
Siding must include two different types of materials. The following are examples of desired materials: horizontal lap siding (of any lap design) made of wood or cement-like materials; shingles made of cedar or cement-like materials; board and batten (or panels with similarly spaced battens); brick; or stone (real or cultured).

c. Color.

i. Main color of exterior walls is limited to subtle earthtone colors. Soft white, sands, grays, muted pastels, and deep, rich earth colors (terra cotta, forest green) are acceptable.

ii. Trim color may be lighter or darker shades of the main color, soft white, or contrast or compliment the main color but shall not be bright or bold.

iii. Accents may be brighter than main or trim color and shall be limited to 15% of the façade area, excluding glass. Bright, high-contrast color banding is limited to maximum 4" width.

d. Multi-building residential developments shall employ techniques to provide architectural variety. This may include alternating building materials, roofline treatments, building heights, building modulation, entry design, window treatment, color and/or other treatments.

*Example of a triplex with a garage for each end unit, accessed from the side. The triplex design includes a number of techniques to provide architectural variety, with materials variety, multiplaned roofline, window treatments, and building modulation.*

e. If any building wall of a multi-family structure is an average 30' or higher in height, the subject building upper wall shall be stepped back no less than 8'. The step back upper story shall be distinguished by a change in elements such as window design, railings, trellises, details, materials and/or color, so that the result is an organized combination of features that face the street. Balconies or other outdoor area shall be incorporated into the step back areas. (See Section 18.150.060 for example of step back.)

i. Alternatives to this requirement may be approved by the Review Authority as long as the effect is the upper floor appears to recede from view.

9. Outdoor Storage and Trash Receptacles. Outdoor dumpster and recycling storage and trash receptacles shall be completely screened with a combination of fencing and landscaping, from adjacent properties and public right-of-way.

a. If recreational vehicle storage is provided, it shall be designated and screened by a 6' weather resistant fence.

10. Lighting. Lighting on site should be integrated into the overall design on the project.

a. Lighting is required for entryways, parking lots, carports, and along pedestrian pathways.
b. Lighting fixtures shall complement project design.
c. Lighting shall be oriented and shielded to avoid direct glare onto adjacent properties, while providing adequate safety for pedestrians.

## 18.70.070 Additional Standards and Provisions for R Zoning Districts.

A. **Accessory Dwelling Units.**

1. Purpose. An Accessory Dwelling Unit (ADU) is an additional, smaller dwelling unit on a lot with, or in, an existing home. These units are intended to facilitate land efficiency, encourage affordable housing options, and provide a range of choices of housing types in the City's residential districts. The ADU is intended to be subordinate in size, location and function to the primary residential unit. An ADU permit is required for all new accessory dwelling units.

2. Number. One accessory dwelling unit (ADU) is permitted per parcel and as subordinate to an existing single-family detached dwelling.

3. Types of ADU.
   a. For a new ADU that is located internal to the primary residence, (e.g. basement) and which no increase in square footage of the residence is proposed, an ADU permit is required and will be processed as a Type I permit pursuant to PMC Title 19.01. This includes conversion of non-living space (e.g. garage) converted to living area in order to accommodate the ADU, provided that no increase in total square footage of the residence is proposed.

   b. For a new internal and/or attached ADU in which an increase in square footage of the residence is proposed, an administrative conditional use permit is required.

   c. For a new detached ADU (including detached accessory structure or garage), or conversion of an existing detached structure or detached garage, an administrative conditional use permit is required.

4. Pre-existing and non-permitted accessory dwelling units. If a portion of a single-family residence meets the definition of an internal or detached ADU and has not received an ADU permit, the ADU may continue provided that the following requirements are met:

   a. The property owner shall submit an application for registration purposes (an ADU or administrative conditional use permit will not be required, a fee will not be collected, and compliance with current ADU regulations will not be evaluated).

   b. The City will review and inspect, the pre-existing ADU to ensure Building and Fire Code requirements are met; the property owner will be required bring the unit up to minimum public health and safety standards if found inadequate.

5. Standards.

a. The ADU shall be permitted as a second dwelling unit added to, created within, or detached from the primary dwelling.

b. The owner of the property must occupy either the primary residence or the ADU. Only the property owner, which shall include title holders and contract purchasers, may apply for an accessory dwelling unit permit. ADU applications cannot be submitted for speculative new construction. Owner-initiated home construction (custom or on contract to purchase a new home) may apply for an ADU permit; provided that as part of the application, the property owner provides an affidavit attesting to his/her/their intent to occupy the residence more than six months out of the year.

c. Occupied by an owner means a property owner, as reflected in title records, makes his or her legal residence at the site, as evidenced by property tax, voter registration, vehicle registration, or similar means, and actually resides at the site more than six months out of any given year, and at no time receives rent for the owner-occupied unit.

d. The total number of occupants in both the primary residence and the accessory dwelling unit combined may not exceed the maximum number established by the definition of household.

e. The accessory dwelling unit shall contain no more than 800 square feet of heated living area; provided, if the accessory unit is completely located on a ground floor or basement, the Review Authority may allow increased size in order to efficiently use all floor area, so long as all other standards set forth in this section are met.

f. A detached accessory dwelling unit shall be consistent in design and appearance with the primary structure. Specifically, the roof pitch, siding materials, color and window treatment of the ADU shall be the same as the primary structure. A detached ADU shall be limited to 25’ in height and be separated from the primary residence as required by the City’s adopted building code.

g. The ADU entrance shall be subordinate to the primary structure’s entrance, and oriented away from the view of the street or is designed to appear as a secondary entrance to the primary unit.

h. The accessory dwelling unit shall meet all zoning development standards, such as setback, lot coverage and height restrictions when increasing square footage or adding a new detached structure; and accessory dwelling units shall meet all building code standards

adopted by the City, including building, electrical, fire, and plumbing code requirements.

i. There shall be one off-street parking spaces provided for the ADU, which is in addition to the off-street parking spaces required for the primary residence.

j. Mobile homes, manufactured homes, or recreational vehicles shall not be considered an accessory dwelling unit.

k. An ADU may not be used as a short-term rental, and must be rented for a minimum of 90 days or more.

6. Approval.

a. Any property owner seeking to establish an accessory dwelling unit shall apply for an accessory dwelling unit permit with the Planning Department. The ADU application will be processed consistent with the appropriate permit type.

b. If approved, the City shall file the ADU application form and conditions of approval as a deed restriction with the Kitsap County Auditor's Office to indicate the presence of the accessory dwelling unit, the requirement of owner occupancy, and other standards for maintaining the unit as described above. The deed restriction shall run with the land and bind all current and future property owner's assigns, beneficiaries and heirs; unless the ADU registration is otherwise cancelled.

c. Cancellation of the accessory unit's registration may be accomplished by the owner submitting notice to the Planning Department for recording at the Kitsap County Auditor's Office, or may occur as a result of enforcement action. The cancellation notice will confirm that the residence has reverted to use as a single dwelling, and the cooking stove in the ADU has been removed.

d. The accessory dwelling unit shall continue to be permitted upon transfer of property ownership and subject to the limitations of this chapter, the approved ADU permit and deed restriction; unless the ADU registration is otherwise cancelled.

B. **Affordable Low Income Housing Incentives.**

A density bonus may be granted as an incentive to encourage developers to build affordable low-income ownership and rental housing. For every affordable unit that a developer agrees to build, the developer may build additional units greater than would be allowed otherwise.

1. Density Bonus. Any development that includes at least 10% of the pre-density bonus units within the development as affordable for low-income households, a density bonus for the development may be granted.

   a. A density bonus of 20% unit increase over the maximum number of dwelling units allowed in the underlying zoning district will be granted when 10% of the pre-density bonus units are designated as affordable housing.

   b. A density bonus of 25% unit increase over the maximum number of dwelling units allowed in the underlying zoning district will be granted when 15% of the pre-density bonus units are designated as affordable housing.

   c. The maximum density bonus is a 25% increase.

2. Eligibility.

   a. The density bonus shall apply only to housing developments consisting of 5 or more dwelling units. The density bonus shall be used to include low income housing units as a part of a larger development, as a means of avoiding concentrating such housing in any given area of the City. The affordable units shall be of a similar size and scale as the rest of the development's units.

   b. Prior to issuance of a building permit for any dwelling unit in a development for which density bonus units have been awarded, the developer shall enter into an Affordable Housing Development Agreement with the City to guarantee for 20 years their continued use and availability to low income households. The terms and conditions of the agreement shall run with the land, be noticed to title, shall be binding upon the successor in interest of the developer, and shall be recorded in the office of the Kitsap County recorder. The agreement shall include the following provisions:

      i. If appropriate, the deeds to the designated units shall state that the developer or his/her successor in interest shall not sell, rent, lease, sublet, assign, or otherwise transfer any interests for same without the written approval of the City confirming the continued use of the designated units for low income households.

      ii. The City shall have the authority to enter into other agreements with the developer or purchasers of the dwelling units as may be necessary to assure that the required dwelling units are continuously occupied by eligible households.

C. **Bed and Breakfasts.**

Bed and Breakfasts provide transient lodging to overnight guests for compensation and usually provides a morning meal as part of the room rate structure.

1. No more than ten rented rooms shall be provided for Bed and Breakfast establishment in the R zones.

2. Bed-and-breakfast establishments must meet the Washington State Department of Health Bed-and-Breakfast licensing requirements.

3. Bed and breakfast establishments are subject to the provisions of Conditional Use permits, Chapter 18.230.

D. **Child Care.**

1. Family Day Care Home.

A family day care home shall be permitted in all zoning districts of the city wherein residential structures are permitted, subject to the following conditions:

a. Must meet Washington State child day care licensing requirements and provides day care for 12 or fewer children.
b. Comply with all building, fire safety, health code and City business licensing requirements.
c. Comply with lot size, building size, setbacks and lot coverage standards of the zoning district.
d. Provide a safe passenger loading and unloading area.
e. No structural or decorative alteration that will alter the single-family character of an existing or proposed residential structure or be incompatible with surrounding residences is permitted, (e.g. play areas located in the front yard).
f. Subject to administrative review by the City through a Type I process as set forth in PMC Title 19.01.

2. Day Care Center.

A child day care center requires an administrative conditional use permit for the RM and RH zoning districts, pursuant to the requirements of Chapter 18.230.

a. Use Requirements. The following requirements apply to each child day care center and must be met prior to issuance of Certificate of Occupancy:
   i. An onsite vehicle turnaround and parking area, entrance and exit points, and passenger loading area must be provided.
   ii. The child day care center use must have received all necessary permits or approvals from the State of Washington Department of Social and Health Services.

iii. The child day care center use must be inspected by the Poulsbo Fire Department, and the operator must implement all required corrective measures.

iv. The operator must have obtained a City of Poulsbo business license.

v. A solid fence at least 6' high compatible with neighborhood character must be installed along each side and rear lot line, or as otherwise approved.

b. Conditions.
The City may impose conditions to mitigate any potential adverse impact on surrounding uses.

c. Within a multi-use building/campus.

i. A child day care center shall be considered an accessory use if it is sited on the premises of a community service use, such as a private or public school, grange, place of worship, community center, library, or similar adult gathering place and it is associated with that activity. Childcare facilities for the use of employees of a business or public facility shall also be allowed as an accessory use of the business or facility.

ii. When considered an accessory use, the childcare center use shall be combined with the primary use and subject to its permit and approval requirements.

iii. When considered an accessory use in conjunction with a permitted use, a childcare center may be permitted in the RL zoning district.

iv. If a child day care center is proposed after the community use is permitted and established, the child day care center shall be reviewed through minor site plan review process in Chapter 18.270.

E. **Clubs, Lodges, Places of Worship and similar uses**.
In R districts, clubs, lodges, places of worship and similar uses require a Conditional Use Permit or Administrative Conditional Use Permit approval, and shall be subject to the following standards:

1. Minimum lot size shall be 20,000 square feet and side and rear setbacks are a minimum of 20'; provided that, if the use is proposed in an existing building, it does not need to meet the lot size and setbacks requirements.

2. Automobile traffic to and from such a use and its parking area shall be from an arterial or collector street, unless no other access is available to the site.

3. Landscaping shall be as set forth in Section 18.70.060.D.

4. No existing building or structure shall be converted to a place of worship unless such building or structure complies or is brought into compliance with Building and Fire code requirements for places of assembly.

5. There shall be landscaping in setback areas and a sight-obscuring fence along the side and rear perimeter of parking lots abutting a residential use.

F. **Commercial Uses in the R zones.**

1. Purpose. Provide an opportunity for limited and smaller scale commercial uses to locate within the City's R zoning districts; encourage economic development by facilitating business incubation; provide opportunity to work at home and decrease demand on the City's transportation system; and contribute to a variety of housing types.

2. Types. There are four types of commercial uses allowed in the R zones:
   - Home Business
   - Home Occupation
   - Live/Work
   - Neighborhood Commercial

**Table 18.70.070.F Types of Commercial Uses in the R zones.**

| | Zone | Permit Type Required | Limitations | Occupancy required |
|---|---|---|---|---|
| **Home Business** | All R zones | City Business License only | No customer or client visits; no non-resident employees; no signage | Yes; owner must live and work at existing residence |
| **Home Occupation** | All R zones | Administrative Conditional Use Permit(AC) | Limits on types of uses; customer visits; location of use; hours of operation; and others | Yes; owner must live and work at existing residence |
| **Live/Work** | RM/RH zones | Administrative Conditional Use Permit (AC) | Limits on square footage; use of space; number of employees; and others | Yes; owner or employee must live and work in unit |
| **Neighborhood Commercial** | All R zones | RL- Conditional Use Permit (CUP)<br><br>RM/RH – Administrative Conditional Use Permit (AC) | Limits on types of uses; square footage; location of use; hours of operation; and others | No; but residential unit is required |

3. Home Business. A home business is a business conducted within a residential dwelling or allowed detached accessory structure, which is clearly incidental and secondary to the use of the residence, and which no customers or clients visit the home for business purposes.
   a. A City business license is required only.
   b. There shall be no exterior indicators that a home business is conducted within the dwelling; no signs are allowed.
   c. No disturbing impacts or influences, noise or odors shall be emitted by the home business.
   d. No more than 2 commercial deliveries per day in conjunction with the home business are allowed.
   e. No non-resident employees are allowed.

4. Home Occupation. A home occupation is a business conducted entirely within a residential building or allowed detached accessory structure, which is clearly incidental and secondary to the use of the residence for dwelling purposes; and which customers or clients visit the home for business purposes.
   a. Owner-Occupied. The primary person or persons providing the business or service must reside within the dwelling on the premises and provide evidence of residency through such means as voter registration, driver's license, tax statement or other evidence. Only one nonresident employee is permitted to work at the site at any one time.

   b. Incidental Sales. The sale of consumer goods shall be prohibited except when the product to be sold is clearly incidental and related to the services authorized by such home occupation.

   c. Off-site impacts. No home occupation shall generate measurable levels at the property line of dust, smoke, odor or glare or noise in excess of the state standards outlined in WAC 173-06-050. The home occupation activity shall not generate solid waste in volume or type which is not normally associated with residential use unless specifically permitted.

   d. Disturbing Influences. The home occupation use shall not create electronic interference, including but not limited to: interference with radio, satellite reception, telephone or television reception.

   e. Exterior modification and signage. To preserve the residential appearance of the structure, there shall be no evidence of the home occupation from the exterior of the structure, except one door nameplate or freestanding sign not to exceed 2 square feet is permitted.

f. Limitations on customers and visitors. The combined total number of customers/clients and employee visits associated with the home occupation shall be limited to no more than an average of six per day. Normal hours of operation shall be 7:00 a.m. to 8:00 p.m. After hours activity permitted if wholly indoors and no new business-related trips are generated.

g. Location of use. All uses or activities associated with home occupation shall be wholly carried on within a dwelling or accessory structure. Such activity shall be secondary to the use of the dwelling for living purposes. Not more than 25% of the combined floor space of such dwelling and accessory structure or 1,000 square feet, whichever is less, may be used for the home occupation.

h. Outdoor storage. No outdoor storage associated with home occupation shall be permitted.

i. Vehicles. Vehicles related to the home occupation shall be restricted to standard non-commercial cars, trucks, and vans. Commercial vehicles are allowed in association with a home occupation on lots larger than ½ acre, may be parked on the property, but cannot be parked within a required setback.

j. Parking. Parking shall be fully available on site for customer/client or employee use during the hours the home occupation is conducted. When on-street parking is allowed, only one employee or one customer/client may be parked on the street at any one time. Under no circumstances shall parking for the home occupation cause traffic hazards or parking problems on adjacent rights-of-way.

k. Number. One home occupation is allowed per residence. However, home businesses may be conducted within a residence, an accessory dwelling unit or an accessory structure, provided that the combined impacts of the home occupation and home businesses do not exceed the limits set forth in this section.

l. Exemptions. The following uses are exempt from obtaining a home occupation permit:
   i. Garage Sales (not to exceed 6 sales in a calendar year).
   ii. Family Day Care Home, licensed by the state for the care of 12 or fewer children.
   iii. Adult Family Home, licensed by the state for the care of 6 or fewer persons. No signs allowed.
   iv. Home businesses that have no customer visits, non-resident employees, and no on-site retail sales. City business license requirements still apply.

m. Examples of permitted uses include, but are not limited to, the following:
   i. Artists, illustrators, writers, photographers, editors, drafters, publishers;
   ii. Professional office for consultants and other similar activities;
   iii. Bookkeeping, law office, and architect;
   iv. Distribution of products assembled at home for off-premise sales (such as garden produce or crafts);
   v. Janitorial services (office);
   vi. Mail order business or sales representative;
   vii. Interior decorator;
   viii. Manufacturer's representative;
   ix. Light furniture making and woodworking that does not result in the use or storage of amounts of hazardous, flammable, or combustible materials above the allowed exempt quantities as detailed in the International Building and Fire Codes.
   x. Hobby household pet breeding; provided that household pets over 4 months of age are regulated by PMC 6.02.060. Outside shelters for hobby pet breeding must be at least 10' from any property line; and limits on number of litters per year may be imposed with the permit. Nothing in this section shall imply the incidental litter of household pets when not in conjunction with hobby pet breeding, shall require a permit.
   xi. Food production and sales consistent with the requirements of Washington State's Cottage Food Act.

n. Examples of prohibited uses include, but are not limited to, the following:
   i. Auto repair;
   ii. Welding shops;
   iii. Large appliance/electronics or equipment repair or service;
   iv. Truck hauling and/or tow storage yard;
   v. Vehicle sales;
   vi. Cabinet making;
   vii. Manufacturing and/or related storage;
   viii. Boarding kennel or stable;
   ix. Wholesale or retail sales;
   x. Restaurants/drinking establishments;
   xi. Metal plating;
   xii. Any use generating, storing or utilizing hazardous waste.

o. Private Restrictions. The City has no authority to enforce private covenants or restrictions on land prohibiting home occupations. Compliance with the provisions of this section does not relieve

a private property owner from complying with any such private covenant or restriction and private property owners are encouraged to review any such restrictions before commencing any home occupation.

5. Live/Work Units. Live/Work units are allowed in the RM and RH zoning districts, and are a building use that combines business activities within the same structure as a residential living space. Live/Work units are distinctive from mixed use because the business owner or employee must live in the unit. In addition, they can provide affordable work and housing space, meet the needs of special groups such as artists, and serve to incubate new businesses.

   A. The total Live/Work unit is limited to 3,000 square feet in gross floor area.

   B. The nonresidential use portion must be located on the first floor of the unit or if parking is the first floor, the unit's main floor area.

   C. The nonresidential area is limited to 50% of Live/Work unit's area.

   D. Living space shall be physically integrated into the Live/Work unit and not be rented, leased, sold or occupied separately.

   E. Private outdoor open space shall be provided for the Live/Work units, such as a balcony or patio a minimum of 38 square feet per unit.

   F. The Live/Work unit shall be occupied and used only by the owner of the business or manufacturing activity, or the owner's employee, and that person's household.

   G. The business may employ up to three persons who do not reside in the Live/Work unit.

   H. On-premise sales of goods shall be limited to those produced within the Live/Work unit or related to the permitted business activity.

   I. A valid business license associated with the business or manufacturing activity must be obtained from the City.

   J. An annual certificate of inspection to ensure circumstances and conditions remain compliant, shall be required to be obtained from the Planning Director.

K. Other restrictions may apply subject to the requirements of the adopted International Building Code.

L. No disturbing impacts or influences, noise or odors shall be emitted by the work unit.

6. Neighborhood Commercial. Within the R zoning districts, neighborhood commercial is intended to encourage small areas of low-intensity commercial businesses located near residential neighborhoods, with the purpose of providing for the needs of residents or visitors within that limited geographic area. The neighborhood commercial use is intended to provide goods and services within walkable distances.

A. Uses. Neighborhood Commercial uses in the R districts shall be limited to those uses identified below. If a use is not listed than it is prohibited and no similar use determination shall be made. More than one acceptable commercial use may be allowed; provided that all development standards are met.

i. Grocery, food, beverage and/or dairy sales.
ii. Bakery, confectioneries, specialized and artisan food
iii. Full service restaurant (no drive-through, no fast food)
iv. Delicatessen (no drive-through, no fast food)
v. Coffee shop (no drive-though)
vi. Salon/spa/barber shop
vii. Bank/credit union (no drive-through)
viii. Dry cleaning
ix. Retail sales limited to clothing/apparel; personal care items; flower/plant shop; books; gifts; specialty store (framing, fabric/yarn, antiques and the like); and household needs
x. Pharmacy and drug store (no drive-through)
xi. Post office
xii. Day care center
xiii. Family practice/pediatric dental clinic, including orthodontic (but not including other specialties, surgery, or manufacturing as the primary dental use)*
xiv. Photographic/artist studio

**Note: Family practice dental clinic/orthodontic may be allowed in the RL zoning district only if it meets the locational criteria, is with a ½ mile radius from a public/private school (measured from property line to property line) and adequate pedestrian facilities exist or are provided. All other neighborhood commercial requirements apply.*

*The purpose of allowing limited dental practice as neighborhood commercial in the RL zoning district is to provide a convenient personal service to neighborhoods and schools in order to decrease vehicular travel, and encourage students and residents to walk to*

*appointments. The type of dental clinic shall be limited to that typically utilized by students and families, such as family practice, pediatric and orthodontic.*

B. Locational criteria. Neighborhood Commercial use(s) must be located at an intersection of two streets, both classified as minor arterial or collector (but not including residential collector). The neighborhood commercial building must be located and oriented facing the corner of the lot, and fronting the two streets.

C. With Residential use. Neighborhood Commercial must be in conjunction with a residential unit on the same site - either within the same structure, for example on a upper floor or basement; or in a separate detached single family dwelling on the same site.

D. Development Standards.

i. Minimum lot size is 20,000 square feet.

ii. Maximum total square footage for the neighborhood commercial use is 5,000 square feet.

iii. Building Setbacks:
Front Yard and Street Side Yard – 10'
Interior Side and Rear Yard – 20'

iv. Landscaping is required the full width of the yard setbacks. A 6' high sight-obscuring fence or wall shall also be required along the non-street frontage property lines. Landscaping shall be provided for a minimum of 20% of the property area. Setback, parking lot, street trees and building perimeter landscaping contributes to this requirement.

v. Architectural design review of the building(s) will be required in conjunction with conditional use permit.

(a) Building design must include a variety of elements to provide architectural interest, including windows, gables, awnings, trellises, multiplaned roofline, or material/color/texture variations. A visual terimus or "cap" to the top of the building is required.

(b) Siding materials must include two different materials, such as (but are not limited to): horizontal lap siding (of any lap design) made of wood or cement-like materials; shingles made of cedar or cement-like materials; board and batten (or panels with similarly spaced battens); brick; or stone (real or cultured).

(c) Window trim shall be provided for all windows above ground floor and of a width appropriate to scale for the building. The trim shall contrast with the base building color.

(d) When a building wall is proposed over average 30' in height, the subject building upper wall shall be stepped back no less than 8'. The step back upper floor shall be distinguished by a change in elements such as window design, railings, trellises, details, materials and/or color, so that the result is an organized combination of features that face the street. (See Section 18.150.060 for example of step back.)

(e) Color of the building.

(1) Main color of exterior walls is limited to subtle earthtone colors. Soft white, sands, grays, muted pastels, and deep, rich earth colors (terra cotta, forest green) are acceptable.

(2) Trim color may be lighter or darker shades of the main color, soft white, or contrast or compliment the main color but shall not be bright or bold.

(3) Accents may be brighter than main or trim color and shall be limited to 10% of the façade area, excluding glass.

vi. Parking shall be located on the subject site behind or on the side of the building and shall be accessed by an internal driveway. Parking lots shall be designed so that backing of vehicles onto a public street does not occur. On-street parking in front of the neighborhood commercial building shall be provided if adequate right-of-way is available; or may be provided when additional roadway of adequate width to provide on-street parking is dedicated and upon City Engineer approval. When on-street parking is provided, it may count toward the project's parking space requirement.

vii. Hours of operation are limited to 7 a.m. to 10 p.m.

viii. All exterior lighting must be hooded or shielded so that the light source is not directly visible across the source property line.

ix. No outdoor storage is allowed.

x. Trash receptacles shall be screened from view. Screening materials shall be complementary to building design and materials.

xi. Exterior mechanical devices (heating, cooling, ventilating equipment and the like) shall be screened complementary to building design and materials.

xii. All remaining development standards are as set forth in the underlying residential zoning district, including building height and building lot coverage standards.

E. Occupancy. The residential unit constructed as part of a neighborhood commercial project must receive final inspection at the same time as, or in advance of, issuance of an occupancy permit for non-residential portions of the project.

F. Conversion. Housing provided to satisfy this requirement shall not be converted to commercial use. [A deed restriction may be required by the City to satisfy this requirement.]

G. **Commercial vehicles in residential districts**.
Commercial vehicles are not permitted to park overnight on residential properties unless the subject site's lot size is in excess of 21,780 square feet (1/2 acre) and a designated parking area is established on-site. "Commercial vehicles" include: 1) vehicles used in a commercial enterprise which exceed 22' in length; and 2) truck tractors used in the transport of semi-truck trailers.

H. **Confidential Shelters or Confidential Transition Homes.** In the RL and RM zoning districts, applications for confidential shelters or confidential transition homes shall be processed as an administrative conditional use permit; however, public notice requirements or a public hearing shall not be required.

I. **Cottage Housing**

1. Purpose. Provide an opportunity for traditional cottage housing types, clustered around open space areas usable as an amenity for the residents of the cottage cluster.
   a. Provide a housing type that responds to changing household sizes and ages by providing smaller, detached dwelling units.

   b. Implement the City's comprehensive plan by encouraging a variety of housing types and affordability.

c. Encourage a community of cottages oriented around open space areas that are pedestrian-oriented, maintains traditional cottage proportions, and minimizes the visibility of off-street parking.

d. Support the growth management goal of efficient use of urban residential land.

2. Where permitted.

a. In the RL zoning district through a Planned Residential Development (PRD).

b. In the RM and RH zoning districts, through a subdivision, short plat, PRD or condominium.

c. Cottage housing is encouraged to be integrated with other housing types within a development site.

d. When cottage housing is proposed through a Planned Residential Development, the provisions set forth in this Chapter, as well as Chapter 18.260 Planned Residential Developments shall apply. If a conflict between the two Chapters exists, the Review Authority shall determine the appropriate standard.

3. Development standards.

a. Density. The density of the underlying zone governs; provided that a density increase may be allowed as provided in the Planned Residential Development or in another section of this title.

b. Lot requirements. The lot requirement for cottage housing is set forth in Table 18.70.070.I below.

**Table 18.70.070.I Lot Requirements for Cottage Housing**

| Development Standard | Detached Cottage PRD in RL zone | Detached Cottage in RM/RH zones | Cottage housing with no subdivision proposed in RM/RH– commonly held ownership |
|---|---|---|---|
| Minimum lot area | 3,000 square feet | 3,000 square feet | 1/2 acre |
| Minimum lot width | 30’ | 20’ | n/a |
| Minimum lot depth | 70’ | None | n/a |
| Maximum building lot coverage | 50% | 60% | n/a |
| Front yard Setback | 10’ | 10’ | n/a |

| | | | |
|---|---|---|---|
| Rear yard Setback<br>when abutting an alley | 10’<br>5’ | 10’<br>5’ | n/a |
| Side yard Setback | 5’ | 5’ | n/a |
| Street side yard setback | 10’ | 10’ | n/a |
| Setback for all structures from adjacent property lines along the perimeter of the site | 10’*<br>20’ when adjacent to a RL zone* | 10’*<br>20’ when adjacent to a RL zone* | 10’<br>20’ when adjacent to a RL zone |
| Minimum distance between structures | n/a | n/a | 10’ |
| Maximum overall building lot coverage | n/a | n/a | 60% |
| Maximum height for cottages | 20’<br>25’ with 6:12 roof pitch | 20’<br>25’ with 6:12 roof pitch | |

* *The required perimeter setback may contribute toward an individual lot’s required front, rear or side yard setback (not in addition to the yard setback requirements); or may be placed in an open space tract.*

4. Site design standards.

a. Minimum Common Open Space. The minimum common open space required is 300 square feet per dwelling unit. The common open space shall be configured so that at a minimum:

i. The common open space abuts 50% of the cottages in a cottage housing development.

ii. Area required for minimum private open space, setback and parking requirements may not be used in the calculations for common open space.

iii. Common open space shall be accessible to all cottage residents in the applicable cluster and maintained by the development’s homeowners association.

iv. Pathways between the common open space areas, connecting cottage clusters, are required. The pathways must be at least 3’ wide; pervious pavement or other permeable surfacing is allowed as approved by the City Engineer.

v. Passive and active recreational amenities shall be incorporated into the common open space areas. The amenity requirements are set forth in Section 18.70.060.C (1, 2, 3 and 5); provided that alternatives to the recreational amenities requirements consistent with the purpose and intent of establishing cottage clusters around common open space, may be approved by the Review Authority.

vi. When in conjunction with a PRD, the minimum amount of total common open space required shall be as set forth in Section 18.260.090 PRD Open Space Requirements. Configuration of open space shall be as set forth in this Section and Section 18.260.090.

vii. When in conjunction with a PRD, the required amount and type of amenities shall be as set forth in Section 18.260.100 PRD Amenities required.

b. Private open space. The minimum private open space required is 200 square feet per dwelling and shall be adjacent to each dwelling unit in order to provide privacy for the unit, and for the exclusive use of the cottage resident(s). The private open space shall be a minimum of 8' in dimension on any side, usable and oriented toward the common open space as much as possible. The private open space is encouraged to be separated from the common open space with a small hedge, 4' or less high picket fence or other similar visual separation to maximize privacy to the dwelling.

c. Site landscaping. A minimum 20% of the development site shall be landscaped. Common open space areas, perimeter setbacks, street trees, tree retention and parking area/lot landscaping may contribute towards this requirement. The landscaping standards identified in Section 18.70.060.D(2),(3) and (4) shall apply or as otherwise allowed by the Review Authority.

d. Clustering groups. In order to encourage a sense of community among the residents, a single cottage cluster shall contain a minimum of 3 and a maximum of 12 cottage dwellings (except when constrained by site conditions). A development site may contain more than one cluster.

e. Parking.

i. The minimum required number of parking spaces is 2 per dwelling; with a minimum of 1 space provided on-site in conjunction with the dwelling unit, and the remaining may be allowed (but not required) to be accommodated in a shared parking area.

ii. Shared parking areas shall not be located between the cottage housing development and the primary street frontage.

iii. Shared parking areas shall be screened from public streets and adjacent residential uses by landscaping or architectural screening.

iv. Shared parking areas are prohibited in any required setback areas.

v. Garages may be attached to individual cottages. All detached garages shall have a pitched roof design and are limited to 18' in height. Wherever possible, rear entry or alley accessed garages shall be required. Rear yard setbacks may be decreased to 5' if a detached garage is located behind the principal residence and primary access is gained from the alley.

f. Low impact development. Where feasible, cottage developments shall utilize Low Impact Development techniques to accommodate and treat storm water as on-site conditions allow, and as determined by the City Engineer. Examples include the use of pervious pavement for walkways and patios; rain gardens; directing runoff from roofs and other impervious areas to landscaped beds, green or living roofs; and the use of rain barrels.

5. Cottage design standards.
   a. The cottage roof shall be at 6:12 roof pitch.
   b. Cottages facing common open space shall provide a covered porch with a minimum dimension of 6' by 6' oriented toward the common open space area. The porch may extend into the cottage's required private open space.
   c. Street facing facades. All cottages facing a public street shall have street facing facades that avoid blank walls or garage-dominated façade. Windows, changes in materials, wall modulation and views to front doors or porches shall be provided.

J. **Detached Accessory Structures**.

Detached accessory structures in the RL zoning district and on lots smaller than 10,890 square feet, such as sheds, greenhouses, storage buildings or similar structures (but not including detached garages or carports), are subject to the following standards:

1. Detached accessory structures are limited to a maximum height of 14' and no greater than 250 square feet in size.

2. Detached accessory structures shall not be located less than 6' from the associated primary structure, or as otherwise set forth in the International Building Code (IBC).

3. Detached accessory structures shall be included in the calculation of building lot coverage.

4. Detached accessory structures are required to comply with all yard setbacks of the zoning district in which they are proposed, and shall not be located within 10' of a street right-of-way, access easement or private road; provided

that a detached accessory structure may extend into any side or rear setback up to 3' from the lot line when limited to 120 square feet in size.

K. **Detached Garages and Carports.**

Detached garages and carports in the RL zoning district on lots smaller than 10,890 square feet are subject to the following standards:

1. Detached garages and carports are limited to a maximum height of 25'.

2. Detached garages and carports are required to comply with all yard setbacks and lot coverage standards of the RL zoning district.

3. Detached garages and carports must have a minimum distance from the principal residence as required by the International Building Code (IBC).

4. Detached garages that gain access from an alley may reduce the lot's rear setback to 5'; provided that
   a. The detached garage is located on an alley and is accessed from the alley or from a public street abutting an alley on a corner lot;
   b. The detached garage is located behind the primary residence;
   c. The detached garage is located at least 10' from any portion of the principal structure on the nearest adjoining property; and
   d. 1 additional foot of setback shall be provided for each foot of building height above 15'.

L. **Fences**.

1. No fence may violate the sight distance restrictions at street intersections.

2. Any fence that exceeds 6' in height requires a Building Permit and shall conform to the International Building Code, as adopted and amended by the City of Poulsbo.

3. Height shall be measured from finished grade at the exterior side of the fence. Fences located on retaining walls shall be measured from the finished grade at the top of the retaining wall to the top of the fence. (No person may construct a berm upon which to build a fence unless the total height of the berm plus the fence does not exceed the maximum height allowable for the fence if the berm was not present.)

4. Prohibited fence types include barbed or razor wire and electric fencing; provided that electric fencing may be used for livestock containment as allowed in Section 18.70.070. P.

M. **Guest House.**

One detached house for the use of guests of the main residence may be permitted on any lot and is limited to 800 square feet in size and 25' in height. The guest house shall not include kitchen facilities; if kitchen facilities are provided, a permit for an accessory dwelling unit and compliance with ADU standards shall be required.

N. **Household Pets.**

See Poulsbo Municipal Code 6.02.060 for household pets regulations. See Section 18.70.070.F for hobby breeding of household pets.

O. **Infill Residential Development Standards.**

1. Purpose. Within the RL district, the opportunity to achieve maximum utilization exists on parcels 1.5 acre or less in size, that have been bypassed in past platting. Alternative development standards are deemed an appropriate incentive to accomplish infilling within established residential neighborhoods. The primary purpose of infill incentives is to encourage development in existing but underutilized lots located within established neighborhoods in a way that is consistent with the existing neighborhood character.

2. Criteria. Within the RL district, parcels that meet all the following criteria are eligible for infill.

   a. The infill provisions of this section shall be applied through the short subdivision and administrative conditional use permit process (Section 18.230).

   b. All public services and facilities are immediately available and adequate to the site, or can be made available and adequate prior to completion of development.

   c. The public roads and streets serving the site are adequate to carry the additional traffic generated by the development of the site.

   d. Lot Requirements. The following minimum lot requirements are:
      i. Lot area: Minimum lot size is 5,000 square feet. Maximum lot size is 10,000 square feet.
      ii. Lot width: 50'
      iii. Lot depth: 80'
      iv. Front yard: 20'
      v. Side yard: 5'. The minimum street side yard shall be 10'.
      vi. Rear yard: 5'.
      vii. Side and rear yard adjacent to developed residential property: 10'.
      viii. Maximum building lot coverage: 50%; provided that when the lot size is less than 7,500 square feet, the total maximum building lot coverage is 45%.

e. A neighborhood meeting shall be held. Procedures for the neighborhood meeting are identified in PMC 19.01.

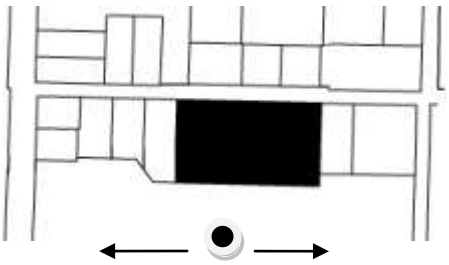
3. Infill Residential design standards. Property that is eligible for Infill Residential Development and is proposed to be located within an established neighborhood shall adhere to design requirements. While variation in architectural design is desired, the purpose of these requirements is to ensure compatibility of new infill development with the character of the existing neighborhood.

a. New infill residences shall meet the following design criteria, as defined by the predominant character of the existing block face.

i. Block face definition. The block face shall consist of all residential properties along both sides of the public or private right-of-way or easement on which the infill development fronts. The block face shall be measured from intersection to intersection, to the road end, or 200' in either direction from the building site, whichever is nearest.

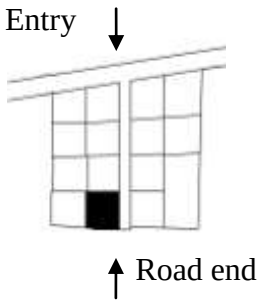
Examples of how to measure the block face:

1) Measured from intersection to intersection – Block face is both sides of the street from intersection to intersection:

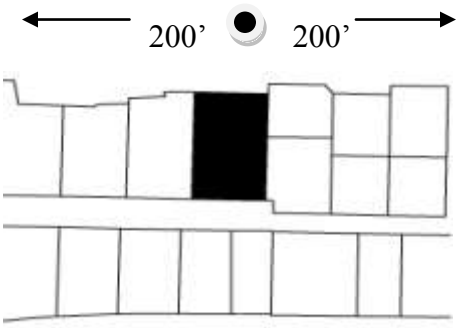


To intersection

2) Measured to the road end – Block face is both sides of the street from road entry to road end:




3) Measured 200' in either direction from infill site: Block face is both sides of the street 200' in each direction from infill site:




ii. Predominant shall mean the most frequently occurring residential design characteristic along both side of the road frontage along the block face.

b. Building orientation. New infill residence's building orientation within an established neighborhood shall match the predominant orientation of other buildings along the block face.

c. Front Yard setback. The front yard setback of an infill residence within an established neighborhood shall be the average of the existing residences along the block face.

d. Height.

i. If the infill residences proposed within an established neighborhood, are to be taller by 5' to 9' in height than the average height of the existing residences on the block face, the infill residences shall step back the upper floor(s) a minimum of 5' as a way to maintain compatible scale**.**

ii. When the proposed infill residences height is 10' or higher than the average height of the existing residences on the block face, the upper floor shall step back a minimum of 8'.

iii. Stepbacks required above shall be made on the building face in the following circumstances:

a. Street face; and

b. Side building face when adjacent to existing residences. New proposed infill residences adjacent to another new infill residence are not required to provide side stepback(s).

iv. The Review Authority may determine that the above required stepback do not provide sufficient compatibility of bulk and scale to the existing residences on the block face. Upon providing such a finding, and when the proposed infill residences are 10' or higher than the average height of the existing residences on the block face, the Review Authority may decrease the height of the infill residences. The modified building height may not be reduced to less than 25'.

e. Architectural variety. Proposed infill residences within an established neighborhood shall incorporate architectural variety to its front façade, ensuring housing style diversity. Duplicative front façade elevations adjacent to each other are prohibited; simple reverse configurations of the same façade elevation on adjacent lots are not sufficient to meet this requirement. In order to ensure architectural variety, three or more design elements per infill residence shall be utilized:

i. Different window opening locations and designs;
ii. Differing roofline configurations;
iii. Different entry/porch designs;
iv. Different exterior finish materials and finishes;
v. Different garage location, configuration and design.

f. Narrative and Building design. The applicant shall provide a written narrative describing the predominant character of the existing residences' block face; detailing how the proposed infill residences' size, height, placement and design meet the above design standards; and describing how compatibility along the predominate block face has been met. In addition, conceptual architectural building design shall be submitted with the short subdivision and conditional use application.

4. At the time of building permit application submittal, the Planning Director will review submitted building permits for compliance with this section, approved conceptual building drawings, and any applicable conditions of approval.

P. **Livestock and Poultry.**

1. Livestock as defined per Section 18.40.030 are allowed for hobby and personal use purposes within RL zoning district only and are subject to the following requirements, and in addition to any applicable requirements of PMC Section 9.50 (Nuisances) and PMC Section 6 (Animals).

2. General Requirements.

a. Large Livestock. The keeping of livestock that will weigh more than 500 pounds at maturity requires a minimum lot size of 1acre for the first animal. For each additional animal, an additional contiguous 20,000 square feet must be available. The minimum 1acre lot may include a normally permitted residence, provided that at least ½ acre is still available for livestock use.

b. Small Livestock. The keeping of livestock that will weigh 100-500 pounds at maturity will require a minimum lot size of ½ acre for the first animal. For each additional such animal, an additional contiguous 10,000 square feet must be available. The minimum ½ acre lot may include a normally permitted residence, provided that at least ¼ acre is available for livestock use.

c. Miniature Livestock. One miniature livestock, such as certain breeds of mini-goats and mini-horses, and types of swine commonly referred to as Miniature Vietnamese, Chinese or Oriental pot-bellied pig (*sus scrofa vittatus*), that will weigh under 100 pounds at maturity shall be allowed on lots 7,500 square feet or larger. Additional miniature livestock (more than one) will be allowed if the lot size requirements for small livestock specified above are met.

d. Poultry and Rabbits. The keeping of chickens, other domesticated poultry, domesticated hare or rabbit, and similar animals is permitted as follows:

2 on lots 5,000 to 7,500 square feet in size.
4 on lots 7,501 to 10,890 square feet in size.
6 on lots 10,891 square feet to 1 acre.
No limit on lots 1 acre or larger.

No turkeys, peacocks, or roosters are permitted. Shelters for poultry and rabbits shall meet the setback requirements for the RL zoning district.

e. Beekeeping. One hive may be kept on lots 20,000 square feet or larger. Hives shall not be located within 25’ of any lot line.

f. Livestock facilities. Barns and shelters used to house livestock (but not poultry and rabbits) shall be located in the rear yard and set back at least 50’ from the property line(s). Doorways and other openings shall be oriented away from neighboring properties. Livestock shall be confined or tethered in such a manner that intrusion on to neighboring property or damage to neighboring landscaping and fences is avoided. Such facilities shall be included in lot coverage percentage calculations.

g. The raising and keeping of livestock animals for commercial purposes

is prohibited. Commercial purposes does not include incidental sale of livestock off-spring, milk, eggs or honey subject to Washington State health and agricultural regulations.

h. The City has no authority to enforce private covenants or restrictions on land prohibiting the keeping of livestock. Compliance with the provisions of this section does not relieve a private property owner from complying with any such private covenant or restriction and private property owners are encouraged to review any such restrictions.

i. Confinement required. All livestock and poultry shall be kept and maintained in a manner that confines their movement and activity to the premises of the owner/tenant.

j. Health and Safety. All livestock and poultry shall be kept in such a manner so as not to create any objectionable noise, odor, or otherwise cause to annoy or become a public nuisance to the health, safety or general welfare of any person. Provisions shall be made to ensure that animal food stored outdoors will not attract rodents or insects.

k. Animal waste. Animal waste shall be properly disposed of at sufficient intervals to maintain the sanitary condition of the site and stormwater runoff. Any accumulated animal waste or composting must not constitute a nuisance, and must be stored outside of required setbacks areas.

l. Exemptions. Property identified by the Kitsap County Auditor with the current use classification of agriculture shall be exempt from the limitations on number of animals set forth in this Section. Further, any property which is operating a wildlife refuge/rehabilitation facility, may also be exempt from the limitations on number of animals set forth in this Section. Shelter/barn setbacks will be required.

**Q. <u>Manufactured or Mobile homes.</u>**

1. Any designated manufactured home meeting the definition of RCW 35A.63.145 and the certification requirements of RCW 43.22.340 may be used as a dwelling unit provided it is placed on a raised foundation, connected to all utilities required by the applicable City codes and meets applicable setback requirements.

2. Any mobile home (generally built before June 15, 1976) may be used as a dwelling unit provided it is certified under the National Mobile Home Construction and Safety Standards Act of 1974; has a minimum 20' width; has a minimum eave dimension of 1'; a minimum roof pitch of 1:4 and has skirting or other mechanism to give the appearance the mobile home is located on-grade.

R. **Manufactured Home Parks**

1. Site Size. The minimum size for a manufactured home park shall be 5 acres.

2. Utilities. Manufactured home parks shall be completely and adequately served by City utilities.

3. Lot Sizes. Each space or lot upon which a manufactured home is to be located shall be at least 4,000 square feet in area and have a minimum width of 40'.

4. Building Lot Coverage. The maximum building lot coverage is 60%, including accessory buildings.

5. Accessory Buildings. Buildings and structures accessory to individual manufactured homes shall be allowed. An accessory roof or awning may be attached to a manufactured home and shall be considered a part thereof. Automobile parking spaces may be covered with a carport.

6. Access. All drives within the park shall be hard surfaced. Sidewalks and paths shall be provided consistent with applicable City Standards.

7. Setbacks. There shall be at least 10' setback between homes, any building within the park, or from any perimeter property line bounding the park.

8. Screening. There shall be sight-obscuring fencing, landscaping, or natural vegetated buffers at least 8' wide on all sides of the park. Such screening shall contain openings that provide direct pedestrian access to adjoining streets and trails.

9. Recreational Areas/Open Space. At least 500 square feet for each manufactured home space shall be made available in a centralized location or locations for recreational uses.

10. Binding Site Plan. A complete and detailed binding site plan shall be submitted in support of the conditional use permit. The binding site plan shall show the locations and dimensions of all contemplated buildings, structures, spaces, driveways and roads and recreational areas. The City may require additional information as necessary to determine whether the proposed manufactured park meets all the above conditions and other applicable provisions of this code.

S. **Recreation vehicles, watercraft and utility trailers.**

1. All developments within residential zoning districts containing 12 or more dwelling units shall provide recreational vehicle storage facilities

either within the project or the development's conditions, covenants and restrictions (CCRs) shall prohibit recreational vehicles located on-street to meet this requirement. If the storage facilities are proposed, they shall be reviewed as part of the development review process and shall meet the following standards:

a. Centralized storage areas shall be provided for recreational vehicles, boats, etc., at a minimum of 1 space for each 8 dwelling units. Any fractional space requirement shall be construed as requiring one full storage space;

b. Storage areas shall be completely screened from exterior view by a combination of landscaping, masonry walls, fences or other comparable screening devices 8' in height, and subject to the approval of the director;

c. Individual storage spaces shall measure not less than 12' x 30', and have direct access to a driveway with a minimum paved width of 25'; and

d. Storage areas shall be paved or covered with crushed rock and properly drained.

2. Recreational vehicles cannot be located in public right-of-way for more than 30 days in a calendar year. Recreational vehicles may be required to be removed earlier if they are determined to be a public health and safety hazard.

3. One recreational vehicle may be used as a temporary guest lodging on a lot already containing another dwelling unit for up to 14 days; provided that an extended period not to exceed 45 days may be allowed upon issuance of a Temporary Use Permit.

4. Parking or storage of recreational vehicles, watercraft or utility trailers for compensation is not permitted within an R zoning district. This subsection does not apply to storage facilities provided exclusively for owners or tenants within a residential development.

5. Use of recreation vehicles or watercraft as a dwelling unit is prohibited; except 1 per lot may be used by the property owner as a temporary dwelling unit during construction of a single family dwelling. A Temporary Use Permit shall be obtained from the City and will be limited to 1 year.

T. **Schools.**

Public and private schools are subject to Conditional Use Permit, subject to the provisions of Chapter 18.230. Further, the following standards must be met:

1. The building lot coverage of all school buildings (including accessory structures and all portables) shall be as set forth in the applicable zoning district.

2. School buildings in residential districts shall provide 30' front, side and rear yard setbacks.

3. Landscaping shall be as set forth in Section 18.70.060.D. There shall be sight-obscuring fencing along the perimeter of the school property.

4. School vehicular and pedestrian circulation shall satisfy the following criteria:
   a. Vehicular and bus loading and unloading areas shall be designed to minimize impacts on traffic on public rights-of-way;
   b. Parking areas shall be designed to minimize conflicts between pedestrian and vehicular movements;
   c. Parent loading and unloading areas shall be designed to accommodate at least 10 vehicles at one time.
   d. Pedestrian and bicycle connections from schools to neighboring residential subdivisions shall be provided as feasible.

5. Portable classrooms are permitted as accessory structures for an existing school; provided that portable classrooms shall contribute to and comply with building lot coverage standard. Review of portable classrooms shall be through the minor site plan review process in Chapter 18.270.

6. An update to the school's overall site plan will be required with each additional building or facility.

**18.70.080 Parking.**

The following standards apply to parking in the RL, RM and RH zoning districts. All other applicable provisions from Chapter 18.140 also apply. The minimum off-street parking spaces required are as set forth below; on-street parking does not contribute towards the following requirements:

A. Residential.
   1. Single family detached: 2 spaces per dwelling unit.

   2. Accessory dwelling unit: 1 space in addition to spaces required for primary residence.

   3. Multifamily attached: 1.5 spaces; provided that studio apartments (apartments with one room enclosing all activities) may provide 1 space. Guest parking shall be provided at 1 space per 4 units.

   4. Cottage: 2 spaces per unit with a minimum of one space provided on-site; remaining may be allowed (but not required) to be accommodated in a shared on-site parking area.

5. Rooming or boarding home: 1 per sleeping unit, plus 1 per employee and/or owner(s).

6. Residential units restricted to use for seniors (65 years and older): 1.25 space per dwelling unit.

B. Assisted living, senior congregate care, residential care center: 1 for each 2 regular beds (or units), plus 1 space for every 2 full-time employees on largest shift.

C. Bed and Breakfast: 1 space per room, plus spaces required for residential unit.

D. Child Care:
1. Family: Adequate provision for loading and unloading, plus parking required for residential unit.

2. Center: 1 space for every 2 employees on largest shift, plus one space per 7 children and adequate provision for loading and unloading.

E. Live/Work units: 1.5 space per residential unit, plus additional customer/client and employee spaces determined at the time of project review.

F. Manufactured Home Development: 2 spaces per unit with a minimum of one space provided on-site; remaining may be allowed (but not required) to be accommodated in a shared on-site parking area.

G. Neighborhood Commercial (all uses): 1 space per 350 gsf, plus spaces required for residential unit.

H. Professional/Medical/Dental Office: 1 space per 250 gsf.

I. Places of Assembly:
1. Clubs, lodges: 3 spaces per 500 square feet.
2. Places of Worship: 1 space per 4 seats.

J. Schools
1. Elementary and Middle School: 1 space per full-time employee and 2 per classroom.

2. High School: 1 space per full-time employee and 1 space per 10 students of designed capacity.

3. College: 1 per classroom and office; and 1 for every 5 students of designed capacity.

K. Other uses not specifically listed shall furnish parking as required by the Planning Director based upon the most analogous use.

**18.70.090 Signage.**

The following standards apply to signage in the R zoning districts. All other applicable sign provisions from Chapter 18.170 apply.

| **Table 18.70.090 Residential Zoning Districts Signage Standards** | | |
|---|---|---|
| **Use** | **Type and Area of Sign** | **Number of Signs** |
| Bed and Breakfast<br><br>Child Care Center<br><br>Live/Work | Wall mounted: maximum 6 square feet and flush mounted.<br><br>Free standing: maximum 12 square feet and 4' in height.<br><br>External lighting only. | One wall mounted sign.<br><br>One free standing sign. |
| Home Occupation | Door nameplate or free standing sign maximum 2 square feet.<br><br>No lighting. | One only *(either door or freestanding).* |
| Neighborhood Commercial *(in RL zoning district)* | Wall mounted: maximum 16 square feet and flush mounted.<br><br>Free standing: maximum 20 square feet and 4' in height.<br><br>External lighting only for both sign types. | One wall mounted sign.<br><br>One free standing sign. |
| Neighborhood Commercial *(in RM/RH zoning districts)*<br><br>Professional/Medical/Dental office *(in RM/RH zoning districts)* | Wall mounted: maximum 20 square feet<br><br>Free standing: maximum 25 square feet and 5' in height.<br><br>External lighting only for both sign types. | One wall mounted sign.<br><br>One free standing sign; one additional free standing sign is allowed if the building fronts two public streets *(not including driveways and private easements).* |
| Places of Assembly<br><br>Government Offices<br><br>Schools | Wall mounted: one square foot per one lineal foot of building façade where sign is to be affixed; provided that the sign is no longer than 40% of building wall length.<br><br>Free standing: maximum 30 square feet and 6' in height.<br><br>Readerboard: maximum 24 | One wall mounted sign.<br><br>One free standing sign and one readerboard sign. One additional free standing sign is allowed if the building fronts two public streets *(not including driveways and private easements).* |

| Table 18.70.090 | Residential Zoning Districts Signage Standards | |
|---|---|---|
| | square feet and 4' in height *(if stand alone).*<br><br>May be lit internally with a colored background and lighter letters and symbols. | |
| Residential Developments | Free-standing: maximum 25 square feet and 5'in height.<br><br>External lighting only. | One free standing sign per entrance/exit from a public street. |

# 18.80 Commercial Districts.

## 18.80.010 Zoning Districts.

The City's Comprehensive Plan establishes the commercial land use designation that supports the provision of commercial goods and services for Poulsbo. The commercial designation has been further refined into four commercial zoning districts on the City's Zoning Map based on geographic areas of the City, and are identified as:

C-1 Downtown/Front Street
C-2 Viking Avenue
C-3 SR 305 Corridor
C-4 College MarketPlace

## 18.80.020 Purpose.

A. The general purposes of the City's commercial districts is to provide the necessary commercial goods and services for the Poulsbo and greater North Kitsap communities. The commercial districts provide for the location of retail sales and services, professional services and offices, food and drinking establishments, lodging, personal and health services, arts, amusement, medical facilities, educational and recreational uses among others.

B. The C-1 Commercial district applies to the geographic area of Downtown/Front Street, and is intended to:
   1. Encourage high quality and recreation amenities, tourist-oriented, and commercial development which will enhance public access and the use of the shoreline.
   2. Encourage a wide range of activities that make Downtown Poulsbo the cultural, civic, heritage and waterfront heart of the community.
   3. Provide a full range of commercial services, tourism, recreation and entertainment activities to support downtown visitors, residents and workers.
   4. Ensure that projects are designed using consistent architectural design and consistent with the scale and design of Downtown.

C. The C-2 Commercial district applies to the geographic area of Viking Avenue, includes commercial uses on Lindvig Avenue and is intended to:
   1. Encourage commercial uses and activities that depend upon safe and efficient access to major transportation routes.
   2. Provide a compatible mix of office, commercial and residential uses.
   3. Allow for residential and mixed-use projects to increase the opportunities for people to live, work, shop and recreate within walking distance.
   4. Ensure that projects are designed using consistent and compatible architectural design.

D. The C-3 Commercial district applies to the geographic area of SR-305 Corridor, including 7th and 10th Avenues, and is intended to:

1. Encourage businesses that offer the frequently needed consumer goods and services for the local population.
2. Support a wide range of activities to enhance the SR-305 corridor as the business and financial, health services, and professional office hub of the community.
3. Ensure that projects are designed using consistent and compatible architectural design.

E. The C-4 Commercial district applies to the geographic area of College MarketPlace, and is intended to:
1. Provide the appropriate location within the city for big-box, large-scale, and national chain retailers.
2. Encourage businesses that depend on convenient vehicular access from major transportation corridors.
3. Support businesses that offer consumer goods and services for the regional population.
4. Ensure development is consistent with the approved master plan and developer's agreement.

**18.80.030 Uses.**

A. Types of uses. For the purposes of this chapter, there are four kinds of use:
1. A permitted (P) use is one that is permitted outright, subject to all the applicable provisions of this title.
2. A conditional use (C) is discretionary use reviewed through the process set forth in Chapter 18.230 governing conditional uses.
3. An administrative conditional use (AC) is a discretionary use reviewed through the process set forth in Chapter 18.230 governing administrative conditional uses.
4. A prohibited use (X) is one that is not permitted in the zoning district under any circumstances.
5. A N/A use is one that is not applicable to the zoning district.
6. A TUP is a use that is allowed only through a Temporary Use through the process and limitations set forth in Chapter 18.280.

B. Recognizing that there may be certain uses not mentioned specifically in Table 18.80.030 because of changing business, technology advances, or other reasons, the Planning Director is authorized to make similar use determinations, as set forth in Section 18.50.030.

The following Table 18.80.030 is a list of uses for the four zoning districts:

**Table 18.80.030 Commercial Zoning Districts Use Table**

| USE | C-1 Downtown/ Front Street | C-2 Viking Avenue | C-3 SR 305 Corridor | C-4 College MarketPlace |
|---|---|---|---|---|
| **Retail Sales and Service** | | | | |
| Auto fuel service station | X | AC | AC | AC |
| Automobile sales, service, parts or rental establishment | X | P | P | P |
| Building with drive-through facility | X | P | P | P |
| Building materials, garden and farm supplies | X | P | P | P |
| Convenience store | P | P | P | P |
| Grocery stores | P (*up to 25,000 square feet gross floor area)* | P | P | P |
| Marine boat sales, service or rental | P | P | P | P |
| Mobile, manufactured and modular housing sales | X | P | X | P |
| Pet and animal sales or service (including dog day care) | P | P | P | P |
| Pharmacies and medical supplies | P | P | P | P |
| Regional Retail, large-size<br>*50,001 square feet or larger*<br>*50,001 square feet footprint with additional square footage on other floor(s)*<br><br>Regional Retail, mid-size<br>*50,000 square feet or less* | <br>X<br><br>X<br><br><br>X | <br>X<br><br>P<br><br><br>P | <br>P<br><br>P<br><br><br>P | <br>P<br><br>P<br><br><br>P |
| Rentals, equipment, vehicle and other | AC | AC | AC | AC |
| Retail sales, including variety and specialty stores; general merchandise; flower/plant shop; clothing; home and business/office supplies and goods; art and art supplies; dry goods; gifts; marine supplies, and the like. | P | P | P | P |
| Vehicle car wash | X | AC | AC | AC |
| **Food and Drink Services** | | | | |
| Eating and drinking establishments | P | P | P | P |

| USE | C-1 Downtown/ Front Street | C-2 Viking Avenue | C-3 SR 305 Corridor | C-4 College MarketPlace |
|---|---|---|---|---|
| Bakeries, confectioneries and artisan foods | P | P | P | P |
| Beverage/food and retail mobile vending carts | X | TUP | TUP | TUP |
| Caterer/food preparation | P | P | P | P |
| Farmers market/outdoor produce stands | AC | AC | AC | AC |
| Food service contractor | X | P | P | P |
| Full-service restaurant (no drive-through) | P | P | P | P |
| Micro-brewery, distillery or winery | AC | P | P | P |
| Restaurant or coffee w/drive-through | X | P | P | P |
| **Business, professional, scientific and technical services** | | | | |
| Business services *(copy centers, printing, mailing, courier and the like)* | AC | P | P | P |
| Conference centers | C | C | C | C |
| Corporate headquarters and regional offices | AC | P | P | P |
| Investigation and security services | P | P | P | P |
| Professional services and offices | P | P | P | P |
| Real estate and finance services | P | P | P | P |
| Research and development facilities | AC | AC | AC | AC |
| Scientific, electronic and communications research and development | AC | AC | AC | AC |
| Technology service and support, copy and connectivity centers, telework centers | AC | AC | AC | AC |
| Travel arrangement and reservation services | P | P | P | P |
| **Personal services** | | | | |
| Barber and beauty salons | P | P | P | P |
| Banks and credit unions | P | P | P | P |
| Health and personal care/spas | P | P | P | P |
| Laundry and dry cleaning | P | P | P | P |
| **Lodging** | | | | |
| Bed and breakfast | P | P | P | P |
| Boutique hotel/Inn | P | P | P | P |

| USE | C-1 Downtown/ Front Street | C-2 Viking Avenue | C-3 SR 305 Corridor | C-4 College MarketPlace |
|---|---|---|---|---|
| Hotels and motels | AC | P | P | P |
| **Arts, entertainment and recreation** | | | | |
| Golf course | X | C | C | C |
| Historic and cultural exhibits | P | P | P | P |
| Libraries, museums, galleries | P | P | P | P |
| Marina | C | C | N/A | N/A |
| Movie theater | AC | P | P | P |
| Performing arts or supporting establishment | P | P | P | P |
| Privately owned amusement, sports or recreation establishments | AC | P | P | P |
| Public Parks | P | P | P | P |
| Sports arena or stadium | X | C | C | P |
| Zoos, botanical gardens, and arboreta | X | C | C | C |
| **Educational services** | | | | |
| Colleges and Universities | C | AC | AC | AC |
| Grade schools K-12 (public and private) | C | C | C | C |
| Nursery and preschool | AC | AC | AC | AC |
| Technical, trade and other specialty schools | C | AC | AC | AC |
| **Health and Human services** | | | | |
| Ambulatory and outpatient care services (physicians, out-patient clinics, dentists) | AC | P | P | P |
| Animal hospital and veterinary clinics | AC | P | P | P |
| Child Care Center | AC | P | P | P |
| Funeral homes, cremation services | X | C | C | C |
| Hospital | X | C | C | C |
| Social assistance, welfare and charitable offices and services | P | P | P | P |
| **Public Administration** | | | | |
| Fire/police services | P | P | P | P |
| Government services, offices | P | P | P | P |
| Maintenance shops | X | P | P | P |
| Postal services | P | P | P | P |
| Transit facilities, including park and ride lots and transfer centers | C | AC | AC | AC |

| USE | C-1 Downtown/ Front Street | C-2 Viking Avenue | C-3 SR 305 Corridor | C-4 College MarketPlace |
|---|---|---|---|---|
| but not including bus stops | | | | |
| **Residential** | | | | |
| Dwelling units above non-residential uses (mixed use) *(Non-residential uses must be located on ground level or first floor if ground level is parking).* | P | P | P | P |
| Existing residential use without increase in density *(subject to provisions of Section 18.160.060 and Section 18.80.080.G)* | P | P | P | P |
| Home Business (*within existing residential use, within mixed use structures or planned mixed use developments and subject to Section 18.70.070.F)* | P | P | P | P |
| Home occupation *(within existing residential use, no increase in density; within mixed use structures or planned mixed use developments; and subject to Section 18.70.070.F)* | P | P | P | P |
| Family Day Care/Adult Family Home *(within existing residential use, no increase in density)* | AC | P | P | P |
| Nursing Home, Residential Care Facility, Assisted Living, Congregate Care Housing | C | AC | AC | AC |
| Planned Mixed Use Developments (PMUD) | X | P | P | X |
| **Utilities and other public services** | | | | |
| Essential Public Facilities<br>State and Regional<br>Local | <br>P<br>C | <br>P<br>C | <br>P<br>C | <br>P<br>C |
| Recycling drop-off facilities | X | AC | AC | AC |
| Utility Facilities and Utility System | AC | P | P | P |
| Wireless communication facilities exceeding 21' in height<br><br>Co-location on existing facility or structure | X<br><br>C | C<br><br>AC | C<br><br>AC | C<br><br>AC |
| Wireless communication facilities 20' or less in height, including co- | AC | AC | AC | AC |

| USE | C-1 Downtown/ Front Street | C-2 Viking Avenue | C-3 SR 305 Corridor | C-4 College MarketPlace |
|---|---|---|---|---|
| location on existing facility or structure | | | | |
| **Other** | | | | |
| Adult Entertainment businesses | X | X | X | X |
| Commercial parking lots and parking garages *(stand alone; not associated with commercial structure)* | AC | P | P | P |
| Self-serve mini storage | X | P | P | P |
| Clubs, lodges, charitable institutions and similar uses, under 5,000 square feet and within an existing building(s) | P | P | P | P |
| Clubs, lodges, charitable institutions and similar uses, new freestanding structures and existing building(s) 5,000 square feet or larger | C | AC | AC | AC |
| Places of worship, under 5,000 square feet and within an existing building(s) | AC | P | P | P |
| Places of worship, new freestanding structures and existing building(s) 5,000 square feet or larger | C | AC | AC | AC |

**18.80.040 Development Standards for Commercial districts.**

Table 18.80.040 sets forth the development standards for the commercial zoning districts.

**Table 18.80.040 Commercial Districts' Development Standards**

| Standard | C-1 Downtown | C-2 Viking Avenue* | C-3 SR 305 Corridor | C-4 College MarketPlace |
|---|---|---|---|---|
| Minimum Lot Area | None. Lot area shall be of size and shape appropriate to accommodate intended uses, parking and landscaping requirements. | | | |
| Minimum Front Yard Setback | None | 10' | 15' | 15' |
| Minimum Side Yard Setback | None | 5' | 5' | 5' |
| Minimum Rear Yard Setback | None | 10' | 10' | 10' |
| Minimum Side or Rear Yard adjacent to R zone | 10' | 15' | 15' | 15' |

| | | | | |
|---|---|---|---|---|
| Maximum Avg. Building Height (See Section 18.150.050 for building height measurement; Section 18.310.010 for building height exceptions) | 35’ | 35’ | 35’ | 35’ |
| Maximum Building Lot Coverage | 100% | 50% | 50% | 50% |

** Alternative development standards for the C-2 zoning district may be allowed through the provisions in Section 18.80.070.*

**18.80.050 Site and Building Design Standards in C-1 Downtown/Front Street Commercial zoning district.**

The following site and building design standards for the C-1 Commercial zoning district is intended to provide site and architectural design consistent with the existing scale and design of Downtown Poulsbo. The City’s design review process applies to all proposals that require site plan review or a building permit that contains substantial building façade alteration. See Chapter 18.120.

A. Building Design.

1. New or redeveloped buildings shall be placed adjacent to the front property line or sidewalk, unless a pedestrian courtyard/square is provided. Entrances to retail spaces shall be directly from the sidewalk.
   a. Where feasible, existing buildings not adjacent to the sidewalk should create pedestrian courtyard, squares, seating areas or other pedestrian amenities with the space between the sidewalk and building wall.

*Example of how façade articulation provides interest on a rectangular building. This design includes enhanced building edges; varied window design; awning over the sidewalk; recessed doorways; raised panels below windows; and crown molding at roofline.*

2. Street-facing, ground floor facades of commercial and mixed-use buildings along Front Street and Jensen Way,shall incorporate generous amounts of glass in the storefront. Storefront construction shall be a minimum of 60% transparent glass with a maximum of 80% transparency on ground floor/street facing facades and as allowed by the IBC.

3. Canopies or awnings shall be required on street-facing facades along Front Street and Jensen Way, for at least 50% of the building's length, may overhang right-of-way, and do not need to be continuous.

   a. The canopies/awnings shall be at least 8' above the sidewalk, but no more than 12'. The minimum depth projecting from the wall shall be 4'.
   b. Canopies/awnings must be designed so that water running off the canopy/awning does not occur in the clear walkway area.
   c. Canopies/awnings shall be constructed of permanent, durable materials and shall not be internally illuminated.
   d. If used, hanging signs may be hung under the canopy/awning and shall have a clearance of 8' above the sidewalk.
   e. The requirement for canopies or awnings may be exempted when in conflict with International Building Code requirements or with structural constraints.

4. Building facades shall incorporate a variety of architectural features to provide visual interest in a complementary architectural design to the existing Downtown Poulsbo building design.
   At least three of the following shall be included in the building façade design:
   - Raised panels below storefront windows
   - Prominent, projecting sills on storefront display windows
   - Artwork on walls, columns, pilasters or other surfaces
   - Base element of masonry or stone having an architectural finish
   - Pilasters with banding, belt courses, insets, reveals or other details
   - Ornamental tile or metal work
   - Masonry soldier course
   - Decorative medallions
   - Containers for seasonal plantings
   - Pedestrian-scale lighting, such as decorative on-building lighting
   - Hanging baskets supported by ornamental brackets
   - An element not listed here that meets the intent as approved by the Review Authority

*Examples of soldier course brick inlay, tile inlay in stucco, and tile inlay on a brick column.*

5. For any new building wall that is publicly visible from a street or parking area and proposed over an average of 30' in height, the building façade of that upper floor wall shall be stepped back no less than 8'. The stepped back upper floor shall be distinguished by a change in elements such as window design, railings, trellises, details, materials and/or color, so that the result is an organized combination of features that face the street. Balconies or other outdoor area shall extend into the step-back area. See also Section 18.150.060 for example of step back requirement.

*Example of a residence located on the third floor that is stepped back and barely visible, with a roof-top deck. The 2nd floor opens to the deck/canopy over the sidewalk. The stepped back, three story building does not overpower the streetscape.*

a. An alternative to this requirement may be approved by the Review Authority as long as the effect is the upper floor appears to recede from view.

6. Provide visual terminus to tops of buildings. To avoid a truncated appearance, all structures shall have a visual "cap." Options include extended eaves; steep pitch hip, gable or saltbox roof form; false pitch roof with appearance of hip gable or saltbox; or projecting cornice of appropriate scale to the building and part of building's trim detail

*Example of a visual cap at the roofline.*

7. Building façade color shall be as set forth in Section 18.80.060.G.4.

*Examples of a defined visual top or cap to a building's roofline.*

B. <u>Streetscape</u>.

1. Courtyard/Square. Increased front yard setbacks are allowed at the ground level on Front Street and Jensen Way, if the area is designed as a pedestrian courtyard or square:

a. Front yard setbacks at ground level shall be paved in a decorative brick or textured concrete. If the setback area is not used for retail or restaurant purposes, it shall be maintained as an urban park area, with benches, waste receptacles, potted plantings, and similar features.

b. An optional low wall may be located as enclosure for restaurants or other uses utilizing the plaza for active retailing or other entertainment uses. The wall shall not encroach on the minimum width of the public sidewalk.

*This courtyard in the C-1 zoning district provides an example of outdoor room created by walls and landscaping.*

2. Awnings, trellises, building canopies, and other architectural structures that do not restrict pedestrian movement may project over the sidewalk right-of-way.

3. New projects or rehabilitation projects with a value of more than 50% of the current assessed value of the property shall provide streetscape improvement similar to those currently in place on Front Street. Such improvements shall include paving treatments on sidewalks, parking pockets, landscaping and street lighting as approved by the Review Authority.

4. Pedestrian pathways that connect to other sites and/or buildings shall be provided when feasible.

*Pedestrian pathways into buildings may be obtained via passageway. The color, banners and artistic detailing create a vibrant addition to the building and streetscape.*

5. When new public sidewalks are constructed, bulb-outs from the sidewalk shall be provided when sufficient right-of-way exists, in order to accommodate street furniture, lighting, landscaping and/or bicycle parking.

**18.80.060 Landscaping, Site and Building Design Standards in C-2 Viking Avenue, C-3 SR 305 and C-4 College Marketplace Commercial zoning districts.**

A. Site Landscaping.

1. A minimum of 20% of the property area shall be landscaped. Setback, parking lot, street trees and building perimeter landscaping contributes to this requirement.

a. Critical area buffers may count toward this requirement, but cannot contribute more than 40% of the 20% overall site landscaping requirement.

b. Retaining land at its natural grade with existing native vegetation is strongly encouraged and may contribute toward the required landscape percentage requirement if the existing vegetation is healthy and likely to survive development. A maintenance assurance device, agreement or bond for two years will be required to ensure the existing vegetation remains healthy and additional vegetation appropriate to the overall site's landscape plan must be installed if the existing vegetation does not survive.

c. Low impact development techniques for storm water management that are not fenced and can be designed to integrate vegetation

appropriately into the site's overall landscape plan, may count toward this requirement at the determination and approval of the Review Authority.

d. Incorporation of natural features such as large rocks or boulders into landscaping design is encouraged.

B. Setback Landscaping.

1. Setback areas are to be landscaped and covered with live plant materials that will ultimately cover 75% of the ground area within three years. One tree (deciduous tree of a minimum of 2" caliper or one 6' high evergreen tree) and three shrubs each of which will attain a height of 3 ½' within three years, shall be provided for every 300 square feet of area to be landscaped.
2. Setback landscaping may include low impact development stormwater management facilities that are not fenced and can be designed to integrate vegetation appropriately into the setback's landscape area.

3. When adjacent to any R zoning district, setback landscaping shall be provided for the full width of the setback, and will include a combination of sight obscuring fencing, solid screen of evergreen trees and shrubs and berming, as approved by the Review Authority.

C. Street Trees. Street trees and related landscaping shall be provided 40' on center for arterials and 30' on center for collectors within a minimum 5' planting strip. Ground cover of sod or other approved ground cover shall be provided. Species of trees shall be as set forth in the City's Master Street Tree Plan, if applicable, or as otherwise approved by the Review Authority.

D. Parking Lot Landscaping. Parking lots with more than 10 spaces shall be landscaped. A minimum of 5% of the parking lot area (that area inside parking lot perimeter curbing) shall be landscaped; planting areas shall be a minimum of 5' in width. Providing adequate shading opportunities should be taken into account. Parked vehicles may not overhang if the planting area is the minimum width of 5' Wheel stops will be required for any parking space abutting landscaping. Unfenced low impact development stormwater management facilities may be located in parking lot landscaping when feasible and when designed to be integrated appropriately in the landscaped area.

E. Building perimeter. For any building wall that exceeds an average of 30' in height, a planting bed is required with a hierarchy of plantings for at least 60% of the wall length provided:

1. Columnar trees shall be planted at a minimum of 20' on center and installed 4' from the building's foundation within a minimum 6' wide planting bed at the structure's foundation/base; or larger trees may be planted 25' on center within a 15' planting bed and 10' from the building's foundation.

2. Shrubs or small trees ranging from 1 to 6 feet in height at maturity shall be planted 3 to 6 feet on center (depending on size at maturity) within the required planting bed.

3. Ground cover or other organic material shall be provided to reduce wind and water erosion.

F. On-site pedestrian and vehicular circulation.

1. Buildings shall be linked to their fronting street(s) with primary walkways.

2. Primary walkways shall be a minimum of 5' in width, and shall be clearly defined and designed to be separated from driveways and parking areas, through the use of raised curbs, elevation changes, bollards, landscaping, different paving materials, and/or other similar treatments. Striping does not meet this requirement.

3. Secondary walkways are those that provide for pedestrian connections between buildings without depending upon parking lots. All buildings shall be linked to each other by a secondary walkway promoting the shortest distance between building entrances. Secondary walkways shall be provided to existing adjacent commercial development walkways, or shall be provided to the property line to provide future pedestrian connection for future adjacent commercial development. Secondary walkways do not need to be paved.

4. Pedestrian walkways may be permeable surfaces where appropriate and as approved by the City Engineer.

5. The number of vehicular access points shall be minimized by sharing driveways and linking parking lots between adjacent uses.

6. On-site primary vehicular circulation drive should be separated and provide minimal vehicular conflict with parking areas and pedestrians.

G. Building Design Standards.

The purpose of building design standards in the C zoning districts is to facilitate attractive architectural design and scale by avoiding large blank walls, bright colors and providing roofline treatment. The City's design review process applies to all proposals that require site plan review or a building permit that contains substantial building façade alteration to the exterior of an existing building. See also Chapter 18.120.

1. Building facades.

a. Architectural interest is required for all building facades visible from public streets and other publicly visible areas, such as parking areas.

i. Publicly visible building walls shall incorporate insets or offsets, canopies, colonnades, wing walls, trellises, building façade landscaping, material variation, multiplaned roof line, stepped back upper floors; or other features which diminish large blank walls.

*This commercial building design example features pitched roof, gable, dormer, windows and overhanging eaves, as well as a variety of materials, such as timbers and stone.*

ii. For publicly visible building walls exceeding 40' in length, offset elements as identified above shall be required that break up the plane of the wall into at least 2 sections.

*This modern small office building design has a well articulated form and façade, with a wing wall extending the wall plane to further define the building entrance, as well as providing a garden enclosure.*

b. Provide visual terminus to tops of buildings. To avoid a truncated appearance, all structures shall have a visual "cap." Options include extended eaves; steep pitch hip, gable or saltbox roof form; false pitch roof with appearance of hip gable or saltbox; or projecting cornice of appropriate scale to the building and part of building's trim detail.

i. When designing rooftops visible from hillsides, special attention shall be given to prevention of hazardous reflective glare and placement/design of mechanical equipment. Green roofs or "living roofs" are encouraged.

c. The primary entrances to structures, including all entrances to individual tenant spaces, shall be clearly identifiable through architectural design. Specific treatments include, but are not limited to, wall modulation, gables, window clusters, landscape treatment, material/color/texture change, awnings, moldings, planters, and pedestrian amenities, such as benches and tables.

d. Overhangs, marquees, and awnings or similar forms of protection for pedestrians and bicycle racks from adverse weather conditions shall be incorporated at entrances, along pedestrian pathways, and at transportation waiting areas, and shall be at least 5' wide.

*Example of a commercial building's primary entrance design emphasis using wall modulation and a gable. The building's overhang and awning provides protection and seating area for customers.*

2. For building walls proposed over an average of 30' in height, the building façade for that upper floor wall shall be stepped back at least 8'. The stepped back upper floor shall be distinguished by a change in elements such as window design, railings, trellises, details, materials and/or color, so that the result is an organized combination of features that face the street. Balconies or other outdoor area shall extend into the step back areas. See Section 18.150.060 for example of step back.
   a. An alternative to this requirement may be approved by the Review Authority, as long as the effect is the upper floor appears to recede from view.

3. <u>Materials</u>.
   a. Facades visible from public streets or other publicly visible areas shall provide visual interest by providing a variety of building materials, windows, artwork, or other techniques. Desired materials include brick, wood, horizontal lap siding made of wood or cement-like materials; split-faced block or ground-faced block.

   b. For structures including mixed use w/residential units, siding materials must include but are not limited to, two of the following: horizontal lap siding (of any lap design) made of wood or cement-like materials; shingles made of cedar or cement-like materials; board and batten (or panels with similarly spaced battens); brick; or stone (real or cultured). Typically, the residential component will be

differentiated from the non-residential uses by scale and amount of detailing.

4. Color.

a. Main color of exterior walls is limited to subtle earthtone colors. Soft white, sands, grays, muted pastels, and deep, rich earth colors (terra cotta, forest green) are acceptable.

b. Trim color may be lighter or darker shades of the main color, soft white, or contrast or compliment the main color but shall not be bright or bold.

c. Accents or graphics may be brighter than main or trim color and shall be limited to 15% of the façade area, excluding glass. Bright, high-contrast color banding is limited to maximum 4" in width.

H. Lighting.

1. All exterior lighting shall be pointed downward and shielded from direct observation from the air, adjacent properties, and public rights-of-way. Lighting "spillover" to adjacent properties shall be minimized. Lamps shall use recessed or flat lenses.

2. Lighting in exterior canopies shall be recessed so that the lens does not drop below the level of the canopy.

3. The use of motion sensors and/or timers is required for security lighting.

4. Lighting shall be located near the activity needing illumination. Walkways, entrances, and parking areas may be lit during nighttime business hours, but such lighting shall be the minimum necessary for safety. Lighting in parking lots should be of uniform intensity.

5. Buildings shall not be outlined with neon or other lighting, except seasonal lighting.

6. If, once installed, lighting is found to be performing in violation of these standards, the city may require the business owner to take corrective action to bring the lighting into compliance.

7. Nighttime lighting of the American flag is exempt from these provisions, except that such lighting shall not provide direct glare to neighboring properties or traffic.

**18.80.070 Infill and Redevelopment incentives in C-2 (Viking Avenue) zoning district.**

A. Purpose.
   1. To encourage and facilitate the sustainable infilling and redevelopment of Viking Avenue by supporting its commercial activities, and encouraging the creation of a complementary urban neighborhood, into a viable mixed use commercial corridor.
   2. Encourage mixed use redevelopment, conversion, and reuse of structures, and to increase the efficient use of available commercial land.
   3. Increase the opportunities for residents to live near commercial amenities, public transportation, and nearby public parks.
   4. Improve Viking Avenue streetscape and pedestrian connections.
   5. Address regulatory barriers to infill and redevelopment of Viking Avenue.
   6. Offer development incentives to encourage and support the infilling and redevelopment of Viking Avenue.
   7. Identify design standards to ensure new development and redevelopment appearance and functions are consistent and integrated with one another, as well as the corridor as a whole.

B. Applicability. Infill and redevelopment incentives for the C-2 zoning district offered in this Section shall be utilized through a Planned Mixed Use Development (PMUD) application. The provisions of Chapters 18.80.090 and 18.250 shall apply. If a conflict arises, the Review Authority shall determine the appropriate standard.

C. Development Incentives. The following alternative development standards are offered to support infilling and redevelopment of the C-2 zoning district through a PMUD application:

   1. Building height.
      a. Maximum building height for commercial and mixed use structures may be extended to 40’ when residential units are provided on at least one upper floor. Residential units may not be located on street/ground level or below.

      b. The maximum building height allowed is 50’ for commercial and mixed use structures in conjunction with underbuilding parking.

   2. Building lot coverage. The building lot coverage may be increased to a maximum 70%.

   3. Setbacks. The side and rear setback may be reduced to 5’. When a project’s property line abuts an R zone, the side and rear setback may be reduced to 15’. The front yard setback is modified as set forth in the design standards in Section 18.80.070.2 and 3 below.

4. Landscaping. Overall site landscaping may be reduced by 5% resulting in 15% of the property area to be landscaped. Setback, parking lot, pedestrian area/ street trees, building façade landscaping, and landscaped open space areas, contribute to this requirement.

5. Parking. The number of parking stalls for nonresidential uses may be reduced by 15%. (Parking required for residential units may not be reduced). Additional parking stall reduction may be considered by the Review Authority through an executed joint parking agreement and parking study providing adequate justification to support joint parking.

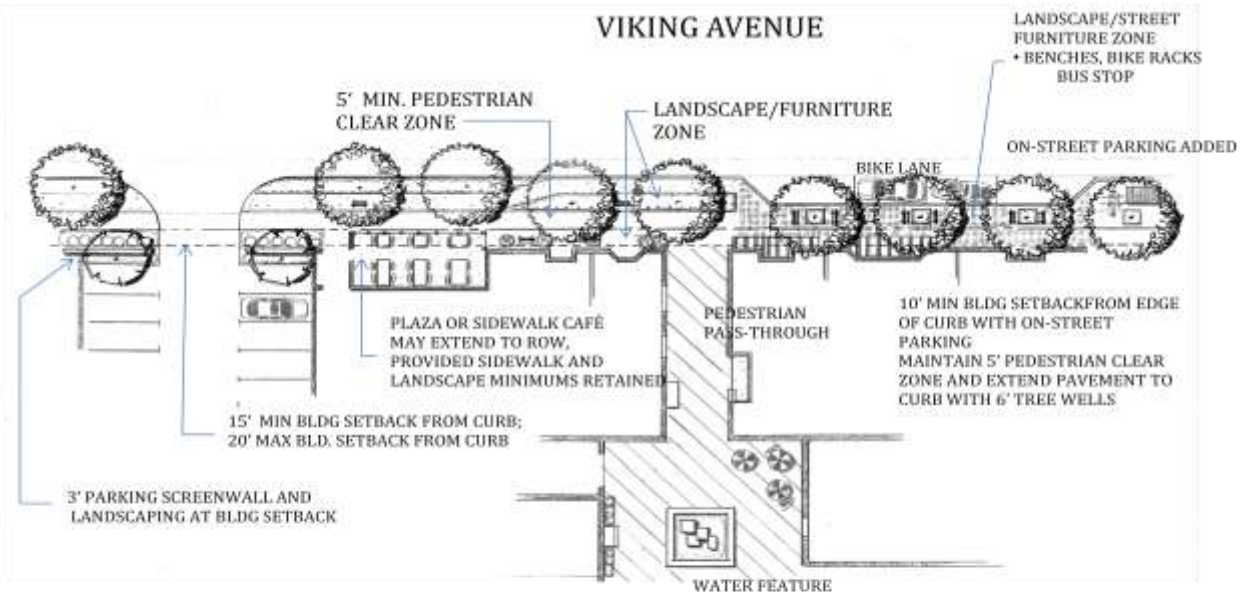
6. Loading. Off-street loading requirements may be shared or waived if appropriate loading/unloading areas are provided and no traffic or pedestrian circulation safety issue is created.

D. Design Standards. The following site and building design standards are required when utilizing the alternative development standards allowed in this Section, to ensure a consistent, visually appealing and comfortable urban environment.

1. Location of uses. Commercial uses and mixed use structures shall be primarily located in structures situated near Viking Avenue or other public street frontage. Stand-alone residential uses shall be located in the interior of the planned mixed use development to provide a transition to the neighboring R zones, as well as to be appropriately setback from Viking Avenue.

2. Building orientation. Commercial buildings and mixed use structures shall be oriented towards Viking Avenue and public streets. Buildings on corner lots should be oriented towards the primary intersection.

    a. Commercial buildings and mixed use structures on property with Viking Avenue frontage shall have a maximum 20' building setback from the Viking Avenue street edge (i.e. back of curb) to the building's wall. Minimum building setback is as set forth in paragraph #3 below.




**VIKING AVENUE PLANNED MIXED USE DEVELOPMENT**
**FRONTAGE IMPROVEMENTS CONCEPTS**

1/22/13 LM

b. Exceptions may be approved by the Review Authority in the following circumstances:
   i. In street intersections where focal point amenities are required as set forth in paragraph #9 below.
   ii. Due to technical reasons allowed in paragraph #8f below.
   iii. When providing pedestrian amenities as set forth in paragraph #3 below, or site amenities as set forth in paragraph #12 below.
   iv. Buildings sited in the interior of the planned mixed use development, or are secondary in size than a primary building.
   v. Second floor overhangs , balconies or awnings.

3. Pedestrian area. The area between the edge of a public street frontage (i.e. back of curb) and the building wall or side-loaded parking area shall be improved as a 15' wide pedestrian area,

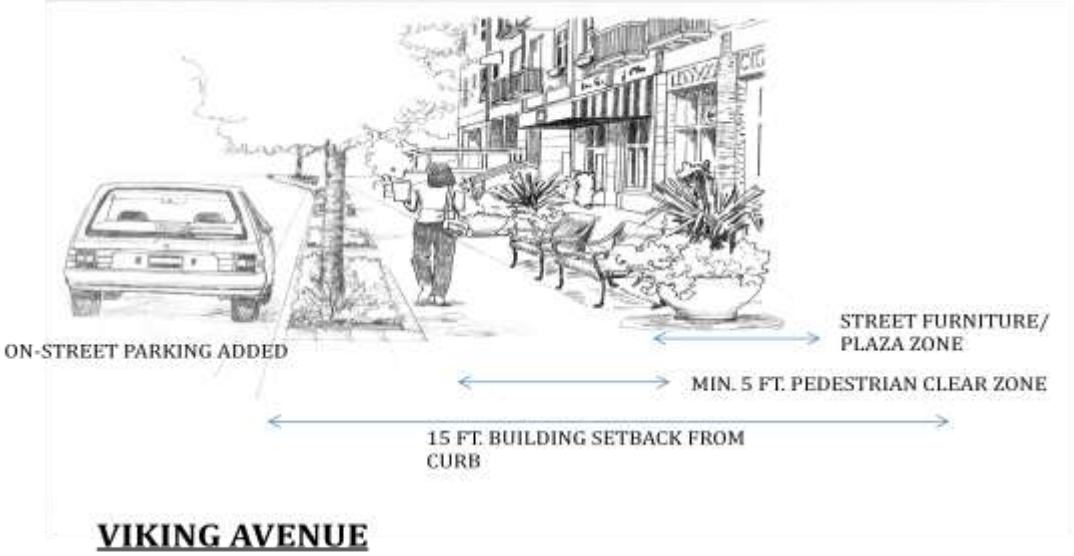
   a. Unimproved right-of-way (see paragraph # 13) may be used to meet this section's requirement. Realignment of existing sidewalk/landscape area may be proposed or necessary, and is subject to the approval of the City Engineer.

   b. The pedestrian area shall be improved with a combination of landscaping strips or planters, street trees, street furniture, plazas, public art, water feature, outdoor restaurant seating areas, pedestrian pass-throughs/connections, and other acceptable amenities.

c. A minimum clear, unobstructed sidewalk of 5’ is required.

d. When on-street parking is provided, the minimum pedestrian area provided may be reduced to 10’ in width.

   i. Sidewalk may be extended to the curb to access proposed on-street parking, and shall provide cutouts for tree planters.
   ii. Landscaping, planters and street furniture, etc. shall still be provided.




**VIKING AVENUE**

**PEDESTRIAN ORIENTED MIXED USE STREETSCAPE**

1/22/13 LM

4. Building height mitigation.
    a. Buildings utilizing the increase in height incentive shall be located and oriented toward Viking Avenue frontage and/or adjacent C-2 zoned properties. Buildings or building segments located within 25' of an R zone shall be subject to the standard height restrictions of the C-2 zoning district.

    b. Consideration of significant viewscapes of Mount Rainer and Liberty Bay shall be evaluated in the placement of the buildings. Sloping roofs, stepbacks, framing and other architectural design techniques shall be incorporated into the building design when appropriate to mitigate the height increase.

    c. The Planning Director may elect to require a visual impact survey if the increase in height is anticipated to have significant impacts to the surrounding property or neighborhood.
        i. If required, the visual impact survey shall include graphic representation of the proposed building at the standard 35' average height and the proposed height. Photos, photo simulation and other graphics shall be used and a visual context to the subject site in each direction shall be provided.
        ii. The City may require the erection of a balloon, crane or similar device to simulate the proposed dimensions and height of the structure if the visual impact survey graphics are not sufficient to determine the proposed building height increase visual impact on the viewscape.

5. Stepbacks required. Building wall stepbacks shall be required consistent with 18.80.060.G.2.

6. At least one mixed use structure shall be provided in the Planned Mixed Use Development.

7. Site landscaping shall be provided consistent with 18.80.060.A, B, C, D, and E (except as modified in this section).

8. Parking. Parking areas shall be located on the side or behind buildings along Viking Avenue frontage.
    a. No parking in front of buildings on Viking Avenue frontage shall be allowed, including in front of drive-through buildings.

    b. Surface parking lots shall be located at the side and located flush with the building's face, or to the rear of a building.

c. Parking areas on the side of buildings with public street frontage shall be screened with a combination of 3' architectural wall and additional landscaping.
d. Parking design standards shall be consistent with 18.140.

e. On-street parking is encouraged to be provided and may count toward the number of spaces required. Unimproved right-of-way when available may contribute to providing area for on-street parking. Realignment of existing sidewalk/landscape area may be necessary and is subject to approval by the City Engineer.

f. If existing power poles, infrastructure, topography, or other similar technical situations preclude buildings to locate within the 20' maximum building setback, the Review Authority may consider allowing parking in front of buildings for the minimum necessary. A combination of 3' architectural wall and a minimum of 7' wide landscaping area (beginning from edge of pedestrian area) will be required to screen the parking area.

9. Street intersections. Development located within a 150' radius from the intersection of the centerlines of two public streets shall include two or more of the following focal point features which shall be visible from the intersection streets:
    a. A distinctive design that does not represent standard franchise architecture.

    b. An architectural feature or appendage that is a minimum of 25' tall and a maximum of 45' (e.g. a clock tower, spire, or interesting roof form).

    c. Public art or sculpture.

    d. Fountains or other water features.

    e. Public plazas or other open space.

    f. Landscape feature.

10. Building design shall be consistent with 18.80.060.G.

11. Pedestrian amenities.
    a. Customer walkways on site and to adjacent developments, and at least one pass-through to access the interior of the development is required.

    b. Connections between the on-site (internal) pedestrian walkway network and Viking Avenue and other public street sidewalk shall be provided at regular intervals as appropriate to provide easy access from the public sidewalk to the interior walkway network.

c. Other pedestrian amenities provided consistent with 18.80.060.F.

12. Site amenities. At least one site amenity, such as outdoor plaza, public art, water feature, clock tower or other well designed area and/or focal feature that enhances the development and serves as a gathering place.
    a. This requirement may be met as part of the pedestrian area improvement requirement in paragraph #3; or corner intersection amenity requirement in paragraph #9.

    b. This requirement may contribute to the planned mixed use development's common open space/recreational amenities requirement.

    c. When the planned mixed use development's total square footage is over 50,000, two site amenities must be provided.

13. Unimproved right-of-way. Unimproved right-of-way along Viking Avenue may exist (i.e. right-of-way that exists but is currently not utilized as part of the Viking Avenue street frontage improvements), and is required to be developed as part of a planned mixed use development with on-street parking or part of the required pedestrian area.
    a. Any improvement within the right-of-way is subject to the review and approval of the City Engineer. Realignment of the existing sidewalk/landscape area may be proposed or necessary and is subject to approval by the City Engineer.

**18.80.080 Additional Standards and Provisions for C Zoning Districts.**

A. **Alcoholic beverage sales**.
No establishments subject to a liquor license shall be located within 500'of any elementary, junior high, or senior high school within the city.

B. **Bed and Breakfasts**.
Bed and Breakfast provides transient lodging to overnight guests for compensation and usually provides a morning meal as part of the room rate structure.
1. No more than ten rented rooms shall be provided for Bed and Breakfast establishment in the C zones. Facilities with ten or more rooms shall be considered a hotel/motel.
2. Bed-and-breakfast establishments must meet the Washington State Department of Health Bed-and-Breakfast licensing requirements.

C. **Beverage/Food and Retail Mobile Vending Carts**.
1. Beverage/food and retail vending carts are allowed in the C-2, C-3 and C-4 zoning districts outside of an enclosed structure. Outdoor beverage/food and retail sales vending carts shall meet the following:

a. Allowed on private property only with property owner consent.
b. One cart per parcel is allowed; provided that if the parcel is over 1 acre in size, 2 total vending carts are allowed.
c. No drive-through facilities are allowed.
d. When placed in an existing parking lot, a vending cart shall occupy no more than 2 parking spaces.
e. The operating vehicle or mobile structure shall be removed from the site of operation at the end of business day.

2. A Temporary Use Permit is required for outside beverage/food and retail sales vending carts, subject to the requirements and process in Section 18.280.
   a. Pursuant to 18.280.050, a TUP for a beverage/food and retail sales vending cart shall be for one year, with a one year extension available. The city shall review the permit and grant a requested extension if no complaints, problems or adverse impacts have been identified. Any identified problems with the operation shall be corrected prior to any extension approval.
   b. If after the one year initial TUP permit and if a one year extension was approved, the vending cart operation requests to continue, the vending cart is no longer considered a temporary use, shall be considered a permanent use, and will be required to submit for site plan review and approval, subject to the provisions of Section 18.270.

3. Beverage/food and retail vending carts that are associated with a commercial building or business are permitted without a temporary use permit.
   a. The vending cart may be located within the building or at a main entrance(s). No more than two carts per commercial building or business will be allowed.
   b. If located outside at an entrance, the vending cart shall be brought inside at end of the business day.

4. All vendors shall obtain the necessary business licenses, health certificates, fire and building permits from state and local agencies, as applicable. All permits must be obtained and conditions of approval completed prior to operation of the vending cart.

5. Beverage/food and retail sales vending carts associated with a City approved special, public event or farmer's market, are exempt from these provisions.

D. **Clubs, lodges, places of worship**.
In C districts, clubs, lodges, places of worship and similar uses require a Conditional Use Permit or Administrative Conditional Use Permit approval, and shall be subject to the following standards:

1. Minimum lot size shall be 10,000 square feet and side and rear setbacks are a minimum of 15'; provided that, if the use is proposed in an existing building, it does not need to meet these lot size and setbacks requirements.

2. Automobile traffic to and from such a use and its parking area shall be from an arterial or collector street, unless no other access is available to the site.

3. No existing building or structure shall be converted to a club, lodge or place of worship unless such building or structure complies or is brought into compliance with Building and Fire code requirements for places of assembly.

E. **Child care center.**

1. Use Requirements. The following requirements apply to each child day care center:
   a. An on−site vehicle turnaround and parking area, entrance and exit points, and passenger loading area must be provided.
   b. The child day care center use must have received all necessary permits or approvals from the State of Washington Department of Early Learning.
   c. The child day care center must be inspected by the Poulsbo Fire Department and the operator must implement all required corrective measures.
   d. The operator must have obtained a City of Poulsbo business license.

2. Conditions.
   The City may impose conditions to mitigate any potential adverse impact on surrounding uses.

3. Within a multi-use building. A child day care center shall be considered an accessory use if it is sited on the premises of a community service use, such as a private or public school, grange, place of worship, community center, library, or similar adult gathering place and it is associated with that activity. In addition, child care facilities for the use of employees of a business or multi-use building(s) shall also be considered an accessory use.
   a. If a child day care center is proposed after the primary use is permitted and established, the child day care center shall be reviewed through minor site plan review process in Chapter 18.270.

F. **Drive-through businesses**.
Drive-through businesses include restaurants, banks, pharmacies, coffee shops, car washes, or other businesses that provide a dedicated stacking lane and/or access to a window where services from the business may be obtained. Drive-through businesses shall meet the following standards:

1. Pedestrian walkways that intersect drive-through aisles shall be clearly marked and have unobstructed visibility of the drive-through aisle.

2. Drive-through lanes shall have stacking space for 120 lineal feet except as allowed based on a special condition, such as proposed use, topography, size of lot, two lanes provided, or other similar reason determined by the Review Authority to be acceptable. In no case shall the stacking space be less than 60 lineal feet. When reducing the stacking area, the Review Authority shall enter findings of fact in support of the reduction.

3. Drive-through aisles shall be set back a minimum of 15' from a public right-of-way. The setback area shall be landscaped so as to provide screening of the drive-through aisle, parking area, menu board and directional signs from view of the public right-of-way.

4. Menu boards shall not exceed 30 square feet in area and a maximum height of 7'.

5. Ingress to or egress from the drive-through aisle shall not be directly onto a public right-of-way.

G. **Existing residences**.

1. Existing single family detached residences are allowed to continue in all C zones, provided no increase in density occurs (including adding accessory dwelling units); and subject to the provisions of Section 18.160.060. Special uses related to the existing residence, such as home occupations, home day care, may be allowed and are regulated as appropriate, as set forth in Section 18.70.070.F.

2. Existing residential units in a C zone that are located within a Mixed Use Structure, are allowed as Mixed Use, and are not subject the provisions of Section 18.160.060.

H. **Mechanical equipment.**

1. All HVAC equipment, pumps, heaters and other mechanical devices shall be screened from view from adjacent streets and properties.

2. Vents, mechanical penthouses, elevator equipment and similar appurtenances are allowed to extend no more than 15' above the roofline, must be surrounded by a sight-obscuring screen constructed to the same height as the mechanical equipment, and conform to the following criteria:

   a. The screen must be integrated into the architecture of the building.
   b. The screen must obscure to the extent possible the view of the appurtenances from adjacent streets and properties.

c. Rod, wire and dish antennas are exempt from the screening requirement if the screening would interfere with the effective operation of the antenna.

I. **Mini-storage, self-serve.**

Mini-storage facilities shall be subject to the following additional requirements:

1. The minimum site area shall be 20,000 square feet.

2. The portion of the site containing the storage units shall be completely enclosed with a 6' high sight-obscuring fence or wall when adjacent to an R zone.

3. No business activity shall be conducted in any storage unit.

4. All storage shall be located within a fully enclosed structure(s). Outside storage of vehicles, boats and/or recreational vehicles shall be reviewed during permit review, and shall be allowed if adequate screening to adjacent properties is provided.

5. No flammable or otherwise hazardous materials shall be stored on-site.

6. Residential quarters for managers or caretakers may be provided in the development.

7. Parking shall be provided as set forth in Section 18.80.110.

8. Aisle width shall be a minimum of 25' between buildings to provide unobstructed and safe circulation.

9. Storage facilities located adjacent to residential districts shall have their hours of operation restricted to seven a.m. to nine p.m., Monday through Friday, and eight a.m. to nine p.m. on Saturdays and Sundays.

J. **Mixed Use Structure**.

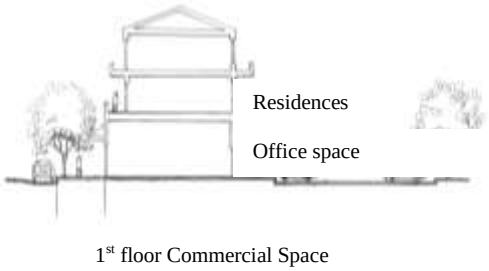
Purpose: Mixed use structures allow for placement of a mix of commercial and residential uses in a single building. Mixed use structures are intended to allow for efficient use of land and public services in an urban setting; encourage convenient access between employment, services and residential opportunities, and increase development alternatives.

New mixed use structures shall have the following standards:

1. Permitted commercial shall be located on the ground floor. However, part of the ground floor may be used as a driveway to rear or undergrade parking, or as a pedestrian park area. Residential units must be located above allowed commercial uses (residences may not be located at street/ground level or

below). Number of residential units shall be limited by the mixed use structure's required development standards (lot coverage, height, parking and setbacks) for the underlying zoning district.

2. The mixed use building shall be designed to look and function as an integrated development and encourage pedestrian travel between uses and adjacent buildings.




*Example of mixed use structure's use configuration.*

3. At least one outdoor activity feature shall be provided for the mixed use building, including but not limited to courtyards, delineated gathering spaces, or seating areas. These areas must be paved and landscaped.

*Conceptual design of a mixed use building with retail commercial on the first floor, offices on the second floor and residences on the third floor. Design elements include façade modulation, roofline cascade, rooftop deck, awnings, varied façade materials, recessed and framed windows and ornamental pilasters.*

4. Private or shared open space shall be provided for each of the residential units, such as a private outdoor balcony or rooftop deck and shall be provided at a minimum of 38 square feet per unit.

5. On-site pedestrian circulation that links the public street and the primary entrance to the structure or residential units shall be provided. When the pedestrian circulation crosses driveways, parking areas and loading areas, it must be clearly identifiable through use of different paving materials.

6. Existing residential units in a Mixed Use Structure in the C zones may continue without meeting the standards above.

K. **<u>Outdoor storage and outdoor display</u>.**

1. Year round outdoor storage of materials and supplies shall be completely screened from adjacent properties and public right-of-way with a combination of fencing and landscaping, and be located in the interior of the lot to the extent possible as determined by the Planning Director.

2. Outdoor display is the temporary and accessory sale of seasonal products and materials located on the same lot/site as the specific business. Seasonal

outdoor display may be located in a paved parking area or paved sidewalk immediately adjacent to the commercial building; provided that the outdoor seasonal display shall not block any turn lanes, aisles, fire lanes or be placed inside a sight triangle.

L. **Service and gas stations**.
Automobile service and gas stations require an Administrative Conditional Use Permit, subject to the provisions of 18.230; and shall comply with the following provisions:

1. The minimum parcel size shall be 10,000 square feet.

2. Pump islands shall be located a minimum of 20' from a property line. However, a canopy or roof structure over a pump island may encroach up to 10' within this distance. Additionally, the cashier location shall provide direct visual access to the pump islands and the vehicles parked adjacent to the islands.

3. The maximum number of points of ingress/egress to any one street shall be two.

4. There shall be a minimum distance of 30' between curb cuts along a street frontage.

5. The width of a driveway may not exceed 40' at the sidewalk intersection.

6. Sale of merchandise shall be conducted within a building except for items used for the maintenance and servicing of automotive vehicles.
7. A sight-obscuring fence or wall, not less than 5' nor more than 6' in height, shall be provided between the service station and abutting property in any residential zone.

8. All lighting shall be of such illumination, direction, and color as not to create a nuisance in adjoining property or a traffic hazard. Undercanopy lighting shall be recessed.

9. When a convenience store, restaurant, or other commercial use is located in conjunction with the service or gas station, a pedestrian walkway from the primary sidewalk and pumping area shall be provided. The walkway shall be clearly delineated and may be painted.

M. **Schools**.
Public and private schools require a Conditional Use Permit, subject to the provisions of Chapter 18.230. Further, the following standards must be met:

1. The building lot coverage of all school buildings (including accessory structures and all portables) shall not cover more than 50% of their site area.

2. Schools adjacent to Residential zoning districts shall provide 30' front, side and rear yard setbacks.

3. Landscaping shall be as set forth in Section 18.70.060.D.

4. School vehicular and pedestrian circulation shall satisfy the following criteria:
   a. Vehicular and bus loading and unloading areas shall be designed to minimize impacts on traffic on public rights-of-way;
   b. Parking areas shall be designed to minimize conflicts between pedestrian and vehicular movements;
   c. Parent loading and unloading areas shall be designed to accommodate at least ten vehicles.
   d. Pedestrian connections from schools to neighboring residential subdivisions shall be provided as feasible.

5. Portable classrooms are permitted as accessory structures for an existing school; provided that portable classrooms shall contribute to and comply with building lot coverage standard. Review of portable classrooms shall be through the minor site plan review process in Chapter 18.270.

6. An update to the school's overall site plan will be required with each additional building or facility.

**18.80.090 Planned Mixed Use Development (PMUD).**

A. Purpose. The purpose of this section is to encourage creative and superior site design that provides and integrates a mix of retail, service, office and residential uses while ensuring substantial compliance with the goals and policies of the Poulsbo Comprehensive Plan.

B. Where allowed. The Planned Mixed Use Developments are allowed in the C-2 and C-3 Commercial zoning districts.

C. Uses allowed. The following uses are permitted in a Planned Mixed Use development:

1. All uses in the underlying zoning district.

2. Residential including townhouses, duplexes, triplexes, fourplexes, cottages, mixed use structures and apartment houses.

3. Accessory uses specifically designed to meet the needs of the residential development or facilities.

4. Residential and commercial uses must each constitute a minimum 20% of the proposed development cumulative buildings' gross square footage, with the remaining 60% a combination of commercial, residential public areas and other acceptable uses.

D. Project requirements.

1. The Planned Mixed Use Development proposal must constitute a mixed use development. For purposes of this Section, a mixed use development is a single unified development that incorporates the planned integration of commercial and residential land uses consisting of some combination of office, retail, food and drink, services, hotel, public entertainment, public uses, and housing. Planned Mixed Use Developments may be vertically oriented in one or more buildings, or geographically distributed on a development site.

2. The development site shall be of sufficient width and depth to accommodate the proposed development. The minimum site size is 2 acres; however, the Review Authority may approve a smaller size if the site can meet the criteria of an integrated unified mixed use development and the requirements of this Section.

E. Development Standards.

1. Setbacks.

Front Yard and/or primary street frontage: 10'
Side and Rear Yard: 10'
Side or Rear Yard adjacent to a R zone: 20'

If no subdivision is proposed:
Perimeter Side and Rear yard: 10'
Perimeter Side or Rear yard adjacent to a R zone: 20'
Setbacks between buildings shall be a minimum 10'.

2. Building Lot coverage. Maximum building lot coverage is 65%.

3. Building Height. Maximum building height is 35'. If underbuilding parking is provided, the building height may be increased to 45'. See Section 18.310.010.

4. Landscaping, Site and Building Design Standards. The standards set forth in Section 18.80.060 Landscaping, Site and Building Design standards shall apply to Planned Mixed Use Developments.

F. Integration of Uses.

1. All buildings and improvements on the site shall be designed to look and function as an integrated development and to encourage pedestrian travel between buildings and uses. Complete segregation of use types, such as placement of commercial structures all on one side of a mixed use site and multiple residential structures all on the other, shall be prohibited.

2. Separate buildings shall be connected through pedestrian walkways delineated through landscaping, differentiated surface materials or texture. Delineation through striping alone shall not be considered sufficient. (See Section 18.80.060.F.)

3. One or more similar design characteristics among separate structures shall be provided, including but not limited to similar or complimentary building facades, surface materials, colors, landscaping, or signage.

4. One or more outdoor publicly accessible features shall be provided to encourage interaction among residents or users of the site, including but not limited to courtyards, delineated gathering spaces, or seating areas. These areas may be paved and/or landscaped, and must comprise at least 5% of the 15% common open space requirement (see open space and recreational amenities below).

5. Residential uses in buildings with commercial uses shall be located on the second story or above (not at street level or below).

G. Shared Parking.

1. The Review Authority may authorize shared or joint use parking among uses that are likely to be visited with a single driving trip; and provided that an adequate legal agreement for the joint parking usage is recorded.

2. The Review Authority may authorize shared or joint use parking among uses which have differing hours of operation or usage, such as residences and offices; provided that an adequate legal agreement for the joint parking usage is recorded.

H. Common open space and recreational amenities required.

Each Planned Mixed Use Development shall provide at least 15% of the gross site area for common open space in the form of public, site-user and/or resident activity. Such activity space may be planned and designed for recreational use or involvement by employees, site visitors, general public and residents. (This requirement is different than the 20% landscape requirement; however, open space required in this section can be used to meet the landscape requirement.)

I. Review and Approval.

See Chapter 18.250 for the review and approval process for Planned Mixed Use Developments.

**18.80.100 Off-Street Parking and Loading Standards in the C-1 zoning district.**
The following standards apply to parking and loading in the C-1 zoning district.

A. When required.

1. Change of commercial use to a new commercial use within an existing structure and no additional gross floor area: no parking requirement.

2. Conversion, expansion or creation of new residential units: 1 space per dwelling unit for studio/1 bedroom; and 2 spaces for 2+ bedroom dwelling unit is required.

3. Enlargement of an existing structure up to a maximum of 1,500 additional square feet of gross floor area: no parking requirement.

4. Enlargement of an existing structure of more than 1,501 additional square feet: parking provided as set forth in Sections 18.80.100.B. and 18.140.020.B.2.c.

5. New construction: parking provided as set forth in Section 18.80.100.B.

6. Reconstruction of an existing building: new parking required for additional square footage only, provided that existing parking spaces are retained.

7. Conversion, expansion or creation of a hotel, motel, bed and breakfast: 1 space per guestroom is required.

B. Number of spaces required:

1. Retail sales, personal services, restaurant, office and professional services: 1 space per 300 gsf.

2. Residential: 1 space per studio/1 bedroom dwelling unit; 2 spaces for a 2+ bedroom dwelling unit.

3. Other uses not specifically listed shall furnish parking as required by the Planning Director.

C. Where located:

1. Locating parking lots or structures between the front property line and the primary building or storefront is prohibited.

2. Parking spaces may be located on-site; within the C-1 zoning district; if feasible, added to a public parking lot; added to an existing private parking area with an executed shared parking agreement; or other parking strategies, such as off-site parking with valet services, as proposed to the Review Authority for approval.

3. Parking spaces for residential units must be provided on-site or within 500 lineal feet of unit's entrance.

D. Loading: No dedicated loading stalls are required for structures under 20,000 square feet. One loading stall is required for structures above 20,001 square feet.

E. Underbuilding Parking. When underbuilding parking is proposed, at least 50% of the site's total street frontage shall include square footage that is to be occupied by the building's primary use (not parking area).

F. Vehicular entry points to parking lots shall receive special paving accents where the drive crosses a public sidewalk or walkway.

G. Parking structures shall be treated architecturally and complement/integrate with the architecture of the associated building; or if stand alone, shall be architecturally consistent and compatible with the architectural design of adjacent buildings.

**18.80.110 Off-Street Parking and Loading Standards in the C-2, C-3 and C-4 zoning districts.**

The following standards apply to parking and loading in the C-2, C-3 and C-4 zoning districts. All other applicable provisions from Chapter 18.140 also apply.

A. Number of spaces required:

1. Retail sales, personal services, office and professional services: 1 space per 300 gsf.

2. Medical/dental office or clinic: 1 space per 200 gsf.

3. Eating/Drinking establishments: 1 space per 200 gsf.
   a. Fast food or drive through: 1 space per 100 gsf.
   b. On-site food/drink manufacturing area: 1 space per 500 gsf.

4. Lodging:
   a. Bed and Breakfast: 1 space per rented room plus 2 spaces.
   b. Motel/Hotel: 1 space per room or suite plus 1 space per employee on peak shift. Banquet and meeting rooms: 1 space per 200 gsf of banquet/meeting space.

5. Ambulatory and outpatient care services: 1 space per 200 gsf.

6. Hospitals: 1 space per 2 beds plus 1 space for every 2 employees on largest shift.

7. Animal hospital and veterinary clinic: 1 space per 250 gsf.

8. Libraries, museums, galleries: 1 space per 300 gsf.

9. Performing arts, theaters, sports arena or stadium: 1 space per 4.5 seats.

10. Amusement, sports, recreation establishments; health club: 1 space per 250 gsf.

11. Self-serve Storage: 3 spaces plus 2 for permanent on-site manager.

12. Residential:
    a. Single-family detached residential unit: 2 spaces
    b. Mixed Use residential: 1.5 space per residential unit in addition to other use required spaces, including additional customer/client
    c. Studio: 1 space per residential unit
    d. Residential units restricted to use for seniors (65 years and older): 1.25 space per dwelling unit.
    e. Assisted living, senior congregate care, residential care center: 1 for each 2 regular beds (or units), plus 1 space for every 2 full-time employees on largest shift.

13. Places of Assembly:
    a. Clubs, lodges: 1 space per 250 gsf.
    b. Places of Worship: 1 space per 4 seats.

14. Schools (includes public, private, business and vocational):
    a. Preschool: 1 space per three children.
    b. Elementary and Middle School: 1 space per full-time employee and 2 per classroom.
    c. High School: 1 space per full-time employee and 1 space per 10 students of designed capacity.
    d. College: 1 per classroom and office; and 1 for every 5 students of designed capacity.

15. Child Care:
    a. Family: Adequate provision for loading and unloading, plus parking required for residential unit.
    b. Center: 1 space for every 2 employees on largest shift, plus one space per 7 children and adequate provision for loading and unloading.

16. Other uses not specifically listed shall furnish parking as required by the Planning Director based upon the most analogous use.

B. When underbuilding parking is proposed, at least 50% of the site's total street frontage shall include square footage that is to be occupied by permitted uses.

C. Parking or staging of delivery trucks on public streets is prohibited; provided that smaller delivery trucks (i.e. UPS, FedEx) may part on public streets when on-street parking is available.

D. The primary vehicular access shall avoid a street that primarily serves residential uses.

E. Entrances and exits to and from parking and loading facilities shall be clearly marked with appropriate directional signage.

F. Internal circulation shall be designed for safety and efficiency by reducing conflicts between vehicular and pedestrian traffic.

G. Loading facilities shall be located internal to the site. Loading docks and doors facing a public street shall be offset from the access drive and shall be screened from the street as much as possible.

**18.80.120 Signage Standards in the C-1 zoning district.**

The following standards apply to signage in the C-1 zoning district. All other applicable sign provisions from Chapter 18.170 apply.

A. Wall mounted signs.

1. Total area. 30 square feet; or 1 square foot per 1 foot of lineal facade area where the sign is affixed, not to exceed 50 square feet in total signage. In no case shall the total length of all signs exceed 55% of the lineal feet of the building frontage.

2. Number. No more than 3 wall mounted signs (including awning, hanging and wall painted) are allowed per building; provided that multiple business buildings where tenants or uses have an exterior façade, shall not be subject to this provision. One additional business directory sign is allowed and shall not exceed 16 square feet.

3. Height. No wall-mounted sign shall extend above the height of the roofline or parapet of the building.
   a. For mansard signs, the mansard shall not be considered the roofline when attached to a building wall; provided that if the mansard is located at the top of the building, the sign shall not exceed the top of the mansard's roofline.

4. Type. Hanging and awning signs are preferred in the C-1 zoning district.

5. Multiple Business Buildings.
   a. The exterior facade area for each tenant or user is derived by measuring only the surface area of the exterior facade of the premises actually used by the tenant or user. One sign shall be allowed per

tenant or user, unless a second face fronts a public street, in which case 1 additional sign may be allowed.

b. One wall mounted sign as a business directory of the multiple business building is allowed per street frontage, and shall be located near the entrance(s) to the building. The identification sign shall not exceed 16 square feet.

6. Awning signs. When including copy, an awning shall be considered a wall mounted sign of the business. The sign length on an awning shall not exceed 40% of the lineal feet of the awning. Only the area of the sign band may be internally lit.

7. Wall painted signs. Wall painted signs shall be considered a wall mounted sign of the business, require a sign permit and contribute toward allowable signage area.

8. Wall murals. Wall murals containing no logo, trademark or commercial message, and which depict scene(s) consistent with the Downtown Poulsbo heritage, is allowed; provided, the proponent must present the proposed wall mural to the City and is subject to review and approval of the City Council.

9. Architectural Details. Signs may not cover or obscure important architectural details of a building such as windows, doors, trim, decorative louvers, or similar elements intended to be decorative features of a building design. Signs must appear to be a secondary and complementary feature of the building facade.

B. Free standing signs.

1. Total Area. Freestanding signs shall not exceed 50 square feet in area per face.

2. Height. The maximum height of freestanding signs shall be 12’ above grade.

3. Type. Monument signs are required in the C-1 zoning district.

4. Number. One freestanding sign shall be permitted on each street frontage of property on which the business is located.

5. Multiple Business Building. No more than 1 freestanding sign is permitted per multiple business building unless the building fronts more than one public street, where 1 additional freestanding sign is allowed.

C. Lighting.

1. All operating mechanisms and electrical components shall be encased and concealed from view.

2. Illumination from or upon any sign shall be located, shaded, shielded, directed or reduced so as to avoid undue brightness, glare or reflection of light on private or public property in the surrounding area, and so as to avoid unreasonably distracting pedestrians or motorists. "Undue brightness" is illumination in excess of that which is reasonably necessary to make the sign reasonably visible to the average person on an adjacent street.

D. Temporary Signs. See Section 18.170.080.

E. Sandwich Board Signs. See Section 18.170.090.

**18.80.130 Signage Standards in the C-2, C-3 and C-4 zoning districts.**
The following standards apply to signage in the C-2, C-3 and C-4 zoning districts. All other applicable sign provisions from Chapter 18.170 apply.

A. Wall mounted signs.

1. Total Area. 50 square feet; or 1 square foot per 1 foot of lineal facade area where the sign is affixed; not to exceed 250 square feet in total signage. In no case shall the total length of all signs exceed 70% of the lineal feet of the building frontage. Channel letter signs are the preferred wall mounted signs.

2. Number. No more than 4 wall mounted signs (including awning, hanging and wall painted) are allowed for a building; provided that multiple business buildings where tenants or uses have an exterior façade, shall not be subject to this provision.

3. Height. No wall-mounted sign shall extend above the height of the roofline or parapet of the building.

   a. For mansard signs, the mansard shall not be considered the roofline when attached to a building wall; provided that if the mansard is located at the top of the building, the sign shall not exceed the top of the mansard's roofline.

4. Multiple Business Buildings.

   a. The exterior facade area for each tenant or user is derived by measuring only the surface area of the exterior facade of the premises actually used by the tenant or user. One sign shall be allowed per tenant or user, unless a second face fronts a public street, in which case a one additional sign may be allowed.

   b. One wall mounted sign as a business directory of the multiple business building is allowed per street frontage and be located near the entrance(s) to the building. The identification sign shall not exceed 16 square feet.

6. Awning signs. When including copy, an awning shall be considered a wall mounted sign of the business. The sign length on an awning shall not exceed 40% of the lineal feet of the awning. Only the area of the sign band may be internally lit.

7. Marquee signs. Marquee signs are limited to schools, movie and performing arts theaters, and theatrical playhouses. The maximum height of the area of the sign shall be 7'. One sign allowed per street frontage, not to exceed two. A minimum clearance of 8' shall be required or as determined by the International Building Code.

8. Wall painted signs. Wall painted signs shall be considered a wall mounted sign of the business, require a sign permit and contribute toward allowable signage area. Painted business identification and address is exempt from this requirement; provided that no logo, trademark or commercial message is included.

B. Free standing signs.

1. Total Area. Freestanding signs shall not exceed 75 square feet in area per face, and shall not be closer than 100' to another freestanding sign on the same property. Signs that are a part of or comprise a larger sign cannot be extended over separate lots, even if owned by the same person or entity. Only two-sided freestanding signs are allowed.

2. Height. The maximum height of freestanding signs shall be 15' above grade.

3. Number. One freestanding sign shall be permitted on each street frontage of property on which the business is located. Sites on a corner of two public streets may have one sign on the corner instead of a sign for each frontage, subject to sight clearance provisions. Commercial properties with more than 1,000' of continuous street frontage and with more than one entrance/exit may install a freestanding sign at each entrance.

4. Landscaping.

   a. All freestanding signs shall include landscaping at their base. The planting area shall be a minimum of one square foot for each square foot of sign surface area.

   b. The above requirement may be met by placing the sign in an area that is part of the site's approved landscape plan.

   c. The above requirement may be met by placing the sign in a raised planter around the base of the sign. Raised planters must be at least eighteen inches high.

d. All required landscaping must be installed within sixty days of completion of the sign installation, unless the Planning Director grants an extension in writing for reasons of weather, good planting practices, or unforeseeable construction delay.

e. Landscaping shall be continually maintained in a healthy growing condition by all property owners.

5. Multi-Business Development.

a. No more than 1 freestanding sign is permitted per multiple business building unless the building fronts more than one public street, where 1 additional freestanding sign is allowed.

b. Each building in a multi-business center may have no more than 1 freestanding sign unless the building fronts more than one public street, where 1 additional freestanding sign is allowed.

c. One identification sign per entrance/exit for multi-business centers is allowed; provided that the identification sign is no larger than 30 square feet and 8' in height.

6. Directional Signs. Directional signs shall not exceed 6 square feet per face and shall be located on the premises to which the sign is intended to guide or direct pedestrian or vehicular traffic. Directional signs are not included in the maximum number of freestanding signs allowed. No advertising is allowed.

7. Drive-Thru Menu Board Signs. Drive-thru menu board signs shall not exceed 30 square feet in area and a maximum height of 7', and shall face away from the street. Menu board signs are not included in the maximum number of freestanding signs allowed.

C. Lighting.

1. All operating mechanisms and electrical components shall be encased and concealed from view.

2. Illumination from or upon any sign shall be located, shaded, shielded, directed or reduced so as to avoid undue brightness, glare or reflection of light on private or public property in the surrounding area, and so as to avoid unreasonably distracting pedestrians or motorists. "Undue brightness" is illumination in excess of that which is reasonably necessary to make the sign reasonably visible to the average person on an adjacent street.

D. Automobile service centers signage. Service stations selling motor fuel to the public, including those with convenience stores, accessory restaurants or other retail, self-service car washes, and facilities having service bays for vehicle service and repair, may have primary signs as follows:

1. Station identification and pricing shall be integrated with the business' free standing sign.

2. Canopy logo shall be one per street frontage, not to exceed a total of three, and be located on the face of the canopy covering the pump island(s); provided that it is no larger than 20 square feet in area per canopy side.

3. Car wash shall be integrated with the business' free standing sign; provided that if the car wash is a stand alone building, one wall mounted sign is allowed subject to the provisions of Section 18.80.130(A)(1).

4. Convenience store/retail/restaurant shall be integrated with the business' allowable free standing sign and wall mounted signage.

E. Temporary Signs. See Section 18.170.080.

F. Sandwich Board Signs. See Section 18.170.090.

**18.80.140 Project Review.**

Before a building permit will be issued, the site plan review process as specified in Chapter 18.270 shall be followed. If a use is identified as an AC or C, the Conditional Use and Site Plan Review process shall be consolidated. All project permits shall follow the process set forth in PMC Title 19.01 Project Permit Application Procedures.

# 18.90 Business and Employment Districts.

## 18.90.010 Zoning Districts.

The City's Comprehensive Plan establishes three land use designations that support the business and employment goals and policies of the City of Poulsbo. The three land use designations will also serve as titles of zoning districts on the City's Zoning Map, and are identified as:

Office Commercial Industrial (OCI)
Business Park (BP)
Light Industrial (LI)

The three business and employment districts are intended to enhance Poulsbo's economic base by providing suitable areas to support the employment needs of the community. The business and employment districts provide for the location of manufacturing, product processing, research and development facilities, assembly, warehousing, distribution, professional services, corporate headquarters, medical facilities and complementary educational and recreational uses among others. Limited retail, business and support services that generally serve the needs of the districts' tenants and patrons are allowed. The business and employment districts are intended to have limited nuisance factors and hazards.

## 18.90.020 Purposes.

A. The Office Commercial Industrial (OCI) district provides for business and professional offices, corporate headquarters, research and development facilities, light industry and complementary educational, and recreational uses. The district is not intended to support the general commercial needs of the community; however, limited retail sales, convenience and personal services, and residential, as subordinate uses are allowed. The OCI district is intended to be compatible and transitional with adjoining uses, have smaller sized and scaled buildings with a more diverse mix of uses than the Business Park district, and have fewer nuisance factors and hazards than the Light Industrial district.

B. The Business Park (BP) district, located in the College MarketPlace master planned development, is intended to enhance the city's economic base by providing for an integrated grouping of businesses and buildings of a larger size and scale than the OCI or LI districts may support. The BP district supports a variety of uses, such as light manufacturing, professional office buildings, and warehousing and distribution

C. The Light Industrial (LI) district provides appropriate locations for combining light, clean industries, including industrial service, manufacturing, fabrication, assembly and production; business and technology research and development; and warehousing, distribution and storage activities. Professional offices and sale of goods are subordinate to permitted activities.

**18.90.030 Uses.**

A. Types of uses. For the purposes of this chapter, there are four kinds of use:

1. A permitted (P) use is one that is permitted outright, subject to all the applicable provisions of this title.
2. A conditional use (C) is discretionary use reviewed through the process set forth in Chapter 18.230 governing conditional uses.
3. An administrative conditional use (AC) is a discretionary use reviewed through the process set forth in Chapter 18.230 governing administrative conditional uses.
4. A prohibited use (X) is one that is not permitted in the zoning district under any circumstances.

B. Recognizing that there may be certain uses not mentioned specifically in Table 18.90.030 because of changing business, technology advances, or other reasons, the Planning Director is authorized to make similar use determinations, as set forth in Section 18.50.030.

The following Table 18.90.030 is a list of uses for the three zoning districts:

**Table 18.90.030 Business and Employment District Uses**

| USE | OCI | BP | LI |
|---|---|---|---|
| **Office and Professional Services** | | | |
| All forms of corporate, professional, public, brokerage, administrative, financial, building trade, and research offices | P | P | X |
| Corporate headquarters and regional offices | P | P | X |
| Office-oriented service providers, such as communications services, photocopying, courier and messenger services, graphic design, printing, promotional products, and the like | P | P | X |
| Office equipment sales and services | P | P | X |
| Technology service and support, copy and connectivity centers, telework centers | P | P | X |
| **Business/Technology Research and Development** | | | |
| Biotechnology/medical laboratories | AC | AC | AC |
| Computer technology | P | P | P |
| Electronic components and board systems engineering and development | P | P | P |
| Research and research industry-oriented service providers | P | P | P |
| Software engineering | P | P | X |
| **Commercial Services and Retail** | | | |
| Auto and boat service and repair (but not sales) | X | X | P |

| USE | OCI | BP | LI |
|---|---|---|---|
| Auto fuel service station *(An associated retail convenience structure may be allowed, however size is limited to no more than 1500 square feet).* | AC | AC | X *unless associated in support of a permitted vehicle fleet use* |
| Building materials retail sales (*not including regional retailers which are not allowed)* | AC | AC | X |
| Commercial convenience, personal services, and restaurant establishments *(In existing or new structures 5,000 square feet or larger, commercial convenience, personal service uses, and restaurant eating/drinking establishments, are allowed but are to be subordinate to the building's primary uses. All commercial uses located in the structure shall be limited to 25% of the building's gross square footage . No drive-through facilities are allowed.)* | P | P | X |
| Commercial retail in conjunction with a primary use *(Retail sales of products assembled, manufactured, etc. in the OCI/BP/LI zoning districts are allowed but are to be subordinate to the building's primary use. Retail sales use is limited to 25% of the building's gross square footage.* | P | P | P |
| Food service contractor | P | P | P |
| Food and drink where manufactured and sold on premises *(on-premise tasting room, restaurant, and/or retail sales limited to 25% of gross square footage)* | AC | AC | AC |
| Nursery/landscaping materials retail sales | AC | P | X |
| Wholesale Product Showrooms | P | P | AC |
| **Light Industrial** | | | |
| Equipment rental | AC | AC | P |
| Industrial laundry and upholstery services | X | AC | P |
| Resource recycling and recovery (not including recycling drop off facilities) | X | X | P |
| **Manufacturing** | | | |
| Beverage products | AC | P | P |
| Cabinet shop or carpenter shop | AC | AC | P |
| Electrical and electronic equipment manufacture | AC | P | P |
| Electrical component assembly, including assembly of computer products, office equipment, and related components | P | P | P |
| Metal, wood and other materials fabrication and assembly in an enclosed building | AC | AC | P |
| Food and kindred products, manufacture, processing and packaging *(excluding animal slaughtering and processing)* | AC | P | P |
| Furniture and fixtures manufacture and assembly | AC | P | P |
| Handcrafted products, crafts or other art-related items | P | P | P |

| USE | OCI | BP | LI |
|---|---|---|---|
| Large scale and mass produced lumber and wood products *(excluding sawmills)* | X | AC | P |
| Measuring, analyzing and control instruments | P | P | P |
| Medical equipment and supplies | P | P | P |
| Miscellaneous light fabrication and assembly not otherwise named | AC | AC | P |
| Perfumes, cosmetics and similar preparations | AC | AC | P |
| Photographic, medical, audio and optical equipment | AC | P | P |
| Printing, publishing and allied products | AC | P | P |
| Products made from light stone, clay and glass | AC | P | P |
| Signs | P | P | P |
| Textiles, apparel and leather goods | P | P | P |
| **Warehousing, Distribution and Storage** | | | |
| Equipment/materials outdoor storage as a primary use (including building trade and landscaping) | | | |
| a. Storage yards occupying less than 10,000 square feet | AC | AC | P |
| b. Storage yards occupying more than 10,000 square feet | X | AC | AC |
| Commercial fuel distributors | X | C | AC |
| Mail order or direct selling and distribution | P | P | P |
| Packing, crating and convention and trade show services | P | P | P |
| Processing and/or packaging previously prepared materials | P | P | P |
| Self-serve mini storage | X | AC | P |
| Truck and freight transportation services | X | C | AC |
| Warehousing, product distribution, and wholesale trade | X | AC | P |
| **Residential** | | | |
| Dwelling units above non-residential uses (mixed use structures) *(Non-residential uses must be located on ground level or first floor if ground level is parking)* | P | P | AC |
| Employee/security units in conjunction with manufacturing, distribution or storage uses | P | P | P |
| Existing residential use without increase in density *(subject to the provisions of Section 18.160.060)* | P | P | P |
| Live/work units | P | X | X |
| **Public and quasi-public** | | | |
| Essential Public Facilities, State and Regional<br>Essential Public Facilities, Local | P<br>C | P<br>C | P<br>C |
| Government maintenance shops and fleet vehicle storage | AC | AC | P |
| Public administration office and services | P | P | P |

| USE | OCI | BP | LI |
|---|---|---|---|
| Public Parks | P | P | P |
| Solid waste transfer facilities | X | C | C |
| Recycling drop off facilities | X | AC | P |
| Utility Facilities and Utility System | P | P | P |
| Transit facilities, including park and ride lots and transfer centers | C | C | C |
| Wireless communication facilities (exceeding 21' in height)<br><br>Co-location on existing facility or structure | C<br><br>AC | C<br><br>AC | C<br><br>AC |
| Wireless communication facilities (20' or less) | P | P | P |
| **Other** | | | |
| Adult Entertainment businesses | X | X | P |
| Ambulatory and outpatient care services (physicians, out-patient clinics, dentists) | P | P | X |
| Child care centers | AC | AC | X |
| College, universities, technical, trade and other specialty schools | C | C | X |
| Existing legal non-conforming uses (*provided that the legal non-conforming use continues and does not cease to be in use for 12 months or longer. See Chapter 18.160*). | P | P | P |
| Grade Schools (K-12) | C | C | X |
| Hospital | C | C | X |
| Museums, historic and cultural exhibits | P | P | X |
| Privately owned amusement, sports or recreation establishments<br>*(retail sales limited to 25% of use's total square footage)* | P | P | X |
| Churches, new freestanding structures and existing building(s) 5,000 square feet or larger | C | C | X |
| Churches, under 5,000 square feet and within an existing building(s) | AC | AC | X |
| Sports arena or stadium | C | C | X |
| Veterinary clinics and hospitals (not including kennels) | P | P | X |

**18.90.040 Development Standards.**

For development standards, see Table 18.90.040 below.

| Table 18.90.040 Business and Employment Districts Development Standards | |
|---|---|
| Minimum Lot Area | No minimum lot area requirement. |
| Maximum Building Coverage | As provided after setbacks, landscaping, parking and other applicable standards are met. |

| | |
|---|---|
| Minimum setbacks when lot line is adjacent to a R zoning district | 20’, plus an additional 1 foot for each foot the building wall facing the R district exceeds an average of 25’ in height, to a maximum setback requirement of 40’. |
| Minimum setbacks when lot line is adjacent to non-residential zoning district | Front Yard: 10’<br>Other Yards: 5’<br>Street (public or private) frontage: 10’<br>*Setbacks may be enlarged to provide additional area to meet overall site landscaping requirement.* |
| Maximum Building Height | No building or structure shall exceed 35’ in height. (Roof-mounted mechanical equipment and its screening shall not be included in the height calculation.) |

**18.90.050 Site Planning and Design.**

A. Landscaping.

1. A minimum of 20% of the property area shall be landscaped. Setback, parking lot, street trees and building perimeter landscaping contribute to this requirement.

   a. Critical area buffers may count toward this requirement, but cannot contribute more than 40% of the 20% overall site landscaping requirement.

   b. Retaining land at its natural grade with existing native vegetation is strongly encouraged and may contribute toward the required landscape percentage requirement if the existing vegetation is healthy and likely to survive development. A maintenance assurance device, agreement or bond for two years will be required to ensure the existing vegetation remains healthy and additional vegetation appropriate to the overall site’s landscape plan must be installed if the existing vegetation does not survive.

   c. Low impact development techniques for storm water management that are not fenced and can be designed to integrate vegetation appropriately into the site’s overall landscape plan, may count toward this requirement at the determination and approval of the Review Authority.

2. Setback Landscaping.
   a. Setback areas are to be landscaped and covered with live plant materials that will ultimately cover 75% of the ground area within three years. One tree (deciduous tree of a minimum of 2”caliper or one 6’ high evergreen tree) and 3 shrubs each of which will attain a height of 3 ½’ within 3 three years, shall be provided for every 300 square feet of area to be landscaped.

b. Setback landscaping may include low impact development stormwater management facilities that are not fenced and can be designed to integrate vegetation appropriately into the setback's landscape area.
c. When adjacent to any R zoning district, setback landscaping shall be provided for the full width of the setback, and will include a combination of sight obscuring fencing, solid screen of evergreen trees and shrubs and berming, as approved by the Review Authority.

3. Street Trees. **S**treet trees and related landscaping shall be provided 40' on center for arterials and 30' on center for collectors within a minimum 5' planting strip. Ground cover of sod or other approved ground cover shall be provided. Species of trees shall be as set forth in the City's Master Street Tree Plan, if applicable, or as otherwise approved by the Review Authority.

4. Parking Lot Landscaping. Parking lots with more than 10 spaces shall be landscaped. A minimum of 5% of the parking lot area (that area inside parking lot perimeter curbing) shall be landscaped; planting areas shall be a minimum of 5' width. Providing adequate shading opportunities should be taken into account. Parked vehicles may not overhang if the planting area is the minimum width of 5' .Wheel stops will be required when any parking space abuts landscaping. Unfenced low impact development stormwater management facilities may be located in parking lot landscaping when feasible and when designed to be integrated appropriately in the landscaped area.

5. Building Perimeter Landscaping. For any building wall that exceeds an average of 30' in height and combined with an unmodulated wall exceeding 100' in length, (not including loading areas), a planting bed is required, with a hierarchy of plantings for at least 60% of the wall's length provided:

   a. Columnar trees and large shrubs shall be installed a minimum of 4' from the building's foundation within a minimum 6' wide planting bed at the structure's foundation/base; or larger trees may be planted 25' feet on center within a 15' planting bed and a minimum 10' from the building's foundation.

   b. Shrubs or small trees shall be planted minimum 3 to 6 feet on center (depending on size at maturity) within the required planting bed.

   c. Ground cover or other organic material shall be provided to reduce wind and water erosion.

B. <u>On-site pedestrian circulation</u>.

1. Buildings shall be linked to their fronting street(s) with primary walkways.

2. Primary walkways shall be a minimum of 5' in width, and must be visually distinct from parking lot and driveway surfaces. Pedestrian walkways may

be of permeable surfacing when appropriate and as approved by the City Engineer.

3. Secondary walkways are those that provide for pedestrian connection between buildings without depending upon parking lots. All buildings shall be linked to each other by a secondary walkway promoting the shortest distance between building entrances. When adjacent to an undeveloped parcel, a secondary walkway shall be provided to the property line to provide future pedestrian connection separate from a future street connection. Secondary walkways do not need to be paved.

C. Building Design Standards.

The purpose of building design standards in the Business and Employment zoning districts is to facilitate attractive architectural design and scale by avoiding large blank walls, bright colors and providing roofline treatment. The following standards apply to building design in all 3 of the Business and Employment Zoning Districts. The City's design review process applies to all proposals that require site plan review or a building permit that contains substantial building façade alteration to the exterior of an existing building. See also Chapter 18.120.

*Examples of building façade modulation in the Business and Employment zoning district, incorporating interesting building wall modulation, wing walls and generous landscaping.*

1. Building facades.
   a. Architectural interest is required for all building facades visible from public streets and other publicly visible areas, such as parking areas.
      i. Publicly visible building walls shall incorporate insets or offsets, canopies, colonnades, wing walls, trellises, building façade landscaping, material variation, multiplaned roof line, or other features which diminish large blank walls.

      ii. For publicly visible building walls exceeding 100' in length, offset elements shall be required that break up the plane of the wall into at least three sections.

   b. Provide visual terminus to tops of buildings. To avoid a truncated appearance, all structures shall have a visual "cap." Options include extended eaves; steep pitch hip, gable or saltbox roof form; false pitch

roof with appearance of hip gable or saltbox; or projecting cornice of appropriate scale to the building and part of building's trim detail.

c. Primary building entrances shall be physically oriented to the street and primary pedestrian walkway. The primary entrances to structures, including all entrances to individual tenant spaces, shall be clearly identifiable through architectural design. Specific treatments include, but are not limited to, wall modulation, gables, window clusters, landscape treatment, material/color/texture change, awnings, moldings, planters, and pedestrian amenities, such as benches and tables.

*Primary entrance highlighted.*

2. Materials.

a. Facades visible from public streets or other publicly visible areas shall provide visual interest by providing a variety of building materials, windows, artwork, or other techniques. Desired materials include brick, wood, horizontal lap siding made of wood or cement-like materials; split-faced block or ground-faced block.

b. For structures including residential (mixed use structures) or Live/Work units, siding materials must include but are not limited to, two of the following: horizontal lap siding (of any lap design) made of wood or cement-like materials; shingles made of cedar or cement-like materials; board and batten (or panels with similarly spaced battens); brick; or stone (real or cultured). Typically, the residential component will be differentiated from the non-residential uses by scale and amount of detailing.

3. Color.

a. Main color of exterior walls is limited to subtle earthtone colors. Soft white, sands, grays, muted pastels, and deep, rich earth colors (terra cotta, forest green) are acceptable.

b. Trim color may be lighter or darker shades of the main color, soft white, or contrast or compliment the main color but shall not be bright or bold.

c. Accents or graphics may be brighter than main or trim color and shall be limited to 15% of the façade area, excluding glass. Bright, high-contrast color banding is limited to maximum four inches in width.

**18.90.060 Performance Standards.**

No land or structure shall be used or occupied unless there is compliance with the following minimum performance standards:

A. Outdoor Storage. Outdoor storage of materials and supplies shall be completely screened with a combination of fencing and landscaping, from adjacent properties and public right-of-way, and be located in the interior of the lot to the extent possible as determined by the Planning Director.

B. Emissions. Any air emissions shall meet applicable regulations of the Puget Sound Clean Air Agency, and no visible, frequent smoke, dust, or gases shall be emitted.

C. Exterior Lighting. Exterior lighting, except for warning or emergency lighting, shall be hooded or shielded so illumination is directed downward and shall be confined to the property boundaries of the light source.

D. Noise. Noise levels shall not exceed the maximum allowed in Chapter 173-60 WAC for Class B (commercial) or Class C (industrial) environmental designations as appropriate to the use, or as set forth in the International Building Code requirements.

E. Exterior Mechanical Equipment.

1. All HVAC equipment, pumps, heaters and other mechanical devices shall be screened from view from adjacent streets and properties.

2. Vents, mechanical penthouses, elevator equipment and similar appurtenances may extend no more than 15' above the roofline, must be surrounded by a sight-obscuring screen constructed to the same height as the mechanical equipment, and conform to the following criteria:
   a. The screen must be integrated into the architecture of the building.
   b. The screen must obscure to the extent possible the view of the appurtenances from adjacent streets and properties.
   c. Rod, wire and dish antennas are exempt from the screening requirement if the screening would interfere with the effective operation of the antenna.

F. Odors. The emission of objectionable odors or matter in such quantities as to be readily detectable at any point beyond the property line of the use causing such odors is prohibited.

G. Heat and Glare. Except for exterior lighting, operations producing heat and glare shall be conducted within an enclosed building.

H. Trash Dumpsters shall be screened from view with a combination of sight obscuring fencing and vegetative screening.

I. Ground and Soil Contamination. Materials shall be handled in such a manner to prevent ground or soil pollution, or which may contaminate aquifer or other natural drainage systems as required by state and local health agencies.

J. Fire and Explosive Hazards. The manufacture, use, processing or storage of flammable liquids or materials, liquids or gases that produce flammable or explosive vapors or gases shall be permitted in accordance with the regulations of the adopted International Fire Code and International Building Code.

K. In addition to the standards identified above, the City may utilize its authority under the State Environmental Policy Act (SEPA), to identify additional mitigations on impacts to the environment, as determined at time of project review.

**18.90.070 Residential Uses.**

A. Mixed Use Structures. Mixed use structures allow for placement of a mix of commercial, business, employment and residential uses in a single building. Mixed use structures are intended to allow for efficient use of land and public services in an urban setting; encourage convenient access between employment, services and residential opportunities; and increase development alternatives.

1. Permitted non-residential uses shall be located on the ground floor. However, part of the ground floor may be used as a driveway to rear or under grade parking, or as a pedestrian park area. Residential units must be located above allowed non-residential uses (residences may not be located at street/ground level or below). Number of residential units shall be limited by the mixed use structure's required development standards (lot coverage, height, parking and setbacks) for the underlying zoning district.

2. The mixed use building shall be designed to look and function as an integrated development and encourage pedestrian travel between uses and adjacent buildings.

3. At least one outdoor activity feature shall be provided for the mixed use building, including but not limited to courtyards, delineated gathering spaces, or seating areas. These areas may be paved and/or landscaped.

4. A minimum of 38 square feet of private open space shall be provided for each of the residential units, such as a private outdoor balcony.

5. On-site pedestrian circulation that links the public street and the primary entrance to the structure or residential units shall be provided. When the pedestrian circulation crosses driveways, parking areas and loading areas, it must be clearly identifiable through use of different paving materials.

B. Live/Work Units. Live/Work units are allowed in the OCI zoning district, and are a building use that combines business or manufacturing activities within the same structure as a residential living space. Live/Work units are distinctive from mixed use because the business owner or employee must live in the unit. In addition, they

can provide affordable work and housing space, meet the needs of special groups such as artists, and serve to incubate new businesses.

1. The total Live/Work unit is limited to 3,000 square feet in gross floor area.

2. The nonresidential use portion must be located on the first floor of the unit or if parking is the first floor, the unit's main floor area.

3. The nonresidential area is limited to 50% of Live/Work unit's area.

4. Living space shall be physically integrated into the Live/Work unit and not be rented, leased, sold or occupied separately.

5. Private outdoor open space shall be provided for the Live/Work units, such as a balcony or patio.

6. The Live/Work unit shall be occupied and used only by the owner of the business or manufacturing activity, or the owner's employee, and that person's household.

7. The business may employ up to five persons who do not reside in the Live/Work unit.

8. On-premise sales of goods shall be limited to those produced within the Live/Work unit or related to the permitted business activity.

9. A valid business license associated with the business or manufacturing activity must be obtained from the City.

10. An annual certificate of inspection to ensure circumstances and conditions remain compliant, shall be required to be obtained from the Planning Director.

11. Other restrictions may apply subject to the requirements of the adopted International Building Code.

C. <u>Existing residences.</u>

1. Existing detached single family residences are allowed to continue, provided no increase in density occur (including adding accessory dwelling units); and subject to the provisions of Section 18.160.060. Special uses related to the existing residential unit, such as home occupations, home day care, may be allowed and are regulated as appropriate, as set forth in Section 18.70.070.

2. Existing residential units in a C zone that are located within a Mixed Use Structure, are allowed as Mixed Use, and are not subject the provisions of Section 18.160.060.

**18.90.080 Adult Entertainment Facilities.**

A. Purpose. The purpose and intent of requiring standards for adult entertainment facilities is to mitigate the adverse secondary effects caused by such facilities and to maintain compatibility with other land uses and services permitted within the city. The standards established in this section apply to all adult entertainment facilities and include, but are not limited to, the following: adult arcades, adult cabarets, adult motels, adult motion picture theaters and adult retail stores. The standards established in this section shall not be construed to restrict or prohibit the following activities or products: (1) plays, operas, musicals, or other dramatic works that are not obscene; (2) classes, seminars, or lectures which are held for serious scientific or educational purposes that are not obscene; and (3) exhibitions, performances, expressions or dances that are not obscene. For the purposes of this chapter, the term "obscene" shall have the same definition as the terms "lewd matter" and "obscene matter" as those terms are defined by state law.

B. Where allowed. Adult entertainment facilities are allowed only in the Light Industrial (LI) zoning district.

C. Separation requirements. Adult entertainment facilities shall be permitted in the Light Industrial zoning district only if the following separation requirements are met:

1. No adult entertainment facility shall be located closer than 500' to any other adult entertainment facility whether or not such adult entertainment facility is located within or outside the city limits;

2. No adult entertainment facility shall be located closer than 100' to any residential zoning district whether or not such zoning district is located within or outside the city limits.

3. No adult entertainment facility shall be located closer than 100' to any of the following uses whether or not such use is located within or outside the city limits:
   a. Property used for public and private schools;
   b. Property used for public parks;
   c. Property used for public libraries;
   d. Property used for state-certified day care;
   e. Property used for community teen centers;
   f. Property used for churches, cemeteries or other religious facilities or institutions;
   g. Property used for organizations, associations, facilities and businesses which provide, as a substantial portion of their activities, function or

business, the provision of services to children and/or youth, so that the premises of the organization, facility or business would have children and youth in attendance or at the location during a predominant portion of the operational hours of an adult entertainment facility.

4. Measuring of separation requirements. The buffers required by this section shall be measured by extending a straight line from the nearest point on the property line of the lot containing the proposed adult entertainment facility to the nearest point on the boundary line of property with zoning districts or uses identified in Section 18.90.080.C.

5. Variance for separation requirements. Whenever the applicant for an adult entertainment facility believes that the separation requirements set forth in this section are not necessary to achieve an effective degree of physical separation between the proposed adult entertainment facility and the zoning districts and uses identified in Section 18.90.080.C, the applicant shall have the right to apply for a variance from the separation requirements subject to procedures set forth in Chapter 18.290 Variances.

D. In determining whether a variance should be granted, and if so to what extent, the Review Authority shall consider the following criteria in addition to the variance criteria set forth in Chapter 18.290 Variances.

6. The extent to which physical features would result in an effective separation between the proposed adult entertainment facility and any zoning districts or uses identified in Section18.90.080.C in terms of visibility and access;

7. The availability or lack of alternative locations for the proposed adult entertainment facility;

8. The ability to avoid the adult entertainment facilities by an alternative vehicular and pedestrian route(s); and

9. The extent to which the applicant can minimize the adverse secondary effects associated with the proposed adult entertainment facility.

If, after considering these criteria and the variance criteria set forth in Chapter 18.290 the Review Authority finds that an effective degree of physical separation between the proposed adult entertainment facility and the zoning districts and uses identified in Section 18.90.080.C can be achieved without requiring the full distance of separation provided by this section, the Review Authority shall determine the degree of variance to be allowed and shall grant the variance. Otherwise, the variance application shall be denied.

E. Nonconforming Adult Entertainment Facilities. An adult entertainment facility shall be deemed a nonconforming use and shall be subject to the requirements of Chapter

18.160, Non Conformities, if a residential zoning district or uses identified in 18.90.080.C locate within 100' of such adult entertainment facility after the date that such adult entertainment facility has located within the city in accordance with the requirements of this section.

**18.90.090 Parking and Loading Standards.**

The following standards apply to parking and loading in the OCI, BP and LI zoning districts. All other applicable provisions from Chapter 18.140 also apply.

A. Number of spaces required:

1. Office and Professional Services: 1 spaces per 300 gsf.

2. Business/Technical Research and Development: 1 spaces per 300 gsf.

3. Commercial Services and Retail
   a. Convenience and Personal services: 1 spaces per 300 gsf.
   b. Eating/Drinking establishments: 1 spaces per 200 gsf.

4. Building trade/landscaping materials sales: 1 space per 300 gsf. of retail area; and 1 space per 500 gsf of warehouse or storage area (including outdoor).

5. Food/Drink manufacturing: 1 space per 500 gsf.
   a. Food/Drink w/on-premise tasting room, restaurant and/or retail sales space: 1 space per 200 gsf.

6. Manufacturing: 1 space per 500 gsf.

7. Warehouse, Distribution and Storage: 1 space per 500 gsf.

8. Mixed Use residential and Live/Work units: 1.5 space per residential unit in addition to other use required spaces, including additional customer/client and employee spaces for live/work units.

9. Ambulatory and outpatient care services: 1 space per 200 gsf.

10. Assembly uses: to be determined by Planning Director at time of project.

11. Other uses not specifically listed shall furnish parking as required by the Director based upon the most analogous use.

B. When underbuilding parking is proposed in the OCI district and the structure fronts a collector or arterial street, at least 50% of street frontage (of the collector or arterial street) shall include square footage that is to be occupied by permitted uses.

C. Parking or staging of delivery trucks on public streets is prohibited; provided that smaller delivery trucks (i.e. UPS, FedEx) may park on public streets when on-street parking is available.

D. The primary vehicular access to businesses and loading areas shall avoid a street that primarily serves residential uses.

E. Entrances and exits to and from parking and loading facilities shall be clearly marked with appropriate directional signage.

F. Internal circulation shall be designed for safety and efficiency by reducing conflicts between vehicular and pedestrian traffic, combining circulation and access areas where possible, and providing adequate truck maneuvering, stacking, and loading areas.

G. Loading facilities shall be located internal to the site. Loading docks and doors facing a public street shall be offset from the access drive and shall be screened from the street as much as possible.

**18.90.100 Signage Standards.**

The following standards apply to signage in the OCI, BP and LI zoning districts. All other applicable sign provisions from Chapter 18.170 apply.

A. Wall mounted signs shall be maximum 50 square feet; or one square foot per one foot of lineal façade area where the sign is affixed, not to exceed 250 square feet per sign. In no case shall the total length of all signs exceed 70% of the lineal feet of the building frontage. No wall-mounted sign shall extend above the height of the roofline or parapet of the building.

1. For multi-occupancy buildings, the façade area for each tenant or user is derived by measuring only the surface area of the exterior façade of the premises actually used by the tenant or use. One sign shall be allowed per tenant or use.

2. One wall mounted sign as a business directory of the multiple business building is allowed per street frontage and shall be located near the entrance(s) to the building. The identification sign shall not exceed 16 square feet.

B. Freestanding signs shall not exceed 75 square feet in area per face and have a maximum height of 15’ above grade. One freestanding sign shall be permitted on each street frontage of property on which the business is located.

1. No more than 1 freestanding sign is permitted per multiple occupancy building unless the building fronts more than one public street.

2. All freestanding signs shall include landscaping at their base, at a minimum of one square foot for each square foot of sign surface area, and shall be included in the site's landscape plan.

3. Multi-Business Development.
   a. No more than 1 freestanding sign is permitted per multiple business building unless the building fronts more than one public street, where 1 additional freestanding sign is allowed.

   b. Each building in a multi-business center may have no more than 1 freestanding sign unless the building fronts more than one public street, where 1 additional freestanding sign is allowed.

   c. One identification sign per entrance/exit for multi-business centers is allowed; provided that the identification sign is no larger than 30 square feet and 8' in height.

C. Directional signs shall not exceed 6 square feet per face and shall be located on the premises to which the sign is intended to guide or direct traffic. Directional signs are not included in the maximum number of freestanding signs allowed.

**18.90.110 Project Review.**

Before a building permit will be issued, the site plan review process as specified in Chapter 18.270 shall be followed. If a use is identified as an AC or C, the Conditional Use and Site Plan Review process shall be consolidated. All project permits shall follow the process set forth in PMC Title 19 Project Permit Application Procedures.

# 18.100 Park Zoning District.

## 18.100.010 Purpose.

The general purpose of the Park (P) zoning district is to provide recreation and open space functions for the long-term benefit and enjoyment of City residents, adjacent neighborhoods and the greater North Kitsap community. This district is applied only to city owned parks.

## 18.100.020 Permitted uses.

Types of uses. The following permitted uses are allowed in the Park zoning district:

**Table 18.100.020 Park District Uses**

| USE | |
|---|---|
| City approved festivals and community events | P |
| Community and recreation centers | P |
| Community gardens | P |
| Permanent concession stands | P |
| Open spaces | P |
| Other buildings and structures to support park use | P |
| Other uses identified through a master park plan and as approved by the City | P |
| Parking areas/lots to serve park use | P |
| Pedestrian and multi-use trails | P |
| Recreation areas and facilities | P |
| Residence for park caretaker and accessory structures | P |
| Restrooms | P |
| Stages and band shells | P |

## 18.100.030 Development standards.

A. Lot area. There is no minimum lot size in the P zone.

B. Setbacks. The minimum front yard setback is 20'. Other yard setbacks are 10'.

C. Building Lot Coverage. The maximum building lot coverage shall not exceed 35% of the lot area. For community or recreation centers, the maximum building lot coverage shall not exceed 60%.

D. Height. No structure or building shall exceed 35' in height.

E. Landscaping. All required yard setbacks shall be landscaped. Any storage areas visible shall be screened. Perimeter, interior and parking area landscaping locations and species types shall be identified in the park master plan or site plan application landscape plan.

F. Parking. The Planning Director shall determine the number of parking spaces required based upon the type and extent of the park/recreation facility.

G. Signs. Freestanding signs shall not exceed 75 square feet in area per face and have a maximum height of 12' above grade. One freestanding sign shall be permitted on each street frontage of property on which the Park use is located. Directional signs are limited to 6 square feet in size.

**18.100.040 Master Park Plan.**

All newly acquired land for public park purposes may have a Master Park Plan prepared for the park land, in order to guide the development of the City parks through a phased process as funds and resources become available. If a Master Park Plan is developed, it shall be submitted to the Poulsbo City Council for its review and approval.

**18.100.050 Site Plan Review.**

Before a clearing, grading or building permit will be issued, the site plan process as specified in Chapter 18.270 shall be followed. If a Master Park Plan has been prepared, substantial compliance with the Master Park Plan shall be reviewed in addition to the development standards identified in Section 18.100.030.

# 18.110 Master Plan Overlay.

## 18.110.010 Purpose.

The purposes of the Master Play Overlay (MPO) are as follows:

A. To provide a means for creating master planned developments in any zoning district, and to allow for the application of flexible development standards to encourage and foster creative and innovative planning practices that will result in well-designed, efficient and functional planned developments.

B. To promote urban infill, and more economical and efficient use of the land, while providing a development that provides a variety of housing choices, business opportunities, high level of urban amenities, and is consistent with the goals and policies of the comprehensive plan.

C. To encourage the provision of more usable and suitably located recreation facilities and other private and common facilities than would otherwise be provided under conventional land development procedures.

## 18.110.020 Applicability.

The Master Plan Overlay is applicable for all zoning districts. The Master Plan designation is established through an amendment to the City's zoning ordinance map, and may require an amendment to the comprehensive plan land use map. A master plan may be submitted concurrently with map amendment application, or subsequent to that process.

A. Master plans are designated an overlay on the City's zoning map.

B. The underlying zoning districts for a master plan's geographic area are depicted on the City's zoning map. If land use designation and zoning changes are proposed as part of the master plan, a comprehensive plan land use and zoning map amendment is necessary.

C. Existing approved master plans shall be administered subject to the provisions of Sections 18.110.100 through 18.110.150.

## 18.110.030 Minimum Land Area Requirement.

Each area identified as a Master Plan shall be a minimum area of twenty acres. The site size may have a site size of less than twenty acres if the Review Authority makes specific findings of fact to support the conclusion that a master plan is in the public interest.

## 18.110.040 Application and Approval Process of Master Plan.

A. Application requirements and review process of master plans shall be in conformance with the provisions of PMC Title 19.01 Project Permit Application Procedures.

B. Prior to submittal of an application for a master plan, the applicant shall hold a public meeting to identify potential community impacts and concerns about the project. Public notice of the meeting is required. Neighborhood meeting noticing procedures shall be defined by the Director at the time of the pre-application conference.

**18.110.050 Contents of Master Plan.**

The master plan shall contain the following elements:

A. Existing conditions. An application for a master plan shall contain the following information related to the existing conditions of the subject site, presented in narrative, tabular and/or graphic formats:

1. Vicinity map that identifies surrounding uses within 500' of the site boundary.

2. Zoning map that identifies base and overlay zoning designations for the site and surrounding properties uses within 500' of the site boundary.

3. Site description including the following information provided in narrative, tabular and/or graphic formats:

   a. Aerial photo and topography.
   b. Natural resources and critical areas, including existing drainage patterns and courses, wetlands, springs and other water bodies; significant stands of trees and treess meeting criteria of Chapter 18.180; fish and wildlife habitat, and natural constraints such as steep slopes greater than 15%, and unstable, impermeable or weak soils. This includes any critical area studies or analysis required by the City's Critical Areas Ordinance (PMC 16.20).
   c. Existing buildings, including use, location, size and date of construction, if any.
   d. Existing on-site transportation circulation system, if any.
   e. Location and size of all existing public and private utilities on the site including water, sanitary sewer, storm water retention/treatment facilities, and electrical, telephone and data transmission lines.
   f. Location of all public and private easements.
   g. A description of the type, design and characteristics of surrounding properties.
   h. Site and soil analysis for suitablity of appropriate low impact development stormwater management facilities.

4. Detailed description of the transportation system within and adjacent to the site including:

   a. Street classification of all internal and adjacent streets.
   b. Transit service availability.
   c. Baseline traffic impact study.

5. Analysis of existing infrastructure capacity on, in the vicinity of, and downstream of the site.

B. Proposed Master Plan. Description of all proposed development within the subject site, presented in narrative, tabular and graphic formats:

1. Underlying zoning district boundaries. If these are proposed to be modified as part of the master plan, the existing and proposed configuration of zoning districts shall be illustrated. Depending on the modification proposed, an amendment to the comprehensive plan's land use and zoning map may be necessary.

2. Description of the mix of uses, including number of units and/or total gross square feet devoted to each, and location on the site.

   a. Permitted uses. All permitted or conditionally permitted uses in the underlying zoning district(s) are allowed.

   b. Density. Residential density by phase and at full build out.

3. All site improvements including the approximate size and location of buildings; surface and structured parking facilities; on-site pedestrian and vehicular circulation including identified improvements; transit stops and pedestrian/transit amenities; and open space and landscaped areas.

4. A preliminary infrastructure plan, including location of new and/or expanded existing public and private utilities including water, sanitary sewer, storm water management facilities (including storm detention calculations and LID management facilities); and electrical, telephone and data transmission lines.

5. Summary of transportation facilities including:

   a. Traffic impact study prepared by a traffic/transportation engineer that describes traffic impacts associated with each phase of development and at full build-out of the project, and a plan for accommodating this traffic. The specific content of the traffic impact study shall be determined by the City Engineer.

   b. Parking impact study describing the parking demand associated with each phase of the development and at full build-out of the project, and a mitigation plan for accommodating parking demand on the site.

   c. A description of alternative modes of transportation, including public transit, bicycle and pedestrian.

   d. A description of potential parking and traffic/pedestrian impacts, if

any, and appropriated measures to mitigate these impacts.

6. Plan for protecting designated environmental, historic/cultural and open space resources.

7. Design standards that will govern the orientation and design of buildings and other improvements, including but are not limited to the following:
   a. Architecture, including design standards and building materials for buildings, fences, walls and other structures.
   b. Landscaping, including preliminary landscape plan and standard plant list. Native plant materials are preferred.
   c. Pedestrian circulation, including development standards, amenities and materials.
   d. Bicycle parking facilities, including specifications.
   e. Signs.
   f. Lighting.

8. Identification of any alternative development standards from underlying zoning district standards, and the specific application of the alternative standards.

9. Phasing plan for implementation of the proposed development.

10. Summary of development intensity at full build-out.

11. Summary of how the proposed master plan proposes innovative planning techniques, enhanced site design elements and/or other planning practices that will result in well-designed, efficient and functional planned developments; and conforms with the goals and policies of the City's comprehensive plan.

12. SEPA checklist.

**18.110.060 Development Standards.**

A. The provisions of the underlying zoning district shall apply.

B. Uses identified as allowed or conditionally allowed in the respective zoning districts are permitted within the Master Plan Overlay, unless specifically prohibited in the text of the Master Plan.

C. As part of the proposed master plan, alternative development standards unique to the Master Plan Overlay may be identified. Alternative standards for height, setbacks, density, parking, landscaping, streets, and other components of development shall be specifically identified in the master plan in order to apply to future development of the subject site.

1. In exchange for the consideration of alternative development standards, the Master Plan shall include innovative planning techniques and enhanced site design elements, including, but not limited to:
    - Mixed use development;
    - Live/work units;
    - Integration of a variety of housing types;
    - Transit oriented development;
    - Clustering development to orient toward open space features;
    - Enhanced open space and recreational amenities for residents;
    - Public parkland dedication;
    - Pedestrian and non-motorized facilities including key city connections;
    - Enhanced stormwater management/LID;
    - Energy efficient development;
    - Green Building techniques;
    - LEED certification(s) including neighborhood development;
    - Variety of building styles and architectural features/enhanced architectural design; and
    - Business and economic opportunities/development.

D. The master plan shall identify the advantages and positive benefits of the proposed master plan to the Poulsbo community. Further, the master plan shall demonstrate how the alternative standards enhances and benefits the future residents or users of the master plan, as well as the larger Poulsbo community.

**18.110.070 Criteria for Approval.**

To receive approval of a master plan and application of master plan overlay on the zoning map, the applicant shall demonstrate compliance with all of the following criteria:

A. Content. The master plan contains all of the components required in Section 18.110.050.

B. Innovative planning technique(s), site design and/or architectural design. The master plan has demonstrated the use and integration of innovative planning techniques, site design and aesthetically appropriate architectural building design.

C. Transportation system capacity. There is either sufficient capacity in the transportation system to safely support the proposed master planned development in all future phases, or there will be adequate capacity by the time each phase of the development is completed.

D. Availability of public services. There is either sufficient capacity within public services such as water supply, sanitary sewer, storm water management, and police and fire services, to adequately serve the master planned development in all future

phases, or there will be adequate capacity by the time each phase of the development is completed.

E. Protection of regulated critical areas. City-regulated natural resources such as critical areas, are protected in compliance with the other Titles of the PMC.

F. Compatibility with adjacent uses. The master plan contains design, landscaping, parking/traffic management and multi-modal transportation elements that limits conflicts between the master planned development and adjacent uses.

G. Mitigation of off-site impacts. All potential off-site impacts including but not limited to traffic, noise, light and glare, and storm water runoff are identified and mitigated to the extent practicable.

H. Alternative development standards. The master plan has identified all proposed alternative development standards and has demonstrated:

1. The alternative development standard(s) is warranted given the site conditions and/or characteristics of the site design.

2. The benefits accruing from the alternative development standards outweigh any potential adverse impacts.

3. Any impacts resulting from the alternative development standards are mitigated to the extent practical.

**18.110.080 Conditions of Approval.**
The Review Authority shall have the authority to impose any conditions of approval necessary to mitigate potentially adverse impacts.

**18.110.090 Effect of Master Plan Approval.**
The approved master plan together with all revisions, required mitigation and conditions imposed, shall constitute the approved master plan which shall be filed in the office of the city clerk. The approved master plan does not itself authorize development, but provides standards against which application for subsequent development including site plans and permits for development of property covered by the approved master plan overlay are to be reviewed.

**18.110.100 Subsequent Development.**
A. When a land use permit is submitted to the City for development within a master plan overlay, the Planning Director shall review the application for substantial compliance with the approved master plan. Substantial compliance shall mean the development proposal:

1. Is within the scope and intent of the approved master plan.

2. Is of similar size, scale, site and architectural design of the approved master plan, and does not present appreciably different environmental effects from those identified during the master plan review process.

3. Does not reduce overall acreage identified as dedicated public areas or buffer areas, and in the case of alterations to the location of such areas, provides equal or greater benefit as compared to the area designated in the master plan; and

4. Does not significantly change the mix and location of land uses, generation of traffic impacts, and/or major points of ingress or egress.

B. The Planning Director shall give written notice to the applicant whether the proposed development substantially complies with the approved master plan. In the event the proposed development is determined not to be in substantial compliance, the notice shall specify the reason(s) for the determination and suggest action(s) that would bring the proposal into substantial compliance, including, if appropriate, the need for an amendment.

**18.110.110 Approval Process for Subsequent Development.**
Any development permit sought under an approved master plan shall be subject to the provisions of PMC Title 19.01. In the event site development or design standards approved as part of the master plan differ from otherwise applicable city standards, the approved master plan standards shall control. If alternative standards are not identified in the approved master plan, the applicable city standard shall control.

**18.110.120 Amendment of approved master plan.**
Any proposal to amend an approved master plan shall be processed as a Type III permit under the provisions of PMC Title 19.01 and will be reviewed under the criteria of approval for master plans, Section 18.110.070.

A. An amendment to an approved master plan may be proposed in conjunction with a land use development permit that was found not to be in substantial compliance.

B. An amendment to an approved master plan may be proposed if the property owner/applicant wishes to change any of the elements of the approved master plan.

C. Any necessary zoning map amendments may be processed with a proposed amendment.

**18.110.130 Expansion of Master Plan Overlay.**
Additional land may be added to the Master Plan Overlay through a zoning use map amendment, unless a change in the underlying land use designation is desired, then an amendment to the comprehensive plan land use map may also be necessary. When the overlay is expanded, the master plan shall be required to be amended to address the expanded area, prepared subject to the provisions of Section 18.110.050. Amendments to

the master plan may occur concurrently with the map amendment process, or subsequent to that process.

**18.110.140 Vesting.**
Development standards, site and architectural design standards identified in an approved master plan shall control for all subsequent site development as long as the approved master plan remains in effect. If alternative standards or procedures are not specifically identified in the approved master plan, the applicable city standard at the time of land use permit or subdivision submittal shall control.

**18.110.150 Duration of approved master plan.**
An approved master plan shall remain valid for five years, or as provided for in the master plan's approved phasing plan. Once the master plan is commenced, the master plan is vested for the life of the project; provided that if the master plan is constructed in phases, each phase is developed as a "stand alone" phase, and all infrastructure necessary to support the phase is improved prior to issuance of building permits for the specific phase.

# Section III. General Development Regulations.

## 18.120 Design Review.

### 18.120.010 Purpose.

The purpose of the design review process is to allow for architectural and design review of new construction and exterior improvements to buildings and developments in Poulsbo. Specifically, this section's purpose is to:

A. Promote the health, safety and welfare of the public.

B. Preserve the character and quality of the City's cultural and architectural heritage.

C. Encourage innovation and flexibility in design of new developments while maintaining standards necessary to protect the public interest.

D. Ensure design compatibility between existing and new development.

E. Promote qualities in the built environment that enhance the value of the area to the community.

F. Contribute, through the use of design review, to the City's economic development by promoting healthy, vibrant and attractive residential, commercial and industrial areas that will attract additional private investment.

### 18.120.020 Applicability.

A. The City's design review process applies to development proposals, new construction and projects requiring a building permit that includes alteration to the building façade exterior of an existing building, for the following:

1. Neighborhood Commercial and nonresidential projects located in the RL zoning district. Projects located in the RM and RH zoning districts, including multifamily developments; live/work, neighborhood commercial, and mixed use; assisted living, congregate care facilities and the like; and non-residential uses.

2. Projects located in the C-1, C-2, C-3, and C-4 zoning districts.

3. Projects located in the OCI, BP and LI zoning districts.

4. Projects utilizing the Master Plan overlay provisions.

B. The following activities shall be exempt from design review:

1. Minor construction, such as replacement of doors, windows, trim, awnings,

and the like determined by the Planning Director to be exempt.

2. Interior work.

3. Building permit for single-family residence.

4. Utility facilities.

C. Building architectural design requirements are as set forth under each specific zoning district provisions.

**18.120.030 Application Requirements.**

Design review occurs concurrent with the underlying land use permit review process or building permit application. The following shall be submitted with the underlying land use permit or building permit application:

A. Elevation drawing. Complete elevation drawings of all buildings and building sides, showing dimensions and proposed materials including roofing, siding, windows and trim. Drawings shall include trim and cornice design, roof pitch, and siding materials.

B. Color and material palette. A schematic color and material palette of the building's exterior siding, trim, cornice, windows and roofing.

C. Perspective drawings, photographs, color renderings or other graphics that accurately represent the proposed project.

D. Conceptual profiles of other site elements, such as lighting fixtures, signage, equipment screening, paving materials (pedestrian and vehicular), bicycle and pedestrian fixtures, and the like.

**18.120.040 Design Review Process.**

A. Review Authority. The Review Authority shall be the same as the associated land use permit. In the case of building permits, the Planning Director/Building Official shall be the Review Authority.

1. Design review shall occur concurrent with the associated land use permit review process or building permit application.

2. Design review decision shall accompany the associated land use permit approval. Any person aggrieved by a decision may appeal pursuant to the provisions of PMC Title 19.01.

B. If a project which received design review in conjunction with an associated land use permit, submits a building permit with a building design that is found not to be in substantial compliance with the approved land use permit's building design, it will

be treated as a new design review application, pursuant to the requirements in this Section.

1. Substantial compliance means the building design is as approved under the original land use permit; or is to a large extent similar in architectural design, scale, height, materials, color and site design to the original approved land use permit.

C. For projects that are administratively reviewed and approved, the Planning Director, at his/her discretion, may request the Planning Commission review the proposed building design and offer a recommendation to the Director.

# 18.125 Essential Public Facilities.

## 18.125.010. Purpose.

The purpose of this Chapter is to implement the Growth Management Act and the Poulsbo Comprehensive Plan by establishing processes for the siting and expansion of essential public facilities in the City of Poulsbo as necessary to support orderly growth and delivery of public services. The City's goal in promulgating the regulations under this chapter is to ensure the timely, efficient and appropriate siting of EPFs while simultaneously acknowledging and mitigating the significant community impacts often created by such facilities. Nothing in this chapter should be construed as an attempt by the City to preclude the siting of essential public facilities in compliance of applicable state law.

## 18.125.020 Types of Essential Public Facilities.

A. Essential Public Facility, local.
A local EPF is owned, operated, or sponsored by the City of Poulsbo, a special purpose district, or another unit of local government and which serves the city-wide population. An EPF is "sponsored" by a local government when it is to be owned or operated by a nongovernmental entity pursuant to a contract with the local government to provide the EPF.

B. Essential public facility, regional.
A regional EPF is owned, operated, or sponsored by Kitsap County or a regional agency whose boundaries encompass the City and which serves the county-wide population or an area that is greater than the city limits. An EPF is "sponsored" by the County or a regional agency when it is to be owned or operated by a nongovernmental entity pursuant to a contract with the County or regional agency to provide the EPF.

C. Essential public facility, state.
A state EPF is owned, operated, or sponsored by the State of Washington.

## 18.125.030 Siting or Expansion of Local Essential Public Facilities.

A. A conditional use permit shall be required before any local essential public facility may be located or expanded within the City of Poulsbo, regardless of the zoning district in which such facility is or is proposed to be located, and processed consistent with Chapter 18.230.

B. Included in a complete application for a conditional use permit shall be the following items:

1. The project sponsor has demonstrated a need for the project, as supported by a detailed written analysis of the projected service population, an inventory of

existing and planned comparable facilities, and the projected demand for the type of facility proposed.

2. The project sponsor has reasonably investigated alternative sites, as evidenced by a detailed explanation of site selection methodology, and as verified by the City.

**18.125.040 Siting and Expansion of State and Regional Essential Public Facilities.**

A. A proposal for the siting or expansion of a state or regional essential public facility shall follow the procedures for the underlying permit, e.g. site plan, binding site plan, subdivision, building permit, etc.; provided that the state or regional essential public facility and its location have been evaluated through a demonstrated state or regional siting process, which included review and evaluation of alternative sites.

1. When a proposed state or regional essential public facility has not been reviewed and evaluated through a state or regional siting process, it will be processed as a conditional use permit.

a. When a proposed state or regional essential public facility has not been reviewed and evaluated through a state or regional siting process, the following shall be included with its conditional use permit application:

i. The project sponsor has demonstrated a need for the project, as supported by a detailed written analysis of the projected service population, an inventory of existing and planned comparable facilities, and the projected demand for the type of facility proposed.

ii. The project sponsor has reasonably investigated alternative sites, as evidenced by a detailed explanation of site selection methodology, and as verified by the City.

B. Any proposal for the siting or expansion of a state or regional essential public facility shall hold a public hearing prior to the issuance of any such permit in order to obtain public input on the permit criteria and conditions of approval; provided that a local public hearing was not previously held through the state or regional siting process.

1. If the underlying permit ordinarily requires a public hearing, the public hearing required by this section shall be consolidated with the required public hearing and heard by the same hearing body or officer.

2. If the underlying permit does not ordinarily require a public hearing, the Review Authority shall conduct the public hearing as part of the permit review process.

**18.125.050 Criteria for Approval of Essential Public Facilities.**

A permit for a local, regional or state essential public facility shall be approved upon the satisfactory finding of the following:

A. The proposed facility has been reviewed appropriately and has satisfied all provisions of this section, and has met all development standards of the underlying zoning district. If an essential public facility does not meet all such provisions, the applicant must demonstrate that compliance with such provisions would preclude the siting of all similar facilities anywhere within the City. If the applicant is able to make such a demonstration, the Review Authority shall authorize the essential public facility to deviate from the provisions of this Code to the minimum extent necessary to avoid preclusion.

B. The Review Authority shall impose reasonable conditions upon an essential public facility in order to ensure that:

1. Necessary infrastructure is or will be made available to ensure safe transportation access and transportation concurrency.

2. Necessary infrastructure is or will be made available to ensure that public safety responders have capacity to handle increased calls or expenses that will occur as the result of the facility.

3. The project sponsor has the ability to and shall pay for all capital costs associated with on-site and off-site improvements.

4. The facility will not unreasonably increase noise levels in residential areas, especially at night.

5. Visual screening will be provided that will mitigate the visual impacts from streets and adjoining properties. Visual screening must be of such quality and design as to complement the neighborhood in which the local essential public facility is located. Screening complements the neighborhood when it meets or exceeds the quality and design of other screening in the neighborhood.

6. Any and all probable significant adverse environmental impacts are mitigated.

C. The Review Authority shall not impose conditions in such a manner as to preclude the siting or expansion of any essential public facility in the City of Poulsbo. In the event that a state or regional essential public facility cannot, by the imposition of

reasonable conditions of approval, be made to mitigate the impacts described in subsection B. above, the Review Authority shall approve the siting or expansion of the state or regional essential public facility with such reasonable conditions of approval as may mitigate such impacts to the maximum extent practicable.

**18.125.060 Secure community transition facilities.**

RCW 71.09.342 preempts any and all local regulations on the siting of secure community transition facilities as defined in RCW 71.09.020. Such facilities are therefore exempt from the provisions of this chapter and shall be sited as provided in RCW Chapter 71.09.

# 18.130 Landscaping.

## 18.130.010 Purpose.

The City recognizes the aesthetic, ecological and economic values of landscaping to:

A. Establish and protect vegetation in urban areas for aesthetic, health and urban wildlife reasons.

B. Preserve existing native vegetation where possible.

C. Reduce storm water runoff pollution, temperature, and rate and volume of flow.

D. Promote compatibility between land uses by reducing the visual, noise and lighting impacts of specific development on users of the site and abutting uses.

E. Aid in energy conservation by providing shade from the sun and shelter from the wind.

## 18.130.020 Applicability.

A. Landscaping requirements are as set forth under each specific zoning district provisions.

B. The provisions of this Chapter shall apply to all development in zoning districts where landscaping is required; the addition of square footage to existing structures where the landscaping is nonconforming; and to any changes of use which result in the need for increased on-site parking by 10 or more spaces.

C. Landscape plans shall be reviewed in conjunction with the associated land use application. In the event that the landscape plan is proposed as a separate action, the Planning Director shall approve, approve with conditions, or deny a plan submitted under the provisions of this Section by means of a Type I procedure, per PMC Title 19.01.

## 18.130.030 Landscape Plan Requirements.

Landscape plans shall contain the following information and be completed by a licensed landscape architect, Washington certified nurseryman, or Washington certified landscaper, unless otherwise approved by the Planning Director:

A. North arrow, scale, date, title, and name of owner.

B. Accurate site plan (at a scale of 1” = 20’ or larger, or as appropriate for the scale of development) showing the location of property lines and their dimensions.

C. Existing and proposed water courses, drainage features, streets, sidewalks, utility lines and easements, and other public or semi-public improvements within or adjacent to the site.

D. Delineation of existing structures, if any, on adjacent properties.

E. Plants to be saved and areas not to be disturbed shall be noted on the landscape plans. The plan shall locate temporary fencing used to protect vegetation and soils from damage during construction.

F. Existing and proposed elevations at sufficient locations of the site to show drainage patterns.

G. Contour lines when the slope exceeds 6%.

H. Existing and proposed buildings and other structures, paved areas, curbs, walks, light fixtures, signs, fences and screen walls, and other permanent features to be added and/or retained on the site.

I. Calculation of total landscaped area, and percentage of landscaping within parking areas.

J. Complete description of plant materials shown on the plan, including common and botanical names, quantities, spacing, container or caliper size at installation, and mature height and spread.

K. Irrigation plans showing location and type of all outlets (spray, bubbler, drip, etc.); location and size of water meter or other connection; location, type, and installation details of backflow prevention device; and delineation of each watering zone or circuit.

L. Landscape areas where xeriscape principles are to be applied shall be clearly delineated in the plan submittal; and native and non-native species plants should be clearly distinguished.

**18.130.040 General Provisions.**

A. The property owner shall be responsible for the maintenance of all landscaping, which shall be maintained in good condition so as to present a healthy, neat and orderly appearance; shall be replaced or repaired as necessary; and shall be kept free from refuse and debris.

B. All trees, plant materials and landscaped areas shall receive sufficient water to be kept in a healthy and growing manner.

C. All plant growth in landscaped areas shall be controlled by pruning, trimming or other appropriate methods.

D. Appropriate methods for the care and maintenance of street trees and landscaping materials shall be provided by the owner of the property abutting the rights-of-

way, unless otherwise required for emergency conditions and the safety of the general public.

E. Low impact development techniques for storm water management that are not fenced and can be designed to integrate vegetation appropriately into the site's overall landscape plan is encouraged.

**18.130.050 Installation.**

A. Installation requirements. The installation of all landscaping shall be as follows:

1. All landscaping shall be installed according to accepted planting procedures.

2. The plant materials shall be of high grade, and shall meet the quality and size standards of the American Standards for Nursery Stock (ANSI Z60, 1-1986, as updated).

3. All landscaped areas shall be provided with an irrigation system or a readily available water supply with at least one outlet located within 50' of all plant material; unless xeriscape and/or drought tolerant species are utilized and an alternative irrigation plan is approved by the Review Authority.

4. All landscaped areas shall be provided with a 6 inch curb or other protective measure.

5. Landscaped areas shall have a minimum length or width dimension of 5' in order to count toward minimum required landscaped area.

B. Soils, soil conditioning and mulching

1. A minimum of 12" depth of non-mechanically compacted soil shall be available for water absorption and root growth in planted areas.

2. A minimum of a 4" layer of porous mulch shall be applied to all exposed soil surfaces of non-turf areas within the landscape area. Plant types that are intolerant of mulch shall be exempt from this requirement. Non-porous material, such as plastic sheeting, shall not be placed under the mulch. However, porous landscape fabric is permitted.

C. Certificate of Occupancy. Certificates of occupancy shall not be issued unless landscaping has been installed in compliance with the approved landscape plan, or other arrangements have been made as described in Section 18.130.070.

**18.130.060 Maintenance.**

A. The property owner shall replace any unhealthy or dead plant materials in conformance with the approved landscape development proposal and shall maintain all landscape material. Maintenance shall include the immediate removal

of identified noxious and invasive weed species for Kitsap County.

B. All required irrigation systems shall be designed by a licensed landscape architect, Washington-certified nurseryperson, Washington certified landscaper or professional engineer.

C. The City shall require a maintenance assurance device for a period of two years from the completion of planting in order to insure compliance with the requirements of this chapter. The value of a maintenance assurance device must equal at least 150% of the replacement cost and labor of the landscape materials, and shall be utilized by the City to perform any necessary maintenance, and to reimburse the City for documented administrative costs associated with action on the device.

D. The City may accept, as an alternative to a maintenance assurance device, a contractual agreement or bond between the owner/developer and a licensed landscape architect, Washington certified nurseryperson, or Washington certified landscaper, along with a rider or endorsement specifically identifying the City as a party to the agreement for purposes of enforcement.

E. Upon completion of the two year maintenance period and upon satisfactory inspection by the City, if maintenance is not required, the city, upon written request, shall promptly release the maintenance assurance device or evidence thereof.

F. Maintenance Enforcement. The City is authorized to:

1. Notify the property owner of unacceptable, substandard maintenance of required landscaped area and require its compliance.

2. Require compliance prior to the issuance of any subsequent building permits or certificates of occupancy for a site with unmaintained landscaping.

3. Request the City Attorney initiate legal action to secure the cost of the required maintenance from the property owner in order to perform the maintenance.

**18.130.070 Performance Assurance.**

A. The City may accept, at its sole discretion, a performance assurance device in order to ensure completion of the required landscaping in accordance with the approved landscape plan or as otherwise required. The value of this device must equal 150% of the estimated cost and labor of the landscaping to be performed, and shall be utilized by the City to perform any necessary work, and to reimburse the City for documented administrative costs associated with action on the device. If costs incurred by the City exceed the amount provided by the assurance device, the property owner shall reimburse the City in full for the

amount of any deficit.

B. Upon completion of the required landscaping by the property owner and satisfactory inspection by the City, at or prior to expiration of the assurance device, upon written request, the City shall promptly release the performance assurance device or evidence thereof.

**18.130.080 Fencing and Retaining Wall Standards.**

A. Maximum height.
1. Fences or walls within a required yard setback or along a property line shall be a maximum height of 6'. In non-residential zoning districts, the maximum height of a fence shall be 8'.
2. Fences or walls within a sight distance triangle shall be a maximum height of 3'.
3. Fences that allow visibility, such as transparent or ornamental fences, shall be a maximum height of 8'.
4. Plantings and hedges or plantings shall conform to the same height limits as fences, and shall not extend into or over public or private streets, or sidewalks.
5. The base for height measurement of fences, walls or hedges shall be from the ground level of the lowest grade level within 3' of either side to the highest point of the fence, wall or hedge.

B. Prohibited material. In the R and C zoning districts, barbed wire, razor wire, electric and other dangerous fences are prohibited; provided that electric fencing may be allowed for livestock containment under the provisions of Section 18.70.070.P.

C. Retaining walls. In the C-2 and C-3 zoning districts, retaining walls outside of the public right-of-way but adjacent to a public sidewalk, and 4' or taller, shall be terraced so that no individual segment is taller than 4'. Terraced walls shall be separated by a landscaping bed at least 2' in width. Alternative landscaping treatments will be considered provided they reduce the bulk and scale of the retaining wall and enhance the streetscape.

**18.130.090 Street Trees.**

A. <u>Street trees required</u>. Street trees and related landscaping shall be provided 40' on center for arterials and 30' on center for collectors. Ground cover of sod or other approved ground cover shall be provided. Species of trees shall be as set forth in the City's Master Street Tree Plan, if applicable, or as otherwise approved by the Review Authority.

B. <u>Size, and spacing and placement of street trees</u>. The specific spacing of street trees by size of tree shall be as follows:

1. One 2" caliper deciduous tree shall be provided as set forth above, provided that the Review Authority may adjust the spacing to accommodate access

points or other obstructions.

2. Tree pits shall be located so as not to include utilities (e.g., water and gas meters) in the tree well.

3. Trees shall not be planted closer than 2' from the face of the curb,

4. Trees shall not be planted closer than 2' from any permanent hard surface paving or walkway.

C. Cut and fill around existing trees. Existing healthy trees may be used as street trees if no cutting or filling takes place within the drip-line of the tree.

D. Replacement of street trees. Existing street trees removed shall be replaced. The replacement trees shall be of a size and species similar to the trees that are being removed unless alternatives are approved by the Review Authority.

**18.130.100 Water Conservation.**

A. Applicability. In order to ensure efficient water use in landscaped areas, the following standards shall be applied to all landscaping associated with C-2, C-3, C-4, OCI, BP and LI zoning districts; multifamily residential projects; master planned projects; and commonly-owned and/or maintained areas of planned residential developments.

1. Turf and high-water-use plantings (e.g. annuals, container plants) be considered high-water-uses and shall be limited to not more than 50% of the projects landscaped area if non-drought resistant grass is used, and no more than 75% of the landscaped area if drought resistant grass is used.

2. Plants selected in all areas not identified for turf or high-water-use plantings shall be well suited to the climate, soils, and topographic conditions of the site, and shall be low water use plants once established. Conifers are the preferred evergreen tree species.

3. Plants having similar water use shall be grouped together in distinct hydrozones and shall be irrigated with separate irrigation circuits.

4. Parks, playgrounds, sports fields, golf courses, schools, and cemeteries are exempt from specified turf area limitations where a functional need for turf is established.

B. As an alternative to traditional landscaping, the City encourages the use of xeriscape practices, which minimize the need for watering or irrigation. If xeriscape methods are proposed, the City may consider and approve alternatives to the irrigation requirement in Section 18.130.050.A.3. Examples of xeriscape methods are as follows:

1. Using plants with low moisture requirements.

2. Selecting plants for specific site microclimates that vary according to slope, aspect, soil, and exposure to sun and moisture.

3. Using native, non-invasive, adapted plant species.

4. Minimizing the amount of irrigated turf.

5. Planting and designing slopes to minimize storm water runoff.

6. Use of separate irrigation zones adjusted to plant water requirements and use of drip or trickle irrigation systems.

7. Using minimum 3” mulch in planted areas to control weeds, cool the soil and reduce evaporation.

8. Emphasizing soil improvement, such as deep tilling, adding organic matter and other amendments based on soil tests.

# 18.140 Off-Street Parking and Loading.

## 18.140.010 Purpose.

The purpose of this section is to provide for adequate vehicle parking, as well as safe on-site circulation for motorists, bicyclists and pedestrians.

## 18.140.020 Applicability.

A. Number of parking space requirements is as set forth under each specific zoning district provisions.

1. When several uses occupy a single structure or parcel of land, the total number of parking spaces shall be the sum of all requirements of the several uses computed separately.

B. When required.

1. New Construction: Prior to the occupancy of a new structure within any zoning district, off-street parking shall be provided in accordance with the parking ratios required as set forth under each specific zoning district provisions and other applicable project conditions of approval.

2. Enlargement of existing structure.
Prior to occupancy of a building that is expanded in floor area, or outdoor use is expanded in activity area, off-street vehicle parking shall be provided subject to the following:

a. Enlargement of an existing structure or outdoor activity area up to a maximum of additional 1,000 square feet of gross floor area: no additional parking required.

b. Enlargement of an existing structure or outdoor activity area of more than additional 1,001 square feet: parking provided as set forth in the applicable zoning district chapter parking requirements.

c. When additional parking is required, the number of new parking spaces shall be based only on new gross square footage of the enlargement using the minimum parking ratios required as set forth under each specific zoning district provisions; unless there is an excess of vehicle parking on the site to accommodate the additional required spaces.

3. Change of use.
When an existing structure is changed from one use to another use as listed in the applicable zoning district's use table, the following provisions shall apply:

a. If the parking requirements for each use are the same, no additional vehicle parking shall be required.

b. Where a change results in an intensification of use in terms of the number of vehicle parking spaces required, additional vehicle parking spaces shall be provided in an amount equal to the difference between the minimum number of spaces required for the existing use and the minimum number of spaces required for the change of use; unless there is an excess of vehicle parking on the site to accommodate the difference.

c. Existing attached commercial developments with multiple businesses and shared parking areas are exempted from this requirement.

4. Parking space requirements for C-1 zoning district are as set forth in Section 18.80.100.

**18.140.030 General Provisions.**

A. Parking plans shall be reviewed in conjunction with the associated land use application. In the event that the parking plan is proposed as a separate action and is 10 or more parking spaces, the Planning Director shall review the parking plan through Site Plan Review, as set forth in Chapter 18.270.

B. If the parking plan provides parking spaces in excess of 40% over the minimum required, the additional parking spaces shall be located in an underbuilding lot or parking structure.

C. The required minimum vehicle parking shall:

1. Be available for the parking of operable passenger vehicles of residents, patrons and employees only.

2. For non-residential uses, it shall not be used for storage of vehicles or materials.

3. Not be rented, leased or assigned to any other person or organization, unless as part of a joint parking agreement.

D. All parking spaces and accessible routes for travel for the disabled shall comply with the standards of the State of Washington and the City of Poulsbo applicable building code.

E. All parking lots shall be kept clean and in good repair at all times. Breaks in paved surfaces shall be repaired promptly. Broken or splintered wheel stops shall be replaced.

F. The use of property in any R zoning district for commercial parking is prohibited, unless otherwise authorized through an appropriate land use permit.

G. Parking lot spaces shall be designed so exiting vehicles are not required to back into streets, except for residential uses on local access streets.

H. Driveways.

1. Entrances and Exits. The minimum width of driveway into a parking area shall be 24', or as otherwise required by the City Engineer or Fire Marshal.

2. Combined Driveway. The owners of adjoining non-residential properties shall provide combined driveways wherever practical. In conjunction with approval of a development, the City may require a property owner to provide an access and circulation easement to an abutting owner where joint access is reasonable to serve future development.

3. Driveway Dimensions. Internal circulation driveways that do not provide direct access to parking stalls must be a minimum of 20' wide for two-way traffic and 15' wide for one-way traffic unless otherwise specified by the City Engineer or by the Fire Marshal.

I. ADA parking spaces number and size requirements are as set forth in the latest edition of the International Building Code (IBC).

**18.140.040 Location.**

A. Parking spaces for dwelling units shall be located on the same site or lot with the dwelling(s), unless otherwise approved.

B. Parking spaces for multi-family dwellings shall be located no more than 300' from the building that they serve, unless otherwise approved.

C. Parking spaces for all other uses shall be located on the same parcel; however, parking may be located on another parcel if the parking is no further than 300' from the building or use that they are required to serve, measured in a straight line from the building, and as set forth in a joint use arrangement.

D. Joint parking. The off-street parking requirement of two or more structures or parcels of land where the uses' peak hours of operation do not overlap, may be satisfied with the same parking area used jointly, provided that:

1. The joint parking facility(ies) shall contain the same number of parking spaces required by the use which requires the greatest amount of parking.

2. Satisfactory legal evidence shall be presented to the Planning Director in the form of deeds, leases or contracts to establish the joint use and be recorded with the Kitsap County Auditor's Office against all properties involved.

3. If a joint use arrangement is subsequently terminated, the requirements of this Title shall apply to each use separately.

E. Parking shall not be located in required setbacks, provided that single family dwelling's required space may be located in the required front or side yard setback.

**18.140.040 Design Standards for Surface Parking Areas.**

A. Space and aisle dimensions. Table 18.140.040 sets forth the required minimum dimensions for parking spaces and drive aisles.

**Table 18.140.040 Parking Space and Aisle Minimum Dimensions**

| | Standard Stall Dimension | | Compact Stall Dimensions | | Aisle Width Dimensions | |
|---|---|---|---|---|---|---|
| **Parking Angle (degree)** | **Stall Width (feet)** | **Stall Depth (feet)** | **Stall Width (feet)** | **Stall Depth (feet)** | **1-way Aisle Width** | **2-way Aisle Width** |
| 0 | 20 | 8 | 18 | 8 | 12 | 20 |
| 45 | 9 | 18 | 8 | 15 | 14 | 20 |
| 60 | 9 | 18 | 8 | 15 | 16 | 22 |
| 90 | 9 | 18 | 8 | 15 | 22 | 24 |

1. Other parking angles may be approved, with dimensional requirements consistent with those set forth in Table 18.140.040.

2. When a parking space abuts a fence, structure, wall or other obstruction, an additional 18" of width to the parking space is required. When a parking space abuts landscaping, an additional 12" is required.

3. Two additional feet beyond the last parking space in an aisle is required.

B. Compact spaces. Up to 40% of all required on-site vehicular parking spaces may be compact spaces. Such spaces shall be marked as "Compact" or "C".

C. Parking space clustering. No more than 15 parking spaces shall be placed side by side without an intervening break by a circulation aisleway, pedestrian walkway or landscaping. If an average of no more than 15 side-by-side stalls is maintained overall, up to 20 may be located side-by-side. Where landscaping provides a break in the group of spaces, the landscape island shall extend at least 1' into the circulation aisleway to provide a visual narrowing of the aisleway.

D. Parking lot and access striping.

1. Except for single-family residences, any area intended to meet the off-street vehicle parking requirements as contained in this Title shall have all parking spaces clearly marked.

2. All interior drives and access aisles shall be clearly marked and signed to show direction of flow and maintain vehicular and pedestrian safety.

E. Wheel stops. Parking spaces along the boundaries of a parking lot or adjacent to interior landscaped areas or sidewalks shall be provided with a wheel stop or bumper rail at least 6" high located 2' back from the front of the parking stall. The front 2' of the parking stall may be concrete, asphalt or low-lying landscape material that does not exceed the height of the wheel stop, provided sidewalks or other pedestrian paths are not obstructed.

F. Parking lot surfacing. All areas used for parking or maneuvering of any vehicle shall be improved with asphalt, concrete or other permanent surface approved by the City Engineer. The City Engineer may approve the use of City and Washington State Department of Ecology alternative paving Best Management Practices to enhance on-site water quality, when determined to be appropriate.

G. Vehicle circulation between adjoining property required. Parking lots shall be designed to provide for off-street vehicle circulation to adjoining property and parking areas whenever physically feasible.

H. Parking lot lighting. Lighting shall be screened, hooded or otherwise limited in illumination area so as to minimize excessive "light throw" to off-site areas.

I. Rideshare spaces. In the C, OCI, BP and LI zoning districts, rideshare/carpool parking spaces may be designated in an approved parking lot.

**18.140.050 Design Standards for Parking Structures (stand alone and underbuilding)**

A. Space and aisle dimensions shall be as set forth in Table 18.140.040.

1. Other parking angles may be approved, with dimensional requirements consistent with those set forth in Table 18.140.040.

2. When a parking space abuts a column, wall or other obstruction, one extra foot of width to the parking space is required.

3. Two additional feet beyond the last parking space in an aisle is required.

B. Lighting on and/or within multi-level parking structures shall be screened, hooded or otherwise limited in illumination area so as to minimize excessive "light throw" to off-site areas.

C. The parking structure shall incorporate architectural elements, window-like openings, trellis-work, and integrated planters to provide design interest and visual variety to the parking structure exterior façade.

**18.140.060 Design Standards for Bicycle Parking Areas.**

A. Bicycle parking shall be provided. Two bicycle spaces shall be required, and then one additional space provided for every 20 spaces; however, the maximum number of bicycle spaces required shall not exceed 20. By providing at least 5 covered bicycle parking spaces, 1 vehicle parking space may be eliminated. No more than 2 vehicle parking spaces or 10%, whichever is less, shall be replaced with covered bicycle parking spaces.

B. Bicycle parking facilities shall be stationary racks that support the bicycle with at least one point to which the user can lock the bicycle and both wheels and frame (with the removal of the front wheel) with a high security U-shaped lock or cable lock.

C. Bicycle facilities should be located no further from a public entrance than the nearest non-ADA parking stall.

D. Bicycle parking areas should be separated from a motor vehicle parking area by a barrier, post or bollard, or by at least 5' of open space behind the maneuvering area.

E. Entry and directional signs shall be provided if bicycle parking facilities are not directly visible and obvious from the public right-of-way.

F. The property owner of a site shall have a continuing obligation to properly maintain any bicycle parking facilities on their property.

**18.140.070 Off-Street Loading Requirements.**

A. When Required. Off-street loading and unloading spaces are required for all uses having a gross floor area of over 4,000 square feet to which or from which deliveries or pickups are made by trucks or truck-trailer combinations over 35' in length more frequently than monthly.

B. Design Requirements. Loading and unloading spaces shall be a minimum of 45' in length, 10' in width and provide for clearance of 15'. Adequate access shall be provided to each space. No area required for off-street parking may be used as a loading or unloading space.

C. Number of Spaces Required. The following number of off-street loading and unloading spaces is required:

1. For uses having more than 4,000 but less than 10,000 square feet of gross floor area: one space.

2. For uses having more than 10,000 but less than 50,000 square feet of gross floor area: two spaces.

3. For uses having more than 50,000 square feet but less than 100,000 feet of gross floor area: three spaces.

4. For uses having over 100,000 square feet of gross floor area: three spaces plus one additional space for every additional 50,000 square feet of gross floor area.

# 18.150 Measurements.

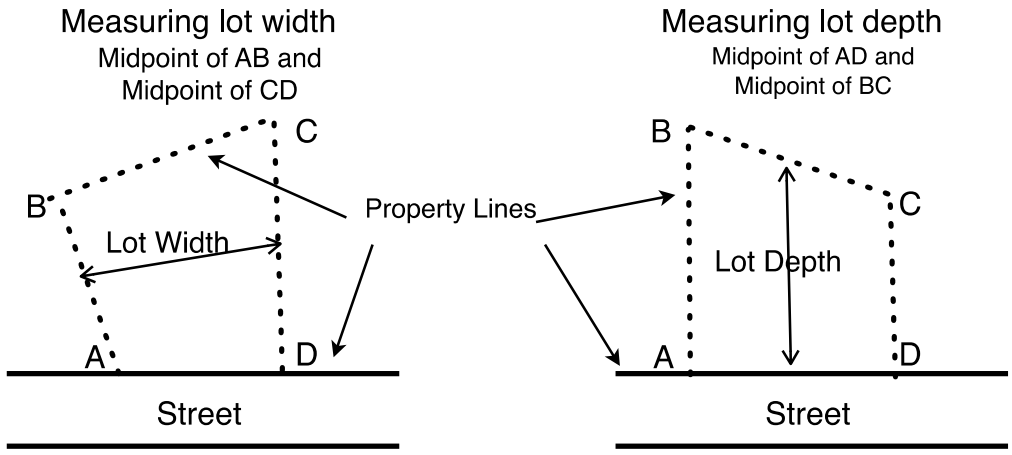
**18.150.010 Purpose.**
The purpose of this chapter is to set the standards for calculating measurements required in this Title.

**18.150.020 Measuring Minimum Requirements.**
When a regulation is expressed in terms of a minimum requirement, including but not limited to parking spaces or number of plants required, any fractional result above and including 0.5 will be rounded up to the next consecutive whole number; and any fractional result below 0.5 will be rounded down to the next consecutive whole number. (See also Section 18.70.040 for measuring minimum number of dwelling units).

**18.150.030 Measuring required setbacks.**
A setback is measured from the interior edge of a street right-of-way, access easement or private road. Where there is no street right-of-way, access easement or private road, a setback is measured from the property line.

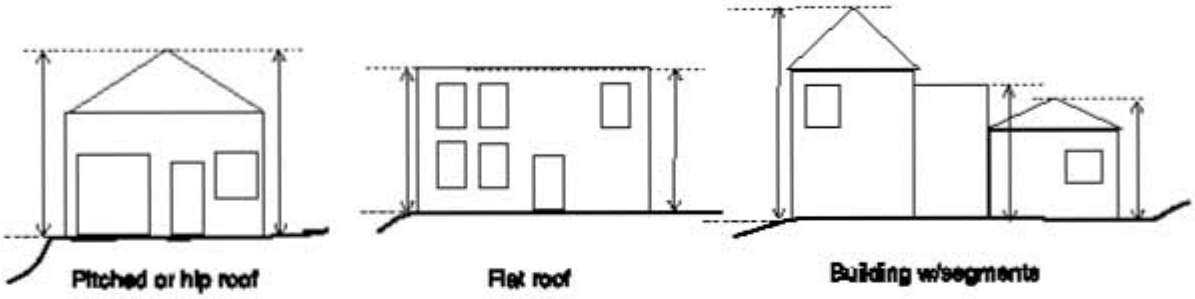
**18.150.040 Measuring lot width and depth.**

Lot widths and depths are measured from the midpoints of opposite lot lines.



**18.150.050 Measuring building height.**

Building height is the vertical distance measured from the average elevation of the finished grade at an exterior building wall or building segment to the highest point of the building wall or building segment. The overall building height shall be calculated as the average of all building sides. A building segment is when a break in the roofline, change in number of stories, or break in finished grade occurs.




**18.150.060 Measuring building stepback.**

When required, building walls which front a public street or are publically visible, and which are over an average of 30' in height, the upper story of the building must be stepped back at least 8' on the side which fronts the public street or is otherwise publically visible. On corners of public streets or other corners which are public visible, only one side of the building wall will be required to be stepbacked. This requirement is illustrated below:

# 18.160 Nonconformities.

## 18.160.010 Purpose.

Within the zoning districts established by this title or any amendment later adopted, there may exist lots, structures, and uses of land that were lawful before the effective date of the applicable regulations, but that would be restricted, regulated or prohibited under the terms of this title or future amendment. This chapter is intended to permit these nonconformities to continue as is until they are removed but not to encourage their perpetuation.

## 18.160.020 Nonconforming uses.

A. A nonconforming use is the use of a structure or land that does not conform to the regulations of the district in which the use exists, usually due to changes in zoning ordinance requirements or annexation.

B. A nonconforming use may continue by successive owners or tenants; provided however, that the nonconforming use may not be intensified.

C. If a nonconforming use of a structure or land is discontinued for a period of 12 months or greater, the use is presumed abandoned, unless a contrary intent is proven by the property owner. Any subsequent use shall thereafter conform to the regulations of the district in which it is located. Discontinuation of use shall be evidenced by at least one of the following:

1. When normal occupancy and/or use has ceased.

2. When characteristic furnishings and equipment associated with the use have been removed and not replaced with equivalent furnishings and equipment.

3. When there are no business receipts available for the 12 month period.

D. A structure that houses a nonconforming use may not be expanded, redeveloped, or relocated unless the nonconforming use is eliminated; provided that normal maintenance and repair is allowed. No additional structure(s) may be erected in association with the nonconforming use.

E. The Planning Director may allow a nonconforming use of a structure or land to be substituted with a different nonconforming use, upon determining that:

1. The replacement use will not adversely affect the character of the zone it is proposed to be located;

2. The proposed use is more consistent with the zone than the existing nonconforming use; and

3. The replacement use will not result in enlargement of the space occupied by the existing nonconforming use.

F. If a structure containing a nonconforming use is damaged by sudden and unforeseeable events out of the property owner's control, such as fires or windstorms, the nonconforming use may continue and the structure may be reconstructed to the same or smaller configuration existing prior to the time the structure was damaged or destroyed. A building permit must be applied with the City within 12 months of the event and shall comply with all applicable building codes in force at the time of repair or reconstruction; provided that the City Council may extend this 12-month period if extenuating circumstances (e.g. insurance litigation) have prevented the applicant from applying for permits.

**18.160.030 Nonconforming structures.**

A. A nonconforming structure is a structure which does not conform to the dimensional regulations, including but not limited to, setback, height, lot coverage, density and building configuration regulations of the district in which it is located, usually due to changes in zoning ordinance requirements or annexation.

B. A structure nonconforming to the dimensional standards of this title may not be expanded, redeveloped or relocated unless the enlarged area or alteration is in conformance with the requirements of the zone in which it is located.

C. Routine maintenance and repairs are permissible; provided, they are restricted to the repairs or replacement of structural elements, fixtures, wiring and plumbing required so as to protect occupants and public safety. The need for such repairs or replacements shall be confirmed by the building official.

D. A nonconforming structure damaged by sudden and unforeseeable events out of the property owner's control, such as fires or windstorms, may be reconstructed up to the original size, placement and density. A building permit must be applied with the City within 12 months of the event and shall comply with all applicable building codes in force at the time of repair or reconstruction; provided that the City Council may extend this 12-month period if extenuating circumstances (e.g. insurance litigation) have prevented the applicant from applying for permits.

E. A nonconforming structure that is damaged by property owner initiation or has deteriorated due to lack of maintenance or repair, may be restored only to conform to the applicable provisions of its zoning district.

F. Nothing in this chapter shall be deemed to prevent the strengthening or restoration to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety and upon order of such official.

**18.160.040 Nonconforming lot of record.**

A. A nonconforming legal lot is a lot that does not conform to the area, width, depth or street frontage regulations of the district in which it is located, usually due to changes in zoning ordinance requirements, condemnation or annexation.

B. In any zoning district, permitted uses and structures may be erected on any lot that is of record. Provided that, the permitted structures shall be erected on a nonconforming lot so that all dimensional requirements of the zoning district in which it is located are complied with, or a variance has been granted.

C. The Planning Director may request evidence that demonstrates that the lot is a legal lot of record.

D. Two or more legally nonconforming lots may be combined, even if the resulting lot does not satisfy the minimum lot area requirement in the underlying zoning district, as long as the Planning Director determines that there is sufficient evidence that the lots are legal lots of record and the combination brings the lot(s) closer to conformance of the minimum lot area. A boundary line adjustment will be required to combine legal lots.

E. A nonconforming lot of record cannot, through boundary line adjustments or other provisions, become further nonconforming. The reconfiguration of lot(s) from a nonconforming lot(s), or into new lot creation, shall meet minimum and maximum lot area requirements as set forth in Section 18.70.040, and lot standards in Table 18.70.050, unless a variance has been granted.

**18.160.050 Nonconforming site.**

A. A nonconforming site is a lot which does not conform to site development regulations, including but not limited to, landscaping, parking, fencing, driveway, street openings, pedestrian amenities, screening, and curb cut requirements of the district in which it is located, usually due to changes in zoning ordinance requirements or annexation.

B. A nonconforming site may not be changed as to the site characteristics, unless the change conforms to the regulations of the underlying zoning districts; provided that parking lots striping may be reconfigured within the existing paved surface.

C. Upon expansion of any structure or complex of structures within a single site of over 25% of the existing floor area, the site shall be brought into compliance with the underlying zoning district's site development standards.

**18.160.060 Existing single-family detached residences in non-residential zoning districts.**

A. Existing single-family detached residences located in non-residential zoning districts may continue by successive owners or tenants, provided that no increase in unit density is allowed, including adding accessory dwelling units. Special uses related to the existing residence, such as home occupations or home day care, may be allowed and are regulated as appropriate, as set forth in Section 18.70.070.

B. Existing single-family detached residences and accessory structures may be repaired, remodeled, maintained, or relocated but may not be enlarged or intensified.

C. If the existing single-family detached residence is discontinued in its residential use for more than 12 months, it shall lose its ability to continue, and will be considered an abandoned nonconforming use subject to the provisions of Section 18.160.020, unless a contrary intent is proven by the property owner.

D. If the existing single-family detached residence is damaged by sudden and unforeseeable events out of the property owner's control, such as fires or windstorms, it may be reconstructed up to the original size, placement and density. A building permit must be applied with the City within 12 months of the event and shall comply with all applicable building codes in force at the time of repair or reconstruction; provided that the City Council may extend this 12-month period if extenuating circumstances (e.g. insurance litigation) have prevented the applicant from applying for permits.

E. Existing residential units in a non-residential zone that are located within a Mixed Use Structure, will be considered allowed as Mixed Use, and are not subject the non-conforming provisions.

**18.160.070 Continuation of prior conditional use permits and variances.**
Any valid conditional use or variance granted prior to the effective date of the enactment of this title shall be permitted to continue in accordance with such use or variance.

**18.160.080 Applicability to property regulated under the shoreline master program.**
Property within the jurisdiction of the Shoreline Management Act shall also be regulated by the shoreline master program regulations, PMC 16.08.460 Nonconformities.

# 18.170 Signage.

## 18.170.010 Purpose.

The purpose of this section is to provide minimum standards to safeguard life, health, property and public welfare by regulating and controlling the number, size, design, quality of materials, construction, location, electrification and maintenance of all signs and sign structures; to preserve and improve the appearance of the City as a place in which to live and as an attraction to nonresidents who come to visit or trade; to encourage sound signage practices as an aid to business and for public information but to prevent excessive and confusing signing displays.

## 18.170.020 Applicability.

No signs shall be erected or maintained in the City except those signs specifically identified in this Chapter. The number and size of signs as outlined in the respective zoning district sections are maximum standards.

## 18.170.030 General Sign Provisions.

A. General Provisions.

1. No new sign shall be erected nor any existing sign structurally altered, that is not in compliance with these standards and has received the proper sign permit. (See also Section 18.170.100 Non Conforming Signs.)

2. All signs shall be kept in good repair and shall be maintained in a safe, neat, clean and attractive condition.

3. Abandoned signs shall be removed.

4. Out-of-date signs shall be removed within five (5) days after the event, time, or purpose of the sign no longer applies.

5. No sign shall be erected or maintained in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit or standpipe. No sign shall be erected or maintained so as to obstruct any window so that light or ventilation is reduced below minimum standards required by an applicable law or the International Building Code.

6. Signs shall not interfere, confuse or conflict with the recognition and visibility of any traffic control or directional devices or street name signs, nor shall any sign be so placed as to cause visual obstruction of any public rights-of-way.

## 18.170.040 Exemptions.

The following signs do not require a permit:

A. Signs erected by government agencies, such as street signs; traffic control and pedestrian signs and signals; governmental directional signs; signs required by law and governmental flags.

B. Temporary signs subject to the requirements of Section 18.170.080.

C. On-premise occupant name plates on residential dwelling units.

D. Changing of advertising on a legal changeable copy sign (readerboard).

E. On-premise contractor job signs not exceeding 16 square feet in area, in conjunction with construction with an approved land use or building permit .

F. Normal maintenance of signs that does not change the appearance of the sign.

G. On-premise directional signs not exceeding 6 square feet, the sole purpose of which is to provide for vehicular and pedestrian traffic direction and which display no advertising.

H. Indoor window signs when not exceeding 25% of the total window area, provided that open/closed signs, address, and hours are not included.

I. Legal notices required by law.

J. Barber poles.

K. Holiday decorations.

L. Tourist signs located on City property and approved by the City Council.

**18.170.050 Prohibited Signs.**

The following signs are prohibited within the City:

A. Abandoned signs.

B. Bench signs.

C. Billboards.

D. Electronic readerboard, animated, flashing, revolving or any other moving signs. Provided that the moving hands of a clock, changing numerals of a time and/or temperature, or in association with a school or theater, be permitted.

E. Off-premises signs; except signs specifically authorized or exempted herein.

F. Portable readerboard signs.

G. Roof-mounted signs, including any signs painted directly on the roof surface.

H. Signs or sign structures that by coloring, shape, working or location resemble or conflict with traffic control signs or devices.

I. Signs that create a safety hazard for pedestrian, cyclist or vehicular traffic.

J. Signs larger than 2 square feet in area attached to or placed on a vehicle or trailer on public or private property to purposefully gain additional signage which would otherwise not be allowed; provided, however, that this provision shall not be construed as prohibiting the identification of a business or its products on a vehicle operating during the normal course of business. Franchised delivery vehicles, buses or taxis are exempt from this provision.

K. Signs attached to utility poles or traffic signs.

L. Signs within the public right-of-way except political signs, community event signs, sandwich board signs, garage or rummage sale signs, real estate open house or caravan tour signs, kiosks and signs which overhang the public right-of-way as specifically authorized herein.

M. Signs contrary or intended to circumvent the provisions of this Chapter. .

N. Streamers, pendants, balloons, searchlights and other similar devices that are displayed more than 14 consecutive days.

**18.170.060 Wall Mounted Signs.**

A. Size, number and other provisions for wall mounted sign requirements is as set forth under each specific zoning district provisions.

B. Signs standing out horizontally from a mansard roof are considered wall signs; however, if the mansard is located at the top of the building, the sign shall not exceed the top of the mansard's roofline.

C. Marquee, canopy, and awning signs are considered wall signs for purpose of determining sign area.

D. No part of a sign shall extend above the roof; provided that for mansard signs, the sign shall not exceed the top of the building's roofline.

E. Painted wall signs. If a substantial change is made to the original appearance of a painted wall sign, such as rewording, redesigning or enlarging, this shall constitute a new sign and require a permit.

F. Awning signs. Only the area containing the sign band may be internally lit.

G. Projecting signs.
   1. Clearance from grade is a minimum of 8'.
   2. Projection from face of building shall not exceed 4'.

**18.170.070 Free Standing Signs.**

A. Size, number and other provisions for free standing sign requirements is as set forth under each specific zoning district provisions.

B. Free standing signs shall be located entirely on the premises of the use they are associated with, unless otherwise allowed.

C. Free standing signs shall be located outside of the sight distance clearance area as required by the City Engineer.

D. Landscaping at the base of the free standing sign is required, providing a landscaping area equal to square footage of one face of the free standing sign; however this provision does not apply to temporary free standing signs.

E. Electronic readerboard signs are only allowed for schools or theaters. Temperature and time are allowed in conjunction with permitted free standing sign in other non-residential zoning districts.

**18.170.080 Temporary Signs.**

Except as otherwise described under this section, no permit is necessary for temporary signs. Temporary signs are not allowed to continually advertise goods, services or events on a site; permanent signs shall be used for that purpose. Temporary signs shall not endanger the public safety and shall be removed or relocated if the Building Official determines that a sign is unsafe.

A. Grand opening/special event.
   1. A temporary sign advertising a special event, sale, promotion, opening/closing of a business or opening of a business under new management shall not be displayed for more than 14 consecutive days.

   2. A permit shall be required if the sign is to be displayed longer than the maximum 14 days. Signs which are regularly changed but generally present, or otherwise intended to circumvent the temporary sign provisions, shall require a permit and shall be included in the site's overall signage.

   3. Small pennants, balloons, banners and streamers may be displayed in conjunction with a special event, but must be removed at the conclusion of the event or within 14 consecutive days.

B. Community announcement/event signs.

1. City Community Announcement Signs. Two signs located on SR 305 are managed by the City to advertise special events and community activities for nonprofit organizations. Commercial advertising is not allowed.

2. Banners in C-1 zoning district across Front Street. Banners advertising special events in Downtown Poulsbo are allowed to cross the Front Street right-of-way. The Historic Downtown Poulsbo Association manages the approved banner location.

3. Community announcement/event banners in all other zoning districts on or above public right-of-way are subject to City Council approval.

4. Portable off-premises signs no larger than 3 square feet per sign face announcing the community event are allowed 48 hours prior to the event and shall be removed within 24 hours after the event. Announcement signs may be placed in unpaved portions of public rights-of-way only, and must be self-supported by a stake or similar device. Care must be taken to assure that the placement of such signs will not create a hazard to the public by obstructing the view or passage of pedestrians, cyclists or motorists.

C. Garage sale signs.

1. Signs placed may be placed in the unpaved portions of public rights-of-way only, and must be self-supported by a stake or similar device. Care must be taken to assure that the placement of such signs will not create a hazard to the public by obstructing the view or passage of pedestrians, cyclists or motorists.

2. Garage or rummage sale signs shall not be displayed for longer than 3 consecutive days and must be removed within 24 hours after the sale. Garage or rummage sale signs may not be displayed more than 6 times during any 12-month period for direction to a sale on the same premises.

D. Construction signs. Sign copy shall be limited to information about a development or building that has received a land use approval or building permit by the City. Duration shall be during the time of active construction. Maximum area shall be 32 square feet, shall not have more than 2 sign faces, and limited to 10’ in height.

E. Special purpose sign. A special purpose sign is a temporary sign to be displayed less than 90 consecutive days in a calendar year for a purpose not anticipated by this Chapter, but not in conflict with it, or in a unique situation as determined by the Planning Director. The total of the special purpose sign shall not exceed 32 square feet.

F. Real Estate Signs.

1. A sign permit is not required for real estate signs; provided that the sign is removed within 5 days of the final sale or rental. Signs not meeting the standards identified below will be required to obtain a sign permit.

    a. Residential zoning districts' "For Sale," "For Rent" and "Sold" Signs. Such signs shall be limited to 1 sign per street frontage not to exceed 6 square feet in sign area per face, placed wholly on the property for sale, and not to exceed a height of 6'.

    b. Commercial and Business/Employment zoning districts' "For Sale or Rent" Signs. One sign per street frontage advertising commercial property for sale or for rent is permitted while the property is actually for sale or rent. The sign shall not exceed 40 square feet in sign area per side and 12' in height.

2. Off-premise signs are allowed when advertising an open house or real estate caravan tour, provided:

    a. Signs must be placed on property along the street frontage on which the open house is held; private property with the owner's permission; and/or in nearby unpaved public right-of-way, provided that signs placed in public rights-of-way must be self-supported, may not be attached to utility poles or traffic signs, and must not create a hazard to the public by obstructing the view or passage of pedestrians, cyclists or motorists.

    b. Signs are no larger than 3 square feet per sign face.

    c. Allowed only during daylight hours and when the broker, agent, or seller is in attendance at the property.

G. Political Signs.

1. Placement. Political signs may not be attached to traffic safety devices, telephone poles, power poles, or other public utility facilities. They may be placed upon private property or within public rights-of-ways. Signs placed in public rights-of-way must not create a hazard to the public by obstructing the view or passage of pedestrians, cyclists or motorists.

2. Removal. All political signs must be removed 5 days after the election in which the candidates or issue on the sign has been determined. However, after primary elections, if the candidate or issue is going into the general election, signs may remain until 5 days after the general election. The candidate or committee for which the sign is displayed, shall be responsible for its removal.

H. Banner signs.

1. One banner sign shall be allowed per business and attached to a wall, fascia, mansard (which is attached to a building wall), canopy or awning. No free standing banners shall be permitted.
2. No individual banner shall exceed 40 square feet in size.
3. All banners shall be maintained. Any damaged banner signs shall be immediately repaired, replaced or removed.
4. Banner signs are temporary and shall not be displayed more than 14 consecutive days.

I. Feather sign.

1. A feather sign (also known as bow or teardrop sign) is a sign made of fabric and supported by a vertical pole of various lengths, and inserted into the ground.
2. A feather sign cannot exceed 9' in height.
3. Feather signs are temporary and shall not be displayed more than 14 consecutive days.
4. Feather signs shall be located on the premises or in right-of-way immediately adjacent to the business, organization or use it is advertising or identifying. No off-premise placement is allowed.

**18.170.090 Sandwich Board Signs.**

A. Permit Required. Sandwich board signs intended for permanent display (more than 14 days in a calendar year), shall be required to obtain a sandwich board sign permit from the City. The annual permit shall be valid for the calendar year and shall expire on December 31st of said year.

1. As part of the sandwich board sign permit for signs to be located in the public right-of-way, the applicant shall be required to provide a signed and notarized statement assuming all liability for any damage resulting from their use of the sandwich board sign, and holding the City harmless from any losses.

2. The permit application shall include the following information and processed in accordance with Section 18.170.120:
   a. Size and height.
   b. Intended placement location(s) on- and off-premises.
   c. Materials.

B. Type.

1. On-premise sandwich board signs are placed on property where the business, use or organization is located or immediately adjacent to the business, use or organization frontage.

2. Off-premise sandwich board signs are placed off premises from the physical location of the business, use or organization, and includes being placed in the public right-of- way.

C. Size. Sandwich board signs shall not exceed 6 square feet in size per face and shall not exceed 4' in height. The sign shall not be artificially increased above the allowed maximum height by elevating the sign off of ground level by any means.

D. Number.
No more than1 sandwich board signs shall be permitted for any business, organization, or use; provided that upon a demonstration of hardship, the Planning Director may permit 1 additional sandwich board sign.

E. Placement.

1. Sandwich board signs may be located on-premise or off-premise, but cannot exceed the total number of signs allowed per business, organization or use.

2. On-premise sandwich board signs must be located on property directly in front of the business displaying the sign, or in right-of-away on the same side of street and immediately adjacent to the business.

3. Off-premises sandwich board signs are not allowed in public parks, or on private property without owner's consent.

4. Off-premise sandwich board signs are allowed only for businesses or organizations located within the Poulsbo city limits, and have a valid business license.
   a. Sandwich board signs advertising businesses or organizationsnot physically located and operated within the city limits are not permitted.

5. Sandwich board signs are not to be placed on sidewalks, except in the C-1 zoning district, provided that minimum ADA sidewalk width remains available.

6. Signs shall not create a traffic safety hazard by obstructing the view or passage of pedestrians, cyclists or motorists.

7. Sign placement may not obstruct an entrance to a building, steps or driveway access.

8. No sign may be placed within a sight vision clearance triangle or within 5'of a wheelchair ramp.

9. No sign shall be placed within the roadway, traffic island, median or circle.

F. On and off-premise signs may be displayed only during the hours of 8:00 a.m. to 9:00 p.m. on days the business displaying such sign is open. When off-premises sandwich board signs are continuously displaced and not removed daily, the City shall have the authority to remove said sign pursuant to Section 18.170.140.B, and may revoke its permit.

G. Sandwich board signs determined to pose a threat to the public's safety or are located in sight clearance areas, will be removed by the City, under the provisions of Section 18.170.140.B.

H. Lighting, streamers, balloons, windsocks, and other materials shall not be attached to sandwich board signs.

I. Signs shall be constructed of weather-resistant materials, are professionally lettered and neatly painted. The sign shall be constructed to avoid being blown, tipping or falling from its intended location. Signs shall remain in good condition, and repaired and maintained as needed.

**18.170.100 Non-Conforming Signs.**

A. Any sign, lawfully existing prior to the adoption of this ordinance, but does not conform to the specific provisions of this Chapter, may continue unchanged.

B. A legal nonconforming sign may lose said designation if any of the following occur:

1. The sign is not continuously maintained and repaired as required by Section 18.170.130.

2. If the sign structure is relocated (at the owner's initiative), enlarged, or is structurally altered in any way except to conform to this chapter.

3. If the cost to repair or redesign a nonconforming sign exceeds 55% of the replacement cost of a conforming sign.

4. If a site is approved for a new primary building, or an existing primary building is approved for substantial construction, all signs shall meet the requirements of this Chapter.

C. A sign replacing a nonconforming sign shall conform to this chapter.

**18.170.110 Variance.**
A variance to the requirements of this Section may be applied for in conformance with the provisions of Chapter 18.290.

**18.170.120 Permit Required.**

A. Sign permit applications shall be submitted to the City of Poulsbo Building Department upon a form provided by the City and shall contain the following information:

1. Name, address and telephone number of the owner of the sign;

2. Name of the business that sign is advertising or the name of the group, organization or event the sign is publicizing;
3. Street address and zoning of the property on which the sign is to be located;
4. Name, address, telephone number, city business license number, and state contractor's license number of the sign contractor, if other than the business or development owner;
5. The total value of the sign or signs;
6. Dimensions of the building façade if applicable;
7. Total area of any existing nonexempt signs;
8. Number and dimensions of proposed signs;
9. Two copies of a site plan showing the proposed location (relative to property lines, existing structures, and pedestrian and/or automobile circulation area), height and square footage of each new sign along with the locations, heights and square footages of all existing signs on the same premises;
10. Two copies of a mounting/installation plan. The plan must be drawn to scale and the dimensions, materials, design, and structural supports of each proposed sign.

B. Once a complete set of plans and an application have been submitted to the City, the Building Official and Planning Director will review the plans for conformance with this Chapter and the International Sign Code and either issue, issue with conditions, or deny the sign permit. Sign permit fees must be paid prior to permit issuance.

C. Sign permit fees shall be as set forth in PMC 15.04.160.

D. A sign permit will become null and void if work is not commenced within ninety days of issuance or if work is suspended or abandoned for more than ninety days.

E. If any sign is installed or placed on any property prior to receipt of a permit, the specified permit fee may be doubled. However, payment of the doubled fee shall not relieve any person of any requirements or penalties prescribed in this code.

F. In order to obtain a permit for the erection of a sign in the City (except painted wall signs and sandwich board signs), the applicant must have a Washington State Contractors' license under Chapter 18.27 RCW, unless he/she is going to install a sign upon his/her own property and is exempted from such requirement by such statute.

G. The applicant and/or contractor shall notify the Building Department upon completion of the sign installation. The Building Official will complete a final inspection of the sign.
   1. It is the responsibility of the applicant and/or contractor to contact the State Department of Labor and Industries for inspection of the electrical components of illuminated signs.

**18.170.130 Installation and Maintenance Requirements.**

A. Structural requirements. The structure and erection of signs within the City shall be governed by the City's adopted Building Code.

B. Electrical requirements. Electrical requirements for signs within the City shall be governed by the National Electrical Code.

C. Maintenance. All signs, including signs heretofore installed shall be constantly maintained in a state of security, safety, appearance and repair. If any sign is found not to be so maintained or is insecurely fastened or otherwise dangerous, it shall be the duty of the owner and/or occupant of the premises on which the sign is fastened to repair or remove the sign within five days after receiving notice from the City. The premises surrounding a free standing sign shall be free and clear of rubbish and landscaping area maintained in a tidy manner.

1. The Planning Director may order the repair or removal of any sign that, in the determination of the Building Official, is defective, damaged or substantially deteriorated. If the City must take action to remove such a sign, the cost of removal shall be charged to the sign owner.

D. Inspection. All sign users shall permit the periodic inspection of their signs by the City upon request.

E. Location. All monument and temporary signs (such as construction signs and property "for sale" signs) must be set back a minimum of 5' from any property lines, or outside the sight triangle established by the City Engineer, whichever is greater.

**18.170.140 Administration.**

A. Administration. The Planning Director shall administer and enforce all provisions of this Section. The Planning Director and/or Building Official are empowered, upon presentation of proper credentials, to enter or inspect any building, structure, or premises in the City for the purpose of inspection of a sign and its structural and electrical connections to ensure compliance with all applicable codes and ordinances. Such inspections shall be carried out during business hours unless an emergency exists.

B. Removal of Signs.

1. The following may be removed by the City without notice:

a. Any sign that has not been removed within 30 days after conviction of a violation or imposition of a civil penalty.

b. Signs that the City finds on public streets, sidewalks, rights-of-way, other public property, or wheresoever located, which present an

immediate and serious danger to the public's safety, may be immediately removed by the City.

c. Sandwich board signs that the City finds are in violation of this Section.

d. Signs, including sandwich board signs, which have not received proper City permit.

2. Neither the City nor any of its agents shall be liable for any damage to any sign removed under this section.

3. The sign owner may reclaim signs removed by the City within 30 days of the removal date by paying a fee or other procedure as established by the City.

**18.170.150 Enforcement.**

It is unlawful for any person, firm or corporation to violate or fail to comply with any of the provisions of this Chapter. Enforcement and violations procedures are set forth in Chapter 18.320.

# 18.180 Tree Retention.

## 18.180.010 Purpose.

The purpose of this section is to retain trees in the City in order to preserve and retain clusters of existing trees that contribute to the City's community character; maintain and protect property values; enhance the visual appearance of the City; reduce the impacts of development on the storm drainage system and water resources; and provide a better transition between the various land uses permitted in the City.

## 18.180.020 Applicability.

Retention of trees shall be evaluated during the following:

A. New development projects in the RL zoning district, including subdivisions, planned residential developments, and non-residential uses.

B. New development projects in the RM/RH zoning districts, including multifamily developments; live/work and mixed use; assisted living, congregate care facilities and the like; and non-residential uses.

C. New development projects in the C-3 zoning district that are located east of 10th Avenue, from Lincoln Avenue to Forest Rock Lane.

D. New projects utilizing Master Plan overlay provisions.

## 18.180.030 Retention Required.

A. In applying the requirement for retention of trees, the Review Authority shall consider the preservation of trees in any of the following circumstances as priorities:

1. Trees located within healthy, vegetated groups and stands, rather than as isolated trees scattered throughout the site.

2. Trees that have a reasonable chance of survival once the site is developed.

3. Trees that can be incorporated into required landscaping and setback areas.

4. Trees adjacent to required critical area buffers.

5. Trees having a land stability function.

6. Trees that can be incorporated into a perimeter buffer or screen the site from adjacent properties.

7. Trees that can be incorporated into required open space and/or recreational amenity areas or tracts.

8. Trees that will not pose a threat to persons or properties.

B. Tree Retention Requirement.

1. At least 25% of the existing trees which are 10" in diameter or greater measured 4'6" above grade, and meet the priorities in Section 18.180.030.A. shall be retained.

2. The Review Authority may approve retention of trees which does not meet the size requirement above as a contribution toward the sum of the diameter inches required if a group of trees and its associated undergrowth can be preserved and falls within one of the priorities identified in Section 18.180.030.A.

**18.180.040 Alternative Tree Retention Option.**
The Review Authority may approve an Alternative Tree Retention Option, when the alternative is one of the following alternatives:

A. Incorporates the replacement of trees equal in equivalent diameter inches as required in Section 18.180.030.B.

B. Incorporates the retention of other trees and natural vegetation in equivalent diameter inches as required in 18.180.030.B and is in consolidated locations that promotes the natural vegetated character of the site.

C. Where an alternative proposal includes supplemental or replacement trees in lieu of retention, the applicant shall utilize plant materials which complement the natural character of the Pacific Northwest, and which are adaptable to the climatic, topographic, and hydrologic characteristics of the site. A landscape plan is required to be submitted.

D. Where an alternative proposal includes supplemental or replacement trees in lieu of retention, the application shall be required to provide a maintenance assurance device, as set forth in Section 18.130.060.C or D.

**18.180.050 Reduced Landscaped Areas.**
If a project includes the retention of trees or alternative option above that is required by this section, the Review Authority may approve a reduction of the project's landscaping requirement by the equal amount of square footage the additional tree retention has added; provided that a project's yard setback landscaping requirement remains unaltered.

**18.180.060 Tree Retention Plan.**
A tree retention plan or alternative tree retention option shall be prepared and submitted with the associated land use permit for projects identified in Section 18.180.020.

A. Trees designated for retention shall be shown on the project site plan, plat drawing and/or landscape plan; a project specific tree retention written narrative shall be included.

a. The tree retention plan and narrative shall detail how the proposal meets the requirement of this Section.

b. Tree tract(s), open space tract(s) or other permanent protective mechanism shall be utilized to specifically identify the areas set aside for tree retention.

B. The City may request the City Arborist to review and provide a recommendation on the project's proposed Tree Retention Plan. If requested, the review by the City Arborist will be at the applicant's expense.

**18.180.070 Tree Protection Measures.**

A. Prior to initiating tree removal and land alteration on the site, trees and vegetated areas identified during land use permit approval to be preserved, shall be protected from potentially damaging activities.

1. Tree retention tract(s), open space tract(s) or other protective mechanism shall be depicted on all submitted construction or land alteration plans, including but not limited to land clearing and grading permits, final landscape plans, and engineering construction drawings.

2. Tree retention tract(s), open space tract(s), or other protective mechanism shall be shown on the face of the plat, binding site plan or similar documents, with a note on the face describing the purpose for long-term retention.

2. The retained trees should be drawn to scale, protective measures included in the construction notes, and the detail for protection fencing included.

B. Before land clearing, filling or any land alteration approved through a land clearing or grading permit, the applicant:

1. Shall install a visible protective tree fencing along the outer edge and completely surrounding the protected area (drip line/critical root zone) of all protected trees or groups of trees. Fences shall be constructed of chain link or other approved material and at least 4' high, unless other type of fencing is authorized by the Review Authority.

2. Shall prohibit excavation or compaction of earth or other potentially damaging activities within the barriers.

3. Shall maintain the protective barriers in place until the Review Authority authorizes their removal or a final certificate of occupancy is issued, whichever occurs first.

4. Shall ensure that any landscaping done in the protected zone subsequent to the removal of the barriers shall be accomplished with light machinery or hand labor.

5. In addition to the above, the Planning Director may require the following:
   a. Cover with mulch to a depth of at least six (6) inches or with plywood or similar material the areas adjoining the critical root zone of a tree in order to protect roots from damage caused by heavy equipment.
   b. Minimize root damage by excavating a 2' deep trench, at edge of critical root zone, to cleanly sever the roots of trees to be retained.
   c. Have corrective pruning performed on protected trees in order to avoid damage from machinery or building activity.
   d. Maintain trees throughout construction period by watering and fertilizing.

C. Directional felling of trees shall be used to avoid damage to trees designated for retention.

D. All construction activities, including staging and traffic areas, shall be prohibited within 5'of the drip line of the protected trees.

E. Where tree retention areas are remote from areas of land disturbance and when approved by the Planning Director, alternative forms of tree protection may be used in lieu of the tree protection fencing; provided that retained trees are completely surrounded with continuous rope or flagging and are accompanied by "Tree Save Area – Keep Out" signs.

F. The Review Authority may require additional tree protection measures as conditions of approval, which are consistent with accepted urban forestry practices.

**18.180.080 Long-term tree protection and maintenance.**

A. The trees retained as required by this Section shall be preserved and maintained as established in the conditions of the land development approval.

B. The tree retention tract(s), open space tract(s) or other permanent protective mechanisms for tree retention shall be owned and maintained through a homeowners association or other common ownership. The face of the plat, binding site plan or similar document shall include a statement(s) that the project's homeowner's association or other common ownership will own and maintain the tree retention tracts, and enforce any activities contrary to the retention and preservation of the trees.

C. The trees retained as required by this Section may be removed to remedy a hazardous tree or public safety reasons only, and upon review and approval of the Planning Director and City Arborist.

D. Pruning of trees retained as required by this Section may be permitted for maintenance and health of tree(s) or other justifications found acceptable by the City, and upon review and approval of the Planning Director and City Arborist.

# 18.190 Temporary Transitory Accommodations.

**18.190.010 Purpose.**
Recognizing there are people considered homeless and do not have accommodation that is safe, secure and appropriate; and that RCW 35A.21.360 allows religious organizations to offer on-site temporary transitory accommodations, this Section provides for the procedure to allow for such temporary shelters, while protecting the public's health and safety.

**18.190.020 Who may apply.**
Transitory Accommodations shall be permitted only as an accommodation of religious exercise by a Host Agency. If the Host Agency is joined by a Sponsoring Agency, both agencies shall apply jointly for a permit under this Section and shall jointly certify compliance with all applicable requirements for approval and conditions of the application.

**18.190.030 Outdoor Transitory Accommodation.**

A. A Host Agency may locate temporary shelters on developed property it owns or controls.

   1. The application for a Temporary Use Permit is to be submitted prior to the establishment of the temporary shelters.

   2. A neighborhood meeting must be held prior to the permit issuance, with noticing requirements as set forth by the City.

B. The temporary shelters shall be located a minimum of 40' from the property line of abutting properties, unless the Review Authority finds that a reduced buffer width will provide adequate separation between the encampment and adjoining uses, due to changes in elevation, intervening buildings or other physical characteristics of the site of the encampment.

C. No shelters shall be located within a critical area or its buffer as defined by Title 16.20 PMC.

D. Exterior lighting must be directed downward and glare contained to the extent possible.

E. On-site parking of the Host Agency shall not be displaced unless sufficient required off-street parking remains available for the Host Agency's use to compensate for the loss of on-site parking or unless a shared parking agreement is executed with adjacent properties.

F. The Host Agency and/or Sponsoring Agency shall provide and enforce a written code of conduct, which not only provides for the health, safety and welfare of the temporary residents, but also mitigates impacts to neighbors and the community. A copy of the code of conduct shall be submitted to the City at the time of application

for the Temporary Use Permit. Said code shall be incorporated into the conditions of approval.

G. The Host and Sponsoring Agency shall ensure compliance with laws and regulations of Washington State, the Poulsbo Municipal Code, Poulsbo Fire Department, and Kitsap Health Department concerning, but not limited to, drinking water connections, solid waste disposal, human waste, cooking, and electrical service and systems.

H. The Host Agency shall assure all applicable public health regulations have been met, including but not limited to the following:

1. Adequate water supply.
2. Sanitary portable toilets.
3. Hand-washing stations by the toilets and food preparation areas.
4. Food preparation or service tents.
5. Refuse receptacles.

I. The Host Agency shall designate points of contact for the Poulsbo Police Department.

J. Facilities for dealing with trash shall be provided on-site.

K. Adequate access for fire and emergency medical apparatus shall be provided as determined by the Fire Marshal.

L. No more than 1 outdoor temporary transitory accommodation may be located in the City at any time.

**18.190.040 Indoor Transitory Accommodation.**

A. A Host Agency may locate up to thirty people in buildings of sufficient size to accommodate the residents, provided that:

1. The application for a Temporary Use Permit is submitted prior to the use of the building.

2. A neighborhood meeting has been held prior to the permit issuance, with noticing requirements as set forth by the City.

3. The building is of sufficient size to accommodate the anticipated residents.

B. The Host Agency shall assure all applicable public health regulations, including but not limited to the following:

1. Adequate water supply.

2. Sanitary adequate toilets.
3. Hand-washing stations by the toilets and food preparation areas.
4. Food preparation or service facilities.
5. Refuse receptacles.

C. The existing building complies with City building codes. Pursuant to RCW 19.27.042, however and subject to its requirements, the City Building Official shall have the authority to exempt code deficiencies so long as such deficiencies pose no threat to human life, health, or safety.

D. All applicable health and safety standards for providing and using such facilities shall be satisfied as required by the Kitsap Health Department and Poulsbo Fire Department.

**18.190.050 Application Requirements.**

In addition to the application requirements set forth in Temporary Use Permits section, the following additional information shall be submitted in support of the Temporary Transitory Accommodations application:

A. Proof of ownership or control of the property to be used for the transitory accommodations by the Host Agency.

B. If a Sponsoring Agency is involved, the Sponsoring Agency must be a co-applicant with the Host Agency. The written agreement between the Host Agency and the Sponsoring Agency must be submitted.

C. A description of the security measures that the Host Agency intend to employ at the site, including criteria for rejection as a resident; a code of conduct; security patrols, if any; whether and how they will implement outstanding warrant or registered sex offender background checks, and whether and how any residents or prospective residents may be ejected based on the results of such checks.

D. A proposed site plan, including location of all shelters; permanent and/or portable toilets and hand washing stations, and trash containers; location of security lighting; electrical connections; cooking facilities; and location and number of off street parking spots.

E. Project statistics, including site area; expected and maximum number of residents; hours of operation; security protocols; emergency phone numbers; and the duration of the temporary housing accommodations.

F. A management plan that contains a general description of the daily operation, oversight, and enforcement of permit conditions.

G. Photos showing the site prior to the transitory accommodations.

H. Statement agreeing to allow inspections by Kitsap Health Department, Poulsbo Fire Department and/or other government officials at reasonable times without prior notice to ensure compliance with applicable laws and the conditions of the Temporary Use Permit.

I. Code of Conduct.

**18.190.060 Review Authority.**
Any proposed Temporary Transitory Accommodations shall be subject to a Temporary Use Permit (TUP), as set forth in Chapter 18.280. The Review Authority may impose additional conditions to a Temporary Transitory Accommodations TUP as necessary to ensure the public's health and safety.

**18.190.070 Time Limitation.**

A. The Temporary Use Permit issued for a Temporary Transitory Accommodations shall be valid for 180-days. The TUP permit may be granted one 90-day extension by the Review Authority, provided the extension request is submitted at least 30-days prior to the expiration of the initial 180-days.

B. Only one permit may be granted for a particular property in any calendar year.

**18.190.080 Decision Criteria.**
In addition to the Temporary Use decision criteria required in Section 18.280.060, the following findings relative to temporary transitory accommodations are hereby required:

A. The proposed temporary transitory accommodations comply with the requirements set forth in this Section.

B. The temporary transitory accommodations will not be materially detrimental to the public health, safety or welfare of the temporary accommodations residents or the surrounding community.

C. The imposition of a condition under which the City reserves the right to impose additional conditions or to reconsider the temporary accommodations within a certain timeframe from approval date, based on complaints filed with the City.

**18.190.090 Revocation of Temporary Use Permit.**
The City may revoke the Temporary Use Permit upon determination that the approval criteria or conditions of approval have not been met at any time.

# 18.200 Wireless Communication Facilities.

## 18.200.010 Purpose.

The purpose of this chapter is to set forth the regulations for the placement, development, permitting, and removal of wireless communications facilities, including support structures and antennas. The purposes are to:

A. Minimize the adverse visual, aesthetic and safety impacts of wireless communications facilities.

B. Establish clear and objective standards for the placement of wireless communications facilities,

C. Ensure that such standards allow competition and do not unreasonably discriminate among providers of functionally-equivalent services.

D. Encourage the design of such facilities to be aesthetically and architecturally compatible with the surrounding built and natural environments.

E. Encourage the location of wireless communications support structures in non-residential areas.

F. Encourage the collocation or attachment of wireless communications antennas on existing support structures or to help minimize the total number and impact of such structures throughout the community.

## 18.200.020 General Provisions.

A. Wireless telecommunication facilities shall not be considered nor regulated as essential public facilities.

B. Wireless telecommunication facilities may be either a principal or secondary use. A different use of an existing structure on the same lot shall not preclude the installation of a wireless telecommunication facility.

## 18.200.030 Applicability.

A. Wireless telecommunication facilities shall be permitted as established in the underlying zoning district use table.

B. The following are exempt from the provisions of this section:

1. Wireless communication facilities utilized by a governmental agency for governmental purposes and not for resale or lease to the public within its area of jurisdiction.

2. Amateur radio towers and antenna array to the full extent necessary to entitle the holder of the license to utilize the rights granted by the Federal Communications Commission provided that this exemption applies only if an antenna and supporting structure which must be greater than 35’ in height in

order for the full enjoyment of licensed activity is of a telescoping or crank-up configuration and which, when not in use, is fully retracted to a level at or below 35' in height.

3. Television antennas, television dish antenna array and similar small-scale communication antenna array less than 10' in height.

**18.200.040 Location Considerations.**

The location priority for new wireless telecommunication facilities shall be in the following order:

A. In all zoning districts, co-locate on existing wireless telecommunication facilities.

B. In all zoning districts, co-locate antennas within rights-of-ways and existing structures (i.e. power poles); or other existing structures, such as buildings, water towers.

C. Place new wireless telecommunication facilities over 21' in height in districts zoned C-2, C-3, C-4, OCI, BP or LI.

D. Place within Residential zoning districts only when co-locating or an applicant has proven that:
   1. There is a significant gap in the applicant's service coverage that will be left unfilled if the facility is not located in the Residential zoning district, and
   2. Alternative facilities or sites in higher priority areas have been investigated and determined not to be technically feasible, as demonstrated by an Alternative Sites Evaluation prepared by the applicant and submitted to the City as provided in Section 18.200.050.J

**18.200.050 Application Requirements.**

In addition to other applicable requirements, applications shall include the following:

A. Site and landscape plans drawn to scale, including the location of existing structures, trees, and other significant site features; proposed color of the facility, method of fencing, finished color and, if applicable, the method of camouflage and illumination.

B. A report including description of the facility with technical reasons for its design.

C. Documentation establishing the structural integrity for the facilities proposed use.

D. The general capacity of the tower and information necessary to assure that ANSI standards are met.

E. A statement of intent on whether the excess space on the facility will be leased.

F. Proof of ownership of the proposed site or authorization to utilize it.

G. Copies of any easements necessary.

H. An analysis of the area containing existing topographical contours.

I. Photo simulations of the proposed facility from affected properties and public rights-of-ways at varying distances.

J. When proposed not to co-locate, an Alternative Sites Evaluation outlining all potential sites investigated, including at a minimum all priority locations as listed in Section 18.200.040. The Evaluation shall address how co-locating on all existing wireless facilities within a one mile radius, or locating on other facilities or structure/building locations within one-half (1/2) mile radius of the proposed facility location, do not satisfy the operational requirements of the application.

1. The City may retain, at the applicant's expense, an independent consultant to review the Alternative Sites Evaluation submitted by the applicant.

**18.200.060 Development Standards.**

A. Landscaping and Screening.

1. In all zones, equipment shelters, cabinets and other on-the-ground ancillary equipment shall be constructed with a use separation buffer of a minimum of 20' in R zones and 10' in all other zones. The Review Authority may increase the width of this buffer if it is determined additional buffering is necessary to further mitigate the impact of the ground equipment. Further, the buffer shall be contained in a recorded easement; vegetation shall not be removed without approval by the City.

2. Fencing shall be required around the ground facilities and be located within the required separation buffer. The fence shall be a non-obtrusive material such as a dark coated chain link fence to blend in with the surroundings.

3. In R zones, and in other zones where the wireless telecommunication facility over 20' in height is proposed and is within 300' of an R zone, the ground level view of support structures shall be mitigated by the retention of existing trees with sufficient height that will provide a functional screen of a substantial portion of the facility. Additional landscaping and screening may be required by the Review Authority to mitigate the visual impact of the ground level view of the support structure, if the existing trees do not provide an adequate functional screen or if no trees are on the subject site to provide the functional screen. Existing trees on adjacent properties or within right-of-way cannot be utilized to meet this requirement.

4. A performance and/or maintenance bond is required for all landscaping and screening plantings to ensure the required screening remains intact.

B. Visual Impact.

1. Wireless telecommunication facilities shall be camouflaged by employing the best available technology. This may be accomplished by use of compatible materials, location, color, stealth technologies, and/or other strategies to achieve minimum visibility of the facility as viewed from public streets or residential properties. When attached to an existing building, the wireless telecommunication facility shall be placed and colored to blend into the architectural detail and coloring of the structure.

2. New wireless telecommunication facilities above 20' shall not be considered compatible with surrounding land uses if within a one mile radius it results in more than a moderate visual impact upon a significant viewscape, such as mountain views, views of Liberty Bay, and/or open expansive views, such as valleys. Visual impact on typical Pacific Northwest viewscape of mature evergreen trees does not constitute more than moderate visual impact. The assessment for compatibility will be made through review of a visual impact analysis.

3. A visual impact analysis will be required when a new wireless telecommunication facility is proposed to be located within an R zone or within 300' of an R zone, or if the facility is anticipated to constitute more than a moderate visual impact as described above. The impact analysis will be accomplished through: a) erection of a crane; b) a balloon (of a size not less than 4'); or c) similar device used to simulate the proposed dimensions and height of the structure.

4. Ten working days prior to the demonstration, the applicant shall notify the City and provide a courtesy informational notice to properties within 300' of the subject site upon which the visual impact test will be conducted. The potential impact shall be documented through submittal of maps, photographs, photo-simulation, and other appropriate methods.

C. Color and Lighting.

1. Wireless telecommunication facilities shall be painted in a non-reflective, earth tone color that best allows them to blend into the surroundings.

2. Flashing red, solid red, or white strobe lighting shall not be allowed on any support structure except those included in permanent 911 public safety communication facilities, located at ground elevations above 700', and more than one-half mile from any residential zone. Any structure subsequently determined by the FAA to require flashing red, solid red, or white strobe lighting shall be altered to avoid the lighting requirements.

3. Security lighting which is appropriately down shielded and is directed away from adjoining properties, is permitted for the equipment shelters, cabinets,

and/or other ground ancillary equipment. No more than one foot candle of illumination may leave the property boundaries.

D. Electromagnetic Field/Radio-Frequency Radiation Standards.
Installation of wireless telecommunication facilities shall conform to the standards required by the Federal Communication Commission's (FCC) regulations and the Telecommunication Act of 1996.

E. Co-Location of Facilities.
All new wireless telecommunication facilities shall be designed to accommodate co-location of at least two additional carriers. Further, an approved wireless telecommunication provider cannot deny a wireless provider the ability to co-locate on an approved facility at a fair market value or at another cost agreed to by the affected parties.

F. Discontinuation of Use.
Any wireless telecommunication facility that is no longer needed and its use is discontinued shall be reported immediately by the service provider to the City. Discontinued facilities shall be completely removed by the service provider or the property owner within six months from the time of discontinuance.

**18.200.070 Conditional Use Findings.**
In addition to the Conditional Use Findings required in Section 18.230.060, the following findings relative to wireless telecommunication facilities are hereby required:

A. An evaluation of the provider's service coverage area has adequately demonstrated that there is a significant gap in the provider's coverage that will be filled by the proposed wireless telecommunication facility.

B. The proposed wireless telecommunication facility is co-locating or is located in a non-residential zoning district.

C. That the proposed wireless telecommunication facility located within an R zone is co-locating; or has adequately evaluated locational priorities, and has demonstrated that there is no technically feasible alternative facility or site in a higher priority area that will fill an existing significant gap in the provider's coverage.

D. The proposed wireless telecommunication facility and ground facilities have been reviewed appropriately, have satisfied all the provisions of this section and have been adequately mitigated.

# Section IV. Permits and Decisions.

## 18.210 Amendments.

### 18.210.010 Amendments to Title 18 Zoning Code and Zoning Map.

A. Amendments to the text of this Title or zoning amendments to the City's Zoning Map shall be applied for and processed according to the provisions of PMC Title 19.01.

B. In order to grant a Zoning Code text amendment, the following findings must be made:

1. The amendment is consistent with the Comprehensive Plan; and

2. The amendment supports and/or enhances the public health, safety or welfare; and

3. The amendment is not contrary to the best interest of the citizens and property owners of the City of Poulsbo.

C. In order to grant a Zoning Map amendment, the following findings must be made:

1. The amendment is consistent with the Comprehensive Plan Land Use Map.

2. The amendment is not detrimental to the public health, safety or welfare.

3. The amendment is warranted because of changed circumstances, a mistake, or because of a need for additional property in the proposed zoning district.

4. The subject property is suitable for development in general conformance with zoning standards under the proposed zoning district.

### 18.210.020 Comprehensive Plan Amendments.

A. Comprehensive plan amendments shall be applied for and processed as Type IV permits and according to the provisions of PMC Title 19.01. The Poulsbo Comprehensive Plan includes policies and narrative guidance on amending the comprehensive plan.

B. In order to grant a Comprehensive Plan text or map amendment, one of the following must apply:

1. The amendment is warranted due to an error in the initial adoption of the City Comprehensive Plan.

2. The amendment is based on a change of conditions or circumstances from the initial adoption of the City Comprehensive Plan.

3. The amendment is based on new information that was not available at the time of the initial adoption of the City Comprehensive Plan.

4. The amendment is based on a change in the population allocation assigned to the City by Kitsap County.

**18.210.030 Release of Concomitant Rezone Agreements.**
Release of concomitant rezone agreements shall be applied for and processed according to the provisions of PMC Title 19.01.

# 18.220 Annexations.

**18.220.010 Purpose.**
The purpose of this Section is to provide procedures and requirements for the annexing of territory to the City of Poulsbo.

**18.220.020 Procedure.**
Applications to annex land to the City of Poulsbo shall follow procedures set forth in the appropriate State statues, and the provisions noted below.

**18.220.030 Annexation Methods and Review.**

A. Annexations by election method. An annexation request may be initiated by the City Council or by petition of property owners requesting the matter be put to a vote pursuant to Sections RCW 35A.14.015 through RCW 35A.14.110, as may be amended or re-codified.

B. Annexations by direct-petition method. An annexation request may be initiated by petition method by property owner initiation pursuant to Sections RCW 35A.14.120 through RCW 35A.14.150, as may be amended or re-codified.

C. Boundary review board review. Annexation actions taken under Chapter 35A.14 RCW may be subject to review by the Kitsap County Boundary Review Board under Chapter 36.93 RCW.

D. Other procedures. All procedures of Chapter 35A.14 RCW shall apply to annexations to the City.

**18.220.040 Direct Petition-Method Procedures.**

A. Pre-application conference. Applicants using the direct petition method shall be required to attend a pre-application conference prior to the submittal of the letter requesting approval to circulate a petition.

B. The annexation initiators shall submit a letter signed by the owners of not less than 10% in value, according to the assessed valuation for general taxation of the property for which annexation is sought, together with a map of the area proposed to be annexed. The City Council shall meet with the initiating parties within 60 days of the date the letter is filed in order to determine whether the Council will accept, reject, or geographically modify the proposed annexation. If the City Council authorizes circulation of the petition, the initiating parties may circulate a petition which meets the requirements of Sections 18.220.060 and 18.220.070, and any other conditions established by the Council.

C. Within 30 days of the City Council authorization to circulate the annexation petition, the initiators of the annexation shall contact all property owners within the area

proposed for annexation and all property owners within the contiguous UGA of the proposed annexation.

D. Within 60 days of City Council authorization to circulate the annexation petition, the initiators of the annexation petition are required to hold a community meeting.

E. The annexation petition must be signed by owners of not less than 60% of the assessed value of property within the area sought to be annexed. In cases where the boundary of the proposed annexation area is at least 80% contiguous to the City, then the annexation petition must be signed by owners of not less than 50% of the assessed value of property within the area sought to be annexed.

F. The annexation petition with appropriate signatures shall be submitted to the City; the City forwards the petition to the Kitsap County Auditor for verification and a Determination of Petition Sufficiency.

G. The City prepares a Notice of Intent and submits it to the Kitsap County Boundary Review Board.

H. The City provides notice in the annexation area and the newspaper announcing the City Council public hearing to hear testimony regarding the approval or denial of the annexation.

**18.220.050 Final Approval.**
If the City Council approves the application, it shall pass a resolution stating its approval and authorizing the Mayor to submit a notice of intent to annex to the Kitsap County Boundary Review Board. Upon approval by the Boundary Review Board, the City Council shall grant final approval of the annexation by ordinance.

**18.220.060 Conditions of Annexation.**
Territory annexed to the City shall assume its share of the existing City indebtedness. Other conditions of annexation, if any, shall be agreed to at the meeting of the petitioners and City Council. All conditions shall be stated as a part of the direct petition.

**18.220.070 Annexation Zoning.**
The City Council shall establish zoning for territory effective upon the annexation as set forth in the adopted Poulsbo Subarea Plan.

# 18.230 Conditional Use Permits.

## 18.230.010 Purpose.

A conditional use permit is a mechanism by which the City may require special conditions on development or on the use of land in order to ensure that designated uses or activities are compatible with other uses in the same land use district and in the vicinity of the subject property.

## 18.230.020 Types of Conditional Use Permit Applications.

There are two types of conditional use permits. An administrative conditional use permit (AC) application shall be processed as a Type II permit application; a conditional use permit (C) shall be processed as a Type III (quasi-judicial) permit application. Both Type II and Type III permits shall be processed according to the provisions of PMC Title 19.01. Land uses and development actions requiring an AC or C shall be identified in use tables in each respective zoning district.

## 18.230.030 Review Authority.

The Review Authority for an administrative conditional use permit application (AC) shall be the Planning Director, and the Review Authority for a conditional use permit application (C) shall be the Hearing Examiner, according to the provisions of PMC Title 19.01. However, the Planning Director may elect to have any administrative conditional use permit application processed as a Type III conditional use permit application based on unusual characteristics of the land use or development proposal, special characteristics of the area in which they are to be located, or anticipated significant impacts to the surrounding property, neighborhood, or the city as a whole.

If an administrative conditional use permit application is submitted concurrently with any Type III permit application, the applications shall be subject to one combined Type III review and approval process.

## 18.230.040 Conditions Authorized

In permitting a conditional use, the Review Authority may impose, in addition to regulations and standards expressly specified in this Title, other conditions found necessary to protect the health, safety and welfare of the surrounding property(ies), neighborhood, and the City as a whole. These conditions may include, but are not limited to:

1. Requirements increasing the required lot size or yard dimensions;

2. Increasing street widths, controlling the location and number of vehicular access points to the property;

3. Increasing the number of off-street parking or loading spaces required;

4. Limiting the number of signs;

5. Limiting the coverage or height of buildings or structures because of obstructions to view and reduction of light and air to adjacent property;

6. Limiting or prohibiting openings in sides of buildings or structures or requiring screening and landscaping where necessary to reduce noise and glare and maintain the property in a character in keeping with the surrounding area; and

7. Requirements under which any future enlargement or alteration of the use shall be reviewed by the city and new conditions imposed.

**18.230.050 Neighborhood Meeting.**

When the subject site is within or adjacent to a residential zoning district, a neighborhood meeting is required to be conducted by the applicant for a conditional use permit (C) permit and may be required by the Planning Director for an administrative conditional use permit (AC). Procedures for the neighborhood meeting are identified in PMC 19.01.

**18.230.060 Decision Criteria.**

The Review Authority may approve or approve with conditions, the application for a conditional use permit, if its meets the following criteria. Applications that do not meet all decision criteria will be denied.

A. The conditional use will not be materially detrimental to uses or property in the immediate vicinity of the subject property; and

B. The design is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity; and

C. The conditional use will be served by adequate public facilities including streets, fire protection and utilities; and

D. The conditional use complies with all applicable requirements of this code.

**18.230.070 Limitations of Permit.**

A. An AC permit or a C permit shall become void two years after approval, or after such greater or lesser time as may be specified as a condition of approval, unless within that time the required building construction, alteration or enlargement has been commenced and diligently pursued, or if no such construction, alteration or enlargement is required, that the permitted use is regularly conducted on the premises. The Planning Director may extend the permit for one, one-year extension.

B. In a case where an application is denied by the Review Authority and specifically stated to be without prejudice, it shall not be eligible for resubmittal for the period of one year from the date of said denial, unless, in the opinion of the Review Authority,

new evidence is submitted or conditions have changed to an extent that further consideration is warranted.

**18.230.080 Appeal.**
The applicant or any party of record may appeal the decision of the Review Authority as set forth in PMC Title 19.01.

**18.230.090 Modification/Revocation by Review Authority.**
The City may initiate a modification or revocation of an approved administrative conditional use permit and conditional use permit.

A. Modification. The City may initiate a modification to an approved AC or C permit through a Type II process as set forth in PMC Title 19.01. The Review Authority of the original permit, may delete, modify or impose additional conditions upon finding that the use for which such approval was granted has been intensified, changed or modified by the property owner or by person(s) who control the property without approval so as to significantly impact surrounding land uses.

B. Revocation. The City may revoke an approved AC or C permit through a Type III process as set forth in PMC Title 19.01. The Review Authority may revoke an approved permit only upon finding that:
1. Approval of the permit was obtained by misrepresentation of material fact; or
2. The permit is being exercised contrary to the terms of approval.

**18.230.100 Revisions.**
A. Minor revisions. The Planning Director may approve a minor revision to an approved AC or C permit. Minor revisions are those that entail changes by no more than 20% to any approved or existing numeric standard.

Minor revisions will be processed as a Type II permit, and must meet the following decision criteria:
1. The minor revision maintains the intent or purpose of the original approval;
2. The amendment is not materially detrimental to uses or property in the immediate vicinity of the subject property; and
3. The amendment complies with all applicable development regulations.

The Planning Director may include conditions as part of approving minor revisions.

B. Major revisions. Any revision to an approved AC or C permit that changes by 21% or more, any approved or existing numeric standard; or has been determined by the Planning Director to increase impacts to the surrounding property or neighborhood, is considered a major revision, and is treated as a new application.

**18.230.110 Extension of time.**

A. <u>During City review of CUP application.</u>

1. A technically complete application shall be deemed null and void if the applicant fails to submit additional information within 180 days of the Planning Director or Hearing Examiner's written request; further, a technically complete application shall be deemed null and void if the application has been on hold a combined total of 180 days. If the additional information has not been submitted and accepted by the City, the application will be closed and a new application will be required to be submitted.

2. A technically complete application which has been on hold for a total of 180 days may request one 180-day extension. The extension shall be granted if all of the following are met:
   a. The applicant requests such an extension in writing no less than 30 days prior to the expiration of the initial 180-day time period. Verbal requests will not be accepted.

   b. The Director or Hearing Examiner finds that unusual circumstances beyond the applicant's control or other good cause have prevented them from providing the additional information within the initial 180-day time period.

   c. The applicant demonstrates the likelihood that the requested information will be provided to the City within the additional 180-day time period.

   d. The Planning Director shall not grant more than one extension.

   If at the end of the 180 day extension , the additional information has not been submitted and accepted by the City, the application will be closed and a new application will be required to be submitted.

B. <u>After City permit approval.</u>
Upon written request by the property owner filed no less than 30 days prior to the date of permit expiration, the Planning Director may grant an extension of time up to but not exceeding 1 year. Any extensions of time shall be based upon finding:

1. The CUP permit is compliant with all applicable development codes at the time of the extension request.

2. There has been no material change of circumstances applicable to the property since project permit approval.

3. The applicant must provide good cause for the delay, and demonstrate likelihood that the permit will be commenced within the additional year.

4. The Planning Director shall not grant more than 1 extension.

# 18.240 Development Agreements.

## 18.240.010 Authority.

Pursuant to RCW 36.70B.170, the City may enter into a written development agreement with a person having ownership or control of real property within its jurisdiction. The execution of a development agreement is a proper exercise of City police power and contract authority. A development agreement may obligate a party to fund or provide services, infrastructure, or other facilities. A development agreement shall be consistent with applicable development regulations. A development agreement shall reserve authority to impose new or different regulations to the extent required by serious threat to public health and safety.

## 18.240.020 Contents.

Development agreements shall set forth the development standards and other provisions that shall apply to, govern and vest the development, use and mitigation of the development of the real property for the duration specified in the agreement. A development agreement shall be consistent with all applicable development regulations. A development agreement may obligate a party to fund or provide services, infrastructure, or other facilities. For the purposes of this Section, "development standards" include, but are not limited to:

A. Project elements such as permitted uses, residential densities, and nonresidential densities and intensities or building sizes.

B. The amount and payment of impact fees imposed or agreed to in accordance with any applicable provisions of State law, any reimbursement provisions, other financial contributions by the property owner, inspection fees, or dedications.

C. Mitigation measures, development conditions, and other requirements.

D. Site and design standards such as architectural design, maximum heights, setbacks, drainage and water quality requirements, landscaping and other development features.

E. Affordable housing.

F. Parks and open space preservation.

G. Phasing.

H. Review procedures and standards for implementing decisions.

I. A build-out or vesting period for applicable standards.

J. Any other appropriate development requirement or procedure.

**18.240.030 Application Procedure.**

A. Agreement not associated with a land use application. If a proposed development agreement is not in conjunction with a Type II, III or IV land use application under PMC Title 19.01, the development agreement shall be presented to City Council at a public hearing for approval by ordinance or resolution pursuant to the public hearing procedures of Section 18.240.040.

B. Agreement associated with a Type II or III land use application. If a development agreement is proposed in conjunction with a Type II or III land use application under PMC Title 19.01, the development agreement shall be presented to City Council at a public hearing for approval by ordinance or resolution, after approval of the Type II or III application. The Review Authority for the Type II or III application shall not make a decision on any portion(s) of the application related to the development agreement but shall make a recommendation of approval or denial of the development agreement to City Council.

C. Agreement associated with a Master Plan. If a development agreement is proposed in conjunction with a Master Plan application, the development agreement will be reviewed concurrent with the Master Plan application pursuant to PMC Title 19.01.

D. Agreement associated with a Type IV land use application. A development agreement may be proposed in conjunction with a Type IV land use application under PMC Title 19.01, and will be reviewed concurrent with the Type IV application.

**18.240.040 Public Hearing.**

A public hearing on the proposed development agreement is required. The Planning Director shall issue a public notice at least 10 calendar days prior to the scheduled public hearing regarding the proposed development agreement. The public hearing notice shall include the following: the purpose of the hearing; the date, time and place of the hearing; the name of the applicant and project name; a description of the proposed agreement; the street address of the subject property or other description of its location; a statement of the availability of the record; a statement of the right of any person to submit written comments to the City Council and to appear at the public hearing to give comments. The Director shall distribute this notice in accordance with the public hearing noticing requirements for Type III permits as set forth in PMC Title 19.01.

**18.240.050 City Council Action.**

The City Council shall consider the proposed development agreement at and following the public hearing. The decision of City Council on a development agreement is the final decision of the City and shall be established by ordinance. Notice of the final decision by the City Council shall be mailed to the applicant, to any person who submitted comments to the City Council, and to any other person who has specifically requested it. A development agreement shall be recorded by the City Clerk with the Kitsap County Auditors Office.

**18.240.060 Term of Agreement.**

During the term of the development agreement, the agreement is binding on the parties and their successors. Unless amended or terminated, a development agreement is enforceable during its term by a party to the agreement. A development agreement and the development standards in the agreement govern during the term of the agreement, or for all or part of build-out period specified in the agreement, and may not be subject to an amendment to a zoning ordinance, development standard, or regulation adopted after the effective date of the agreement. A permit or approval issued by the City after the execution of the development agreement shall be consistent with the development agreement.

# 18.250 Planned Mixed Use Developments.

**18.250.010 Purpose.**
The purpose of planned mixed use developments is to provide flexibility in promoting the development of mixed-use developments that permits residential units integrated with a variety of commercial uses.

**18.250.020 Review Authority.**
All planned mixed use development permits shall be processed as Type III applications according to the provisions of PMC Title 19.01. The Review Authority shall have the authority to approve, approve with conditions, disapprove, or revoke planned mixed use developments.

**18.250.030 Submittal Requirements.**
All applications shall be accompanied with complete site plans drawn to 1" to 40' scale and produced in such a way as to clearly indicate compliance with all applicable requirements, and shall include the following:

A. A vicinity map showing the location of the property and surrounding properties. A copy of assessor's quarter section map may be used to identify the site.

B. Dimensions and orientation of the parcel.

C. Existing Conditions drawing:
   1. The location, name and dimensions of all streets adjoining the site indicating whether privately or publicly owned.

   2. The location of existing structures and other improvements on the site, including structures, driveways, parking, loading, pedestrian and bicycle paths, passive or active recreational facilities or open space, and utilities.

   3. Elevation of the site at 2' contour intervals for grades 0% to 10% and at 5' contour intervals for grades more than 10%.

   4. The location of regulated critical areas.

   5. The location of drainage patterns and drainage courses; including a site and soil analysis for suitability of appropriate low impact development stormwater management facilities.

   6. The location, size and type of any trees or stands of trees to be retained as set forth in Section 18.180.

D. Proposed site development plan. The proposed site plan shall be drawn at the same scale as the existing conditions and shall include the following information:

1. The proposed site and its dimensions and area, orientation relative to north.

2. Abutting properties and the approximate location of structures and uses on abutting property within 50' of the subject site's perimeter.

3. The location and dimensions of proposed development, including the following:

   a. Streets and other rights-of-way and public or private access easements on and adjoining the site.

   b. Vehicle and bicycle parking and circulation areas.

   c. Loading and service areas.

   d. Pedestrian walkways and connections, recreational amenity details, open space, and outdoor features.

   e. Utilities.

   f. Existing structures to be retained on the site and their distance from property lines.

   g. Location of proposed building and structures on the site, including signs, fences, etc., and their intended use and distance from property lines.

   h. The location and type of proposed outdoor lighting and existing lighting to be retained.

   i. The size and location of solid waste and recyclables storage areas.

   j. Proposed topography at 2' contour intervals for grades 0% to 10% and at 5' contour intervals for grades more than 10%.

   k. Storm water management facilities.

4. Summary table which includes parcel zone, total site area, gross floor area by use, (i.e., manufacturing, office, retail, storage), itemized number of full size, compact and handicapped parking stalls and the collective total number, total lot coverage proposed, and total number of residential units.

E. Design Review drawings, prepared as required in Section 18.120.030.

F. Landscape plan, prepared as required in Section 18.130.030, including, if applicable:

1. The location, height and material of fences, buffers, berms, walls and other proposed screening.
2. The location and dimensions or area of terraces, decks, shelters, play areas, recreation amenities and open spaces.

3. Surface water management features that are integrated with landscape, recreation or open space areas.

4. Limits of grading for retention of treess.

G. Sign plan. Sign drawings may be submitted with the PMUD application. If submitted, sign drawings shall be reviewed for compliance with Chapter 18.170.

H. Other. Other information shall be provided as identified at the pre-application conference and/or application form; or to show the development complies with conditions of approval of related SEPA determinations and land use actions and permits.

I. A written statement providing the following information:
1. Program for development including staging or timing.
2. Anticipated ownership pattern upon completion of development.
3. Basic content of restrictive covenants.
4. Provision to assure permanence and maintenance of open space through means acceptable to the City.
5. Statement of tabulation of number of persons to be employed, served or housed in the proposed development.
6. Statement describing the consistency of the proposed development to Poulsbo's Comprehensive Plan.

**18.250.040 Findings.**

In approving a planned mixed use development, the Review Authority must make the following findings:

A. The proposal complies with all of the applicable provisions of Section 18.80.090.

B. The proposal provides appropriate and adequate overall site design features.

C. The proposal would not impair the integrity and character of the zoning district in which it is to be located.

D. The site is physically suited for the type and intensity of land use being proposed.

E. The proposal would be compatible with existing and future land uses within the general area in which the proposal is to be located.

F. There are adequate provisions for water, sanitary sewer, and public utilities (electric, gas, phone and cable) and services to ensure that the proposal would not be detrimental to public health and safety.

G. There will be adequate provisions for public access to serve the subject proposal, as well as providing for access connectivity as appropriate and as required by the City.

H. The proposal is consistent with the comprehensive plan and City's adopted development standards.

I. There will not be significant harmful effects upon environmental quality and natural resources.

J. The negative impacts of the proposed uses are mitigated.

K. The proposed location, size and design of the proposal would not be detrimental to the public interests, health, safety or welfare of the city.

**18.250.050 Final Approval.**

A. Within seven years following the approval of the planned mixed use development, the applicant shall file with the City Engineer a final plat or if no subdivision is occurring, a final site development plan. If the Review Authority finds that the final plat/site development plan is consistent with the PMUD as approved, and that all conditions of the development approval have been satisfied, the Review Authority shall approve the final plat/site development plan. The City Engineer may approve the final plat/site development plan in phases.

B. If the Review Authority finds during final plat/site development plan review, evidence of a significant deviation from the preliminary development plan, the Review Authority shall advise the applicant to submit an application for amendment of the preliminary development plan. An amendment shall be considered in the same manner as an original application.

**18.250.060 Appeal.**

The applicant or any interested person may appeal the decision of the Review Authority as set forth in PMC Title 19.01, Project Permit Application Procedures.

**18.250.070 Extension of time.**

A. <u>During City review of PMUD application.</u>

1. A technically complete application shall be deemed null and void if the applicant fails to submit additional information within 180 days of the Planning Director or Hearing Examiner's written request; further, a technically complete application shall be deemed null and void if the

application has been on hold a combined total of 180 days. If the additional information has not been submitted and accepted by the City, the application will be closed and a new application will be required to be submitted.

2. A technically complete application which has been on hold for a total of 180 days may request one 180-day extension. The extension shall be granted if all of the following are met:
   a. The applicant requests such an extension in writing no less than 30 days prior to the expiration of the initial 180-day time period. Verbal requests will not be accepted.

   b. The Director or Hearing Examiner finds that unusual circumstances beyond the applicant's control or other good cause have prevented them from providing the additional information within the initial 180-day time period.

   c. The applicant demonstrates the likelihood that the requested information will be provided to the City within the additional 180-day time period.

   d. The Planning Director shall not grant more than one extension.

   If at the end of the 180 day extension , the additional information has not been submitted and accepted by the City, the application will be closed and a new application will be required to be submitted.

B. <u>After City permit approval.</u>
Upon written request by the property owner filed no less than 30 days prior to the date of permit expiration, the Planning Director may grant an extension of time up to but not exceeding 1 year. Any extensions of time shall be based upon finding:
1. The PMUD permit is compliant with all applicable development codes at the time of the extension request.

2. There has been no material change of circumstances applicable to the property since project permit approval.

3. The applicant must provide good cause for the delay, and demonstrate likelihood that the permit will be commenced within the additional year.

4. The Planning Director shall not grant more than 1 extension.

# 18.260 Planned Residential Developments.

## 18.260.010 Purpose.

The purpose of this chapter is to encourage creative and superior site design in residential zones which also promotes the preservation of open space in such development by permitting greater flexibility in zoning requirements than is permitted by other chapters of this title, while ensuring compliance with the goals and policies of the Poulsbo Comprehensive Plan. Furthermore, it is the purpose of this chapter:

A. To implement the city's comprehensive plan and the State of Washington's Growth Management Act, Chapter 36.70A RCW.

B. To allow flexibility in lot size and design for residential development, in order to enable development to attempt to achieve the zoned density.

C. To allow flexibility in residential design in order to result in creative site planning and superior residential and subdivision developments than generally found in conventional developments and subdivision regulations.

D. To preserve protected critical areas and their buffers as defined in the Poulsbo critical areas ordinance.

E. To provide open space, recreational opportunities and other benefit features for enjoyment of future occupants.

F. To encourage preservation of cultural, scenic or natural features.

G. To encourage a diversity of housing units and types within and between neighborhoods.

H. To provide for maximize efficiency of street layout, utility networks, and other public improvements.

I. To preserve and retain areas of trees or groupings of trees.

## 18.260.020 Review Authority.

All planned residential development permits shall be processed as Type III applications according to the provisions of PMC Title 19.01. The Review Authority shall have the authority to approve, approve with conditions, disapprove, or revoke planned residential developments, subject to the provisions of this chapter. All changes and/or expansions to existing planned residential developments prior to the effective date of the ordinance codified in this title shall conform to all regulations pertaining to planned residential developments.

## 18.260.030 Uses Permitted.

Any use consistent with the comprehensive plan and uses permitted in the underlying zoning

designation will be permitted in planned residential developments in accordance with the approved development plan.

**18.260.040 Size of Planned Residential Development.**

Except as set forth below, a tract of land to be developed as a planned residential development shall have a minimum of five acres. However, a smaller site size may be allowed if the Review Authority makes specific findings to support the conclusion that a planned residential development is in the public interest because one or more of the following conditions apply:

A. The site contains critical areas and their protected buffers, as defined and set forth by the city's critical areas ordinance.

B. A physical and/or topographic feature of importance identified through a site analysis (such as but not limited to rock croppings, significant stands of trees, and areas of cultural resources) exists on the site or in the neighborhood, which can be conserved and still leave the applicant adequate land for use by the planned residential development.

C. The property or its neighborhood has a historical character of importance to the community that will be protected by use of a planned residential development.

D. The property is adjacent to or across the street from property which has been developed or redeveloped under a planned residential development, and a planned residential development will contribute to or supplement the existing amenities, open space and values of the neighboring planned residential development.

E. The planned residential development design contains unique or innovative design concepts that could not be achieved without a planned residential development.

F. The proposed planned residential development is located in the RM or RH zoning district, or is adjacent to RM, RH, C or LI zoning district(s) on at least two sides of the subject site. Further, adequate perimeter landscaping, buffering or other compatibility provisions must be able to be provided through project design.

G. The proposed planned residential development provides an infill opportunity in the vicinity in which it is located.

H. A cottage housing development as stand alone when at least 12 cottages are proposed or as part of a larger development proposal.

**18.260.050 Modification of Development Standards.**

The City's standard development regulations may be modified for a PRD as set forth in Table 18.260.050 below; all other development standards shall be as set forth in the underlying zoning district requirements.

| Table 18.260.050 Lot Requirements for PRD | | | |
|---|---|---|---|
| **Development Standard** | **RL zoning district** *(including any method of subdivision for single-family detached)* | **RM/RH zoning district + attached units in RL district** | **No subdivision proposed – commonly held ownership (condominium) for all R zones** |
| Density | Per underlying zoning district and as allowed as bonus units in Section 18.260.110. | | |
| Minimum Lot Area | 3,750 square feet<br><br>3,000 square feet for detached single family cottages. | No minimum lot area for attached units.<br><br>3,000 square feet for detached units. | 5 acres or as a component of a PRD w/subdivision |
| Minimum Lot Width | 30’ | 20’ | n/a |
| Minimum Lot Depth | 70’ | None | n/a |
| Maximum Building Lot Coverage | 50% | 60% | n/a |
| Front Yard Setback** | 10’ | 10’ | n/a |
| Rear Yard Setback** | 5 | 5’ | n/a |
| Side Yard Setback** | 5’ | 5’ | n/a |
| Street Corner Yard Setback ** *(corner lots at intersections(s) of public streets/rights of way)* | 10’ *or greater if necessary for sight distance as determined by the City Engineer* | 10’ *or greater if necessary for sight distance as determined by the City Engineer* | n/a |
| Perimeter Setback | n/a | n/a | 20’ and as may be required by Section 18.260.070 |
| Setback between structures** | n/a | n/a | 10’ |
| Maximum Overall Building Lot Coverage | n/a | n/a | 60% |

*** Additional building setback may be required per adopted International Building Code.*

**18.260.060 PRD Development Standards.**

A. Lot Sizes. When a PRD subdivision has an average lot size of 4,000 square feet or less, a variety of lot sizes are desired to provide for market variety, clustering and creativity. The PRD design shall include at least 3 different lot size ranges

distributed throughout the PRD. The applicant must demonstrate to the Review Authority how this requirement has been met through the required written narrative.

B. Alleys. If a unit abuts an alley, the garage shall take access from the alley whenever possible. When parking is accessed from the rear of the lot, garages must be separated at least 25' from garage face to garage face in order to provide safe vehicle back-out room.

C. Privacy. Dwellings on lots without direct frontage on a public street should be situated to respect the privacy of abutting homes and to create usable private yard space for the dwelling(s). The Review Authority shall have the ability/discretion during the review process to establish alternate setbacks in order to accomplish this objective.

D. Project Design. Site design for the entire project (including open space areas, recreational amenities, any attached units and/or condominium areas, and building architectural renderings) shall be submitted in support of the proposed PRD. The renderings shall include possible footprint locations and housing elevations or generally identified architectural style. Open space areas and preliminary location of active recreational amenities, trails, conceptual landscaping and other amenities shall also be identified.

E. Individual Identity. Home individuality shall be achieved through the following methods:

1. When lots front on a public street, the house shall have windows and doors that face the street. Houses shall have a distinct entry feature such as a porch or weather-covered entryway.

2. When lots front on a public street, garage doors must not be the dominant feature of the building facade. At least two of the following design elements shall be provided on home designs that have the garage door projecting forward from the first level living space:
   a. Windows in gables or dormers above the garage doors
   b. Covered porches that emphasize the front entry
   c. Trellis in front of garage
   d. Additional front yard landscaping
   e. Variety of architectural elements incorporated into the front building facade design, such as knee braces, varied column types, window boxes, corbels, and raised panel garage doors with windows.

   The same building plans cannot be utilized on consecutive lots. "Flip-flopping" of plans does not satisfy this requirement and is not permitted on immediately adjacent lots.

3. Varied architectural design features (such as roofline articulation, color and materials) and home placements shall be utilized to avoid appearance of a

long row of identical homes.

4. At building permit application submittal, the Planning Director will review submitted building permits for compliance with this section, as well as substantial compliance with the conceptual architectural renderings required in subsection D of this section, Project Design.

5. The Planning Director has the ability to modify any of the standards within this subsection, if the subject site topography precludes the compliance with any of the stated standards.

F. Landscaping. Landscaping in a minimum 10' wide strip shall be provided on-site and visible along all public street frontage classified as a neighborhood collector. The landscaping can be provided through a landscape easement on lots. If the landscaping is provided in an open space tract and maintained by a homeowners' association, it may contribute to the project's open space requirement.

**18.260.070 Planned residential development site design criteria.**

A. When a PRD is proposed adjacent to an existing single-family residential zone which has been developed utilizing traditional city subdivision development standards and lot sizes (7,500 square feet or larger), the PRD shall be designed and developed so as to be consistent with the single-family residential environment at its adjacent perimeter. The Review Authority may require the PRD to make provisions such as matching lot sizes, lot widths or house height and scale (or other provisions as deemed appropriate) for those lots that are located adjacent to the existing subdivision. Further, any proposed attached units shall be clustered and located away from the established single-family subdivision.

B. When a PRD is proposed adjacent to a single-family residential zone (developed or un/underdeveloped), the perimeter of the PRD shall be subject to screening provisions (this is in addition to subsection A of this section as applicable). The Review Authority may require the PRD to make such provisions as providing a 6' sight-obscuring fence or a minimum 25' vegetated buffer (designated as an open space tract), or other provisions as deemed appropriate to provide adequate screening.

C. Undeveloped parcels that are cleared within 5 years prior to the filing of a PRD application, and where no substantial stands of existing trees or natural features exist, shall not qualify for a PRD unless the proposed design warrants consideration under the PRD provisions, or significant landscaping is proposed to mitigate the loss of natural vegetation. This determination will be made by the Planning Director during the pre-application process.

**18.260.080 Residential Types in Residential Low (RL) zoning district.**
Attached dwellings, not to exceed four-plexes, may be allowed in the RL zone through a PRD if the proposal meets the following criteria:

A. The overall site density does not exceed the zoning district maximum or the allowable density bonus.

B. The attached units must be clustered and located within the interior of the project, along street frontages, or other areas which are appropriate and compatible with adjacent residential zones.

C. The attached units must be single-family in appearance.

D. Architectural renderings of the attached units must be submitted with the application.

**18.260.090 Open Space Requirements.**
Common open space and other appropriate beneficial features are required for all Planned Residential Developments.

A. Open space is intended to benefit the occupants of the planned residential development and shall be improved with recreational amenities.

B. The open space design shall be appropriate to the size, natural features and topography of the subject site. The design shall include open space that is accessible for all residents through pedestrian connections. Further, the open space area(s) shall be visible to at least half of the home sites. This may require multiple open space areas.

C. Open space is required based on the average lot size in the proposed development. The greater the deviation from the RL standard lot size, the greater the open space requirement. This relationship is intended to mitigate the effects of smaller lot sizes including reduced recreation space on private lots, reduced setbacks between structures and overall intensity of the development. The required open space is a percentage of the gross project area.

D. The amount of open space required is set forth in Table 18.260.090.A. The amount of open space required is based upon a range of proposed average lot sizes. The determination of average lot size shall be the sum of all individual lot square footage, divided by the total number of proposed lots.

**Table 18.260.090.A—Amount of Open Space Required for PRD Subdivisions**

| Proposed Average Lot Size | Required Amount of Open Space (of gross project area) |
|---|---|
| 4,499 or smaller | 20% |
| 4,500—5,499 | 15% |

| | |
|---|---|
| 5,500—6,499 | 10% |
| 6,500—7,499 | 5% |

E. For PRDs where no individual lots are proposed (i.e., commonly held ownership/condominium), the amount of open space required is tied to the proposed intensity of the PRD, so that as a project increases the number of units, the open space amount also increases in order to compensate for the loss of private yards and privacy, as well as providing for light, air, space, and recreational amenities throughout the PRD design. The amount of open space required shall be based upon the number of units as prescribed below:

**Table 18.260.090.B—Amount of Open Space Required for Commonly Held Ownership (Condominium) Development**

| Number of Units | Required Amount of Open Space (of gross project area) |
|---|---|
| 1—40 units | 5% |
| 41—80 units | 10% |
| 81—110 units | 15% |
| 111 or greater units | 20% |

F. For projects with a combination of individual lots and units on commonly held ownership, total amount of open space required is cumulative. The amount of open space required shall be calculated using Tables 18.220.090.A and B percentage requirements for each respective area (i.e., area(s) of common ownership tract percentage and remainder of site percentage). Each area's acreage requirement shall then be combined for the project's total open space requirement.

G. Critical area protection areas and required buffers as defined and required by the City's adopted critical areas ordinance can contribute to the above-required open space amount.

1. If less than 25% of the subject site contains protected critical areas and required buffers, then the critical area and protected buffer area may contribute up to 40% of the project's required open space amount, credited on a square-foot-by-square-foot basis.

2. If 25% to 40% of the subject site contains protected critical areas and required buffers, then the critical area and protected buffer area may contribute up to 50% of the project's required open space amount, credited on a square-foot-by-square-foot basis.

3. If 41% or greater of the subject site contains protected critical areas and required buffers, then the critical area and protected buffer area may

contribute up to 60% percent of the project's required open space amount, credited on a square-foot-by-square-foot basis.

H. Storm water management facilities may contribute to a project's required open space amount under the following circumstances:

1. For projects that utilize low impact development (LID) techniques for their storm water management, the Planning Director may consider on a case-by-case basis, with demonstration that the LID technique will beneficially contribute to a project's open space and/or landscaping and can be maintained and operated as passive open space, allowing an area of the LID technique to contribute towards the project's passive open space requirement.

2. For projects that utilize storm water vaults, the top of the vault may be proposed to also serve as an active recreational amenity (i.e., sport court), if grade and landscaping provide for a usable area. The area proposed to serve as the active amenity can therefore contribute toward the open space requirement.

I. Open space areas not proposed to be improved with recreational amenities or purposes shall remain as natural vegetation or landscaped with ground cover, shrubs and trees consistent with the type and location of open space. Removal of natural vegetation in preserved and approved open space shall only be permitted for public safety reasons and upon review and approval of the Planning Director and City Arborist. Enhancement of critical area buffer vegetation shall be as allowed and prescribed in Title 16.20 Critical Areas.

**18.260.100 Amenities required.**

A. Both passive and active recreational amenities (owned and maintained by the homeowners) are required to be provided for all PRDs, and shall be located within the required open space areas.

B. Table 18.260.100 shall provide guidance on the type of passive and active amenities in proposed PRDs. At a minimum, the following shall be provided:

1. PRDs with less than 51 units shall provide at least two Group 1 amenities.

2. PRDs with 51 to 80 units shall provide one Group 1 amenity and one Group 2 amenity.

3. PRDs with 81 to 110 units shall provide two Group 1 amenities and two Group 2 amenities.

4. PRDs with 111 units or more shall provide three Group 1 amenities and two Group 2 amenities.

**Table 18.260.100—Types of Passive and Active Recreational Amenities**

| Passive | Active |
|---|---|
| **Group 1 Amenities** | **Group 1 Amenities** |
| Picnic areas with improved seating area and at least 2 picnic tables, in conjunction with an open play area | Multi-purpose sport court or other type of sport court (pickleball, shuffleboard, etc.) |
| Passive seating areas connected by walking path in a length proportionate to the size of the project | Basketball court (minimum 1/2 court) |
| Walking path in a length proportionate to the size of the project | Tennis court (minimum 1 standard size) |
| Arboretum/gardens with interpretive trail | Playground (minimum 0.25 acre) with large toy |
| Any other comparable passive recreation use as approved by the Review Authority | Any other comparable active recreation use as approved by the Review Authority |
| **Group 2 Amenities** | **Group 2 Amenities** |
| Pond/fountain/waterfall with seating for no less than 10 persons | Outdoor exercise circuit with a trail in a length proportionate to the size of the project |
| Community gardens with improved soils, fencing and sheds | Clubhouse including gathering space for intended residents and kitchen facilities |
| Gazebo connected to gardens or walking paths in a length proportionate to the size of the project | Large picnic area with covered shelter and multifamily barbecue |
| Nature interpretative areas/viewing areas with trail and educational signage | Swimming pool and spa |
| Any other comparable passive recreation use as approved by the Review Authority | Any other comparable active recreation use as approved by the Review Authority |

C. The location of the recreational amenities shall be distributed throughout the PRD for use by all residents unless clustering related amenities will result in recreational opportunities which contribute to the project's overall recreational plan and provisions (i.e., a playfield located adjacent to a clubhouse, or walking paths and gazebo in conjunction with viewing areas).

D. All PRD amenity design shall take into consideration and provide when feasible, pedestrian linkages and connectivity between adjacent properties consistent with the City's Urban Paths of Poulsbo map.

**18.260.110 Residential Density Incentives.**

The applicant may request an increase in the density permitted by the underlying zoning district in exchange for public benefits through land dedications and facility improvements to help achieve comprehensive plan goals of creation of quality neighborhoods, affordable housing, public facility acquisition and improvement, low impact development techniques, environmentally responsible design, and pedestrian and walkability improvements.

A. The density incentive is expressed as additional bonus dwelling units earned per

amount of public benefit provided. When a range is specified, the additional bonus dwelling units will be determined by the Planning Director during project review, based upon the criteria established in Table 18.260.110 for those public benefits.

B. Bonus dwelling units may be earned through any combination from Table 18.260.110; however, bonus units cannot exceed 25% increase above maximum density allowed in the underlying zoning district.

C. When bonus dwelling units are proposed, a PRD cannot also include accessory dwelling units within the proposed project.

**Table 18.260.110—Public Benefit Incentives/Residential Density Bonus**

| Benefit | Density Incentive |
|---|---|
| **Affordable Housing** | As set forth in Section 18.70.070.B |
| **Public Facilities***<br>(public buildings/facilities, trails, parks, and street right-of-way)<br><u>Dedications:</u><br>Dedication of land: for public buildings and facilities (such as schools, utilities); public park (consistent with City's Park Capital Facility Plan); public trails (consistent with Urban Paths of Poulsbo plan and map); or street right-of-way (in addition to required by project). Off-site dedications may be considered when acquired by the applicant and dedicated to the City. | 5—12% increase above maximum density allowed in underlying zoning district. Range is dependent upon priority and amount of usable acres dedicated. |
| <u>Improvements:</u><br>Improvement to City or other agency standards of public buildings and facilities; public parks; public trails and street right-of-way. | 5—12% increase above maximum density allowed in underlying zoning district. Range is dependent upon priority, amount and cost of facility improvement. |
| Inclusion of a number of visible **Low Impact Development** (LID) measures in project design and storm water facility construction. | 5% increase above maximum density allowed in underlying zoning district. |
| **Project Design**<br>a. Preservation of substantial vegetation above the required open space amounts. No increase in permitted density shall be permitted for sites that have been cleared of evergreen trees and native understory within 5 years prior to the date of application. (Density increases granted which were based upon preservation of existing trees shall be | a. 7% increase above maximum density allowed in underlying zoning district. |

| Benefit | Density Incentive |
|---|---|
| forfeited if such trees are removed between time of preliminary and final approval, and issuance of building permits.)<br><br>b. Retention or creation of a perimeter buffer minimum of 50' in width, composed of existing trees and vegetation, additional plantings, and/or installation of fencing or landscaping.<br><br>c. Enhancement of existing native vegetation, proposed through a landscape plan, and approved by the Planning Director and City Arborist. | <br><br><br>b. 1 bonus unit per 250 lineal feet of perimeter buffer retained, enhanced or created.<br><br><br>c. 5% increase above maximum density allowed in underlying zoning district. |
| **Residential Home Design**<br>a. Inclusion in home design of at least three multigenerational or fully accessible elements, including but not limited to, having one entrance without a step(s); master bedroom on main floor; 33" doors into bathroom; or other home design elements that can be demonstrated to easily convert into being accessible under the provisions of ADA.<br><br>b. Home design in which the dwelling units are constructed with LEED certification or other equivalent standard. | a. 5% increase above maximum density allowed in the underlying zoning district when multigenerational elements (as listed in this Section) are incorporated into home design; 10% increase above maximum density allowed when home design is fully functional under ADA provisions. Minimum 7% of the pre-density bonus units must be provided to utilize the density.<br><br>b. 10% increase above maximum density allowed in underlying zoning district when minimum 7% of the pre-density bonus units are designed with LEED certification or other equivalent standard. |
| **Pedestrian Connections and Walkability***<br>a. Construction of an identified pedestrian/bicycle deficiency** (per City of Poulsbo capital improvement plan). Improvements may consist of paved shoulder, sidewalk or detached path or walkway depending on adjoining conditions.<br>b. Covered transit shelter** with associated landscaping and other pedestrian amenities. | a. 5—10% increase above maximum density allowed in underlying zoning district. Range dependent on priority, length and cost of improvement.<br><br><br>b. 1—2 bonus units dependent on cost, area, quantity and type of landscaping and other amenities provided. |

** Dedication of land and construction of improvements under this section is voluntary by the developer and is undertaken for the purpose of achieving a density incentive. For that reason, developers who elect to dedicate land or construct improvements under this section shall not be entitled to credit against park or transportation impact fees for the value of such land or improvements.*
*** In addition to what may be required as part of project review and approval.*

**18.260.120 Street Standard Alternatives.**
The City's street standards, as set forth in the city's adopted Developer's Guide Section 2, may be modified as provided below:

A. On-street parking as required in Local Access Streets Table may be clustered at a ratio of ½ parking space per unit. The clustered parking spaces shall be located in parking bays adjacent to a public street or within commonly owned areas. The parking bays shall be sized to appropriate parking stall sizes. The parking bays shall be owned and maintained by the project's homeowners' association.

B. Private roads may serve up to 9 single-family lots. Private roads must be a minimum of 16' wide for two-way traffic and 10' wide for one-way traffic (or as otherwise required by the fire department). Additional roadway width may be required if determined necessary for safe vehicle movement, to accommodate grading or other considerations as determined by the City Engineer.

1. Private roads shall be placed in a commonly owned tract. The tract will be owned and maintained by the project's homeowners' association. Covenants, conditions and restrictions (CCRs) and sales contracts for lots abutting private roads must indicate that the private roads are owned and maintained by the project's homeowners' association.

2. Private roads must gain access from public streets constructed to city standards.

3. If fire department access is to be met by a private road, the proposed private road must meet fire department design standards.

4. A sidewalk on one side of the private road built to city construction standards is required.

5. Private roads shall be paved full-width for their entire length. Asphalt and subgrade thickness must meet city construction standards.

6. A 10' utility easement may be required on the outside of the private road.

7. Storm water collection shall meet city standards. However, the City Engineer may allow modifications such as an inverted crown or a thickened asphalt edge rather than curb; provided, that storm water treatment will be adequate and safety will not be compromised. A geotechnical analysis of the proposed private road may be required at the discretion of the review engineer.

8. No on-street parking is allowed on private roads unless provided in 8' wide bulb-outs or in parking bays sized to appropriate parking stall sizes. CCRs and sales contracts for lots abutting private streets must indicate no on-street parking is allowed if provisions for parking are not made.

C. Alleys are only permitted as secondary access in planned residential developments. Alleys will be considered private roads and must meet the requirements in subsection B of this section with the following exceptions: alleys may provide secondary access for up to 15 units, and a sidewalk on one side will not be required.

D. Sidewalks separated from public streets or private roads may be required by the City Engineer upon review of the project lot widths and proposed driveway locations.

E. These specific modifications to the City's Developer's Guide may be utilized in PRD site design, and do not require prior City Council approval in order for the application to proceed to the Review Authority. The PRD application remains subject to the Type III review process. However, any other modifications to the street standards that may be proposed are subject to the process set forth in the City's Developer's Guide Section 2.

**18.260.130 Submittal requirements.**

All applications shall be accompanied with complete site plans and subdivision plans if creating lots, drawn to 1" to 40' scale and produced in such a way as to clearly indicate compliance with all applicable requirements, and shall include the following. At least one sheet shall show the proposed project in its entirety (drawn at its appropriate scale).

A. A vicinity map showing the location of the property and surrounding properties. A copy of assessor's quarter-section map may be used to identify the site.

B. Dimensions and orientation of the parcel.

C. Location of existing natural features and structures, including as appropriate: (1) significant stands of trees and trees to be retained (species must be identified; dominant species for stands); (2) topography including identification of geologic hazard areas; (3) any known cultural assets; (4) streams, wetlands and other critical areas or environmental features; (5) aerial photography, if available, of subject site; (6) site and soils analysis for suitability of appropriate low impact development stormwater management facilities; and (7) identification of any adjacent off-site natural features which may have an impact on the subject site, as well as any existing or proposed open space, trail linkages or road connections.

D. Location of proposed lots, building footprints, and open space numbered as open space tracts.

E. Location of walls and fences, indication of their height and construction materials.

F. Elevation of the site at 2' contour intervals for grades 0% to 10% and at 5' contour intervals for grades more than 10%.

G. Streets adjacent to, surrounding or intended to serve the property; curbcuts and internal pedestrian and vehicular traffic circulation routes.

H. Existing and proposed exterior lighting.

I. Landscape plan depicting the location and configuration of overall site landscaping, including protected critical areas.

J. Location and layout of off-street parking, on-street parking, and site circulation.

K. Preliminary utility plan depicting the location of utility and drainage facilities and related tracts or easements.

L. Site design for the entire project, including open space areas, pedestrian walkways and connections, recreational amenity details, outdoor features, building footprints and preliminary building elevations and/or general proposed architectural style.

M. Architectural elevations/renderings for any proposed attached unit structures.

N. Environmental checklist or, if required, environmental impact statement.

O. Preliminary draft of restrictive covenants.

P. Other architectural or engineering data which may be necessary to determine compliance with applicable regulations including any appropriate site design guidelines.

Q. Other information may be required as identified at the pre-application conference and/or application form.

R. A written statement explaining how the proposed PRD meets the purpose and findings of this Section.

**18.260.140 Findings.**

In approving a planned residential development, the Review Authority must make the following findings:

A. The proposal, through its design and submitted supporting documents, has clearly demonstrated it meets the stated purposes of this Section.

B. The proposal complies with all of the applicable provisions of this Title, except those provisions from which deviation has been allowed under this Chapter.

C. The proposal provides overall site design features through its conceptual architectural renderings for the entire project, and has included open space areas, pedestrian walkways and connections, recreational amenities, and outdoor features.

D. The proposal would not impair the integrity and character of the zoning district in which it is to be located.

E. The site is physically suited for the type and intensity of land use being proposed.

F. The proposal would be compatible with existing and future land uses within the general area in which the proposal is to be located by providing screening or buffering between parcels and providing consistency between any existing single-family subdivisions and the proposal.

G. The proposal would preserve natural features and critical areas and would preserve and incorporate existing significant stands of trees within the project design as much as possible.

H. There are adequate provisions for water, sanitary sewer, and public utilities (electric, gas, phone) and services to ensure that the proposal would not be detrimental to public health and safety.

I. There will be adequate provisions for public access to serve the subject proposal, as well as providing for neighborhood connectivity as appropriate and as required by the city.

J. The proposal is consistent with the comprehensive plan and the city's adopted development standards.

K. There will not be significant unmitigated harmful effects upon environmental quality and natural resources.

L. The proposed location, size and design of the proposal would not be detrimental to the public interests, health, safety or welfare of the city.

**18.260.150 Final approval.**

A. Within seven years following the approval of the planned residential development, the applicant shall file with the City Engineer a final plat or if no subdivision is occurring, a final site development plan for review by the Review Authority. If the Review Authority finds that the final plat or final site development plan is consistent with the PRD as approved, and that all conditions of the development approval have been satisfied, the Review Authority shall approve the final plat or final site development plan. The Review Authority may approve the final plat or final site development plan in phases.

B. If the Review Authority finds evidence of a significant deviation from the original approved PRD, the Review Authority shall advise the applicant to submit an application for amendment of the preliminary plan. An amendment shall be considered in the same manner as an original application.

C. Upon request by the applicant and for demonstrated appropriate reasons, the Review

Authority may approve at its discretion, adequate financial guarantees of compliance with the final plat or final development plan. Such guarantee may be a performance bond or other form of security in an amount sufficient to assure compliance, and may provide that such security be reduced as stages of construction are completed. Alternatively, or in addition to the security, conditions may be imposed requiring other adequate assurances that the structures and improvements will be completed, subject to the review and approval as to form by the City Attorney; or that the City may, in the event of the applicant's failure to comply, take steps necessary to assure compliance, including performing the construction or maintenance itself, and levying a lien for all costs thereof against the property.

D. A final draft of covenants, conditions and restrictions (CCRs) shall include provisions that the project's homeowners' association will own, maintain and enforce all open space tracts, perimeter buffers, fences, recreational amenities, private roads, parking bays, and all other applicable project condition(s) regarding ownership, maintenance and enforcement of all commonly owned elements. Further, the face of the final plat or final development plan shall include statement(s) that the project's homeowners' association will own, maintain and enforce all open space tracts, perimeter buffers, fences, recreational amenities, private roads, parking bays, and all other commonly owned elements. The City will not join the homeowners' association as enforcers of the project's CCRs.

E. A final draft of the project's CCRs and face of the final plat or final development plan shall include the following statement:

> Open space areas not proposed to be improved with recreational amenities or purposes shall remain as natural vegetation or appropriately landscaped. Removal of preserved and approved open space in natural vegetation shall only be permitted for public safety reasons and upon review and approval of the Planning Director and City Arborist. Enhancement of critical area buffer vegetation shall be as allowed and prescribed in PMC 16.20, Critical Areas.

**18.260.160 Appeal.**

The applicant or any interested person may appeal the decision of the Review Authority as set forth in PMC Title 19.01 Project Permit Application Procedures.

**18.260.170 Extension of time.**

A. <u>During City review of PRD application.</u>

1. A technically complete application shall be deemed null and void if the applicant fails to submit additional information within 180 days of the Planning Director or Hearing Examiner's written request; further, a technically complete application shall be deemed null and void if the application has been on hold a combined total of 180 days. If the additional

information has not been submitted and accepted by the City, the application will be closed and a new application will be required to be submitted.

2. A technically complete application which has been on hold for a total of 180 days may request one 180-day extension. The extension shall be granted if all of the following are met:
   a. The applicant requests such an extension in writing no less than 30 days prior to the expiration of the initial 180-day time period. Verbal requests will not be accepted.

   b. The Director or Hearing Examiner finds that unusual circumstances beyond the applicant's control or other good cause have prevented them from providing the additional information within the initial 180-day time period.

   c. The applicant demonstrates the likelihood that the requested information will be provided to the City within the additional 180-day time period.

   d. The Planning Director shall not grant more than one extension.

   If at the end of the 180 day extension, the additional information has not been submitted and accepted by the City, the application will be closed and a new application will be required to be submitted.

B. **<u>After City permit approval.</u>**
Upon written request by the property owner filed no less than 30 days prior to the date of permit expiration, the Planning Director may grant an extension of time up to but not exceeding 1 year. Any extensions of time shall be based upon finding:

1. The PRD permit is compliant with all applicable development codes at the time of the extension request,

2. There has been no material change of circumstances applicable to the property since project permit approval.

3. The applicant must provide good cause for the delay, and demonstrate likelihood that the permit will be commenced within the additional year.

4. The Planning Director shall not grant more than 1 extension.

# 18.270 Site Plan Review.

**18.270.010 Purpose**.
The purpose of this section is to ensure compatibility between new developments, existing uses and future developments that insures compliance with the adopted plans, policies and ordinances of the City of Poulsbo. It is further intended to provide for the examination of development proposals with respect to overall site design and to provide a means for guiding development in a logical, safe and attractive manner.

**18.270.020 Applicability**.

A. General. All new developments and modifications to existing developments shall require Site Plan Review and approval prior to the issuance of any building permits, establishment of any new uses, or commencement of any site work unless otherwise exempted in this Section. Developments subject to Site Plan Review shall comply with the Poulsbo Municipal Code and all other State statutes and applicable laws and regulations.

B. Minor Site Plan Review. Minor modifications of site plan features to existing developments, including increase of square footage up to 1,000 square feet; installation of accessory structures; landscaping; parking realignment or new parking 9 spaces or less; portable school classrooms; and other modifications deemed appropriate by the Planning Director may be reviewed under the Minor Site Plan Review process, (see Section 18.270.030.B).

C. Exemptions. The following developments and land use categories shall be exempt from Site Plan Review:

1. Land divisions and boundary line adjustments pursuant to PMC Title 17.

2. Other activities including:

a. Landscaping maintenance unless such landscaping or alterations would modify or violate a condition of approval.

b. Normal or emergency repair or maintenance of public or private buildings, structures, landscaping or utilities.

c. Building permits required pursuant to the City's adopted building code not requiring a development land use permit pursuant to this Title, including interior remodeling and tenant improvements. Provided that, if exterior alteration is included, design review may be required.

d. On-site utility permits, e.g., sewer hook-ups, water hook-ups, Fire Department permits.

e. Comprehensive Plan map and text amendments and associated zone changes pursuant to 36.70A.130 RCW and Chapter 18.210.

f. New construction of or modification to existing single-family residence.

**18.270.030 Review Authority.**

A. Site Plan Review applications are processed under a Type II application according to the provisions of PMC Title 19.01; provided that if Site Plan Review is in conjunction with a Type III application, the applications shall be consolidated and subject to the highest permit type Review Authority.

B. Minor Site Plan Review applications are processed under a Type I application according to the provisions of PMC Title 19.01.

**18.270.040 Submittal Requirements.**

All applications shall be accompanied with complete site plans drawn to 1" to 40' scale and produced in such a way as to clearly indicate compliance with all applicable requirements; provided that for Minor Site Plan Review, the Planning Director may not require all of the following Site Plan Review submittal requirements:

A. A vicinity map showing the location of the property and surrounding properties. A copy of assessor's quarter section map may be used to identify the site.

B. Dimensions and orientation of the parcel.

C. Existing Conditions drawing:

1. The location, name and dimensions of all streets adjoining the site indicating whether privately or publicly owned.

2. The location of existing structures and other improvements on the site, including structures, driveways, parking, loading, pedestrian and bicycle paths, passive or active recreational facilities or open space, and utilities.

3. Elevation of the site at 2' contour intervals for grades 0% to 10% and at 5' contour intervals for grades more than 10%.

4. The location of regulated critical areas.

5. The location of drainage patterns and drainage courses; including a site and soil analysis for suitability of appropriate low impact development stormwater management facilities.

6. The location, size and type of any significant or protected trees or stands of trees.

D. Proposed Site Development Plan. The proposed site plan shall be drawn at the same scale as the Existing Conditions drawing and shall include the following information:

1. The proposed site and its dimensions and area, orientation relative to north.

2. Abutting properties, and the approximate location of structures and uses on abutting property within 50' of the subject site's perimeter.

3. The location and dimensions of proposed development, including the following:

   a. Streets and other rights-of-way and public or private access easements on and adjoining the site.

   b. Vehicle, pedestrian and bicycle parking and circulation areas.

   c. Loading and service areas.

   d. Active or passive recreational or open space areas.

   e. Utilities.

   f. Existing structures to be retained on the site and their distance from property lines.

   g. Location of proposed building and structures on the site, including signs, fences, etc., and their intended use and distance from property lines.

   h. The location and type of proposed outdoor lighting and existing lighting to be retained.

   i. The size and location of solid waste and recyclables storage areas.

   j. Proposed topography at 2' contour intervals for grades 0% to 10% and at 5' contour intervals for grades more than 10%.

   k. Storm water management facilities.

4. Summary table which includes parcel zone, total site area, gross floor area by use, (i.e., manufacturing, office, retail, storage), itemized number of full size, compact and handicapped parking stalls and the collective total number, total lot coverage proposed, landscaping areas, and residential density calculations.

E. Design Review drawings, prepared as required in Section 18.120.030.

F. Landscape plan, prepared as required in Section 18.130.030, including, if applicable:

1. The location, height and material of fences, buffers, berms, walls and other proposed screening.

2. The location and dimensions or area of terraces, decks, shelters, play areas, recreation amenities and open spaces.

3. Surface water management features that are integrated with landscape, recreation or open space areas.

4. Limits of grading for retention of trees, if applicable.

G. Sign plan. Sign drawings may be submitted with the SPR application. If submitted, sign drawings shall be reviewed for compliance with Section 18.170.

H. Other. Other information shall be provided as needed to show the development complies with other applicable standards and with conditions of approval of related SEPA determinations and land use actions and permits.

**18.270.050 Approval Criteria.**

A. Compliance with applicable standards. The proposed development shall comply with all applicable design and development standards contained in this Title and other applicable regulations.

B. Adequacy of public facilities. The applicant shall demonstrate availability of adequate public services, e.g., roads, sanitary and storm sewer and water, available to serve the site at the time development is to occur, unless otherwise provided for by the applicable regulations.

**18.270.060 Review of Previously Approved Plans**.

A. Site plans which have been approved by a Binding Site Plan, Conditional Use Permit or other permit type, and which include a specific site/building plan, are not required to comply with the requirements of this Section; provided that all conditions of approval of the permit are met.

B. Any binding site plans that were approved in concept only, or approved in a general form, shall be reviewed under the provisions of this Section.

**18.270.070 Permit Limitations.**

A. Approval period. Site plan review approval shall be effective for a period of 5

years from the date of approval. The site plan review approval shall expire if:

1. Substantial construction of the approved plan has not begun within a 5-year period; or

2. Construction on the site is a departure from the approved plan.

B. Modifications. Modifications of an approved site plan shall be processed pursuant to Title 19.01 PMC regarding post-decision procedures.

**18.270.080 Extension of Time.**

A. During City review of SPR application.

1. A technically complete application shall be deemed null and void if the applicant fails to submit additional information within 180 days of the Planning Director's written request; further, a technically complete application shall be deemed null and void if the application has been on hold a combined total of 180 days. If the additional information has not been submitted and accepted by the City, the application will be closed and a new application will be required to be submitted.

2. A technically complete application which has been on hold for a total of 180 days may request one 180-day extension. The extension shall be granted if all of the following are met:
   a. The applicant requests such an extension in writing no less than 30 days prior to the expiration of the initial 180-day time period. Verbal requests will not be accepted.

   b. The Planning Director finds that unusual circumstances beyond the applicant's control or other good cause have prevented them from providing the additional information within the initial 180-day time period.

   c. The applicant demonstrates the likelihood that the requested information will be provided to the City within the additional 180-day time period.

   d. ~~4.~~ The Planning Director shall not grant more than one extension.

If at the end of the 180 day extension , the additional information has not been submitted and accepted by the City, the application will be closed and a new application will be required to be submitted.

B. **<u>After City permit approval.</u>**

Upon written request by the property owner filed no less than 30 days prior to the date of permit expiration, the Planning Director may grant an extension of time up to but not exceeding 1 year. Any extensions of time shall be based upon finding:

1. The SPR permit is compliant with all applicable development codes at the time of the extension request,

2. There has been no material change of circumstances applicable to the property since project permit approval.

3. The applicant must provide good cause for the delay, and demonstrate likelihood that the permit will be commenced within the additional year.

4. The Planning Director shall not grant more than 1 extension.

# 18.280 Temporary Use Permit.

## 18.280.010 Purpose.

Temporary Use Permit is a mechanism by which the City may permit a use to locate within the City on an interim basis without requiring full compliance with the development standards of the land use district or by which the City may permit seasonal or transient uses not otherwise permitted.

## 18.280.020 Applicability.

Upon approval, temporary permits may be issued for the following uses or structures:

A. A mobile home, recreation vehicle or other temporary structure for a residential purpose during the construction period of a new residence on the same lot. Appropriate building permit is required.

B. Use of an existing legally established dwelling unit during the construction period of a new residence on the same lot.

C. Temporary sales office and/or model home.

D. Temporary structures in the commercial and business/employment zoning districts associated with the primary use on the property.

E. Temporary housing for personnel such as watchmen, labor crews, engineering, and management;

F. Use of equipment essential to and only in conjunction with the construction or building of a road, bridge, ramp, dock, and/or jetty located in proximity to the temporary site; provided, that the applicant shall provide a construction contract or other evidence of the time period required to complete the project; and provided further, that the following equipment shall be considered essential to and in conjunction with such construction projects:

   a. Portable asphaltic concrete-mixing plants;
   b. Portable concrete-batching plants;
   c. Portable rock-crushing plants;
   d. Accessory equipment essential to the use of the aforementioned plants;

G. Temporary uses and structures otherwise permitted within the zone which will remain up to one year on an existing lot or parcel where compliance with site plan review and landscaping requirements are impractical;

H. Temporary uses and structures not permitted within the zone but have a demonstrated public benefit may be approved by the Review Authority for a period no greater than six months. In approving the permit, the Review Authority shall find that the use is compatible with the surrounding land uses; the use will have minimal

impact on city services and traffic; and granting the use is consistent with the public health, safety and welfare;

I. A temporary use or structure for a purpose not anticipated by this Chapter, but not in conflict with it, or a unique situation as determined by the Planning Director; for a period of less than 90 days in a calendar year.

J. Temporary Transitory Accommodations.

K. Food/beverage and retail mobile vending carts.

**18.280.030 Exemptions.**
The following activities are exempt from the requirements of temporary permits:

A. Temporary office, storage sheds, equipment, housing and staging areas in relation to current construction projects with approved land use and building permits, and may be allowed for the duration of the construction project.

B. Seasonal temporary uses, such as firework stands and Christmas tree lots. Other applicable city permits remain required.

C. Community-wide special events, festivals, celebrations that have received a special event license.

D. Special events, concerts or festivals located on City owned parks or public facilities.

E. Garage sales conducted in private homes; provided that the sales last no longer than three days; conducted on the owner's property; and held no more than six times in a calendar year. (Multi-family sales are permitted when held on the property of one of the participants.)

F. Temporary fund-raising and other civic activities in the commercial and business/employment zoning districts.

G. Portable storage pods located for temporary use in R zones, but shall not be located in public right-of-way; and provided that if the storage pod remains for more than 90 days, a temporary use permit is required.

**18.280.040 Review Authority.**
Temporary Use Permit applications are processed under a Type I application according to the provisions of PMC Title 19.01.

**18.280.050 Time Limitation.**

A. The Review Authority may approve temporary permits, with conditions to mitigate negative impacts, valid for 1 year, or as otherwise regulated in this Section.

B. Upon request in writing no less than 30 days prior to the permit expiration, temporary permits may be granted one additional one-year extension by the Planning Director with demonstrated good cause.

C. If, after the one year initial TUP permit and if a one year extension was approved, the temporary use owner requests the use to continue, the City will considered it a permanent use; a site plan application shall be submitted and processed subject to the provisions of Section 18.270.

D. The temporary use permit may be revoked if the conditions of approval are not met at any time.

**18.280.060 Decision Criteria.**

The Review Authority may approve or modify and approve an application for a Temporary Use Permit if:

A. The temporary use will not be materially detrimental to the public health, safety, or welfare, nor injurious to property or improvements in the immediate vicinity of the temporary use.

B. The temporary use is not incompatible in intensity and appearance with existing land uses in the immediate vicinity of the temporary use.

C. Adequate parking is provided to serve the temporary use, and if applicable the temporary use does not create a parking shortage for other existing uses on the site.

D. Hours of operation of the temporary use are specified.

E. The temporary use will not cause noise, light, or glare which adversely impacts surrounding uses.

**18.280.070 Removal of Temporary Use.**

A. The Planning Director shall establish, as a condition of approval for each Temporary Use Permit, a time within which the use and all physical evidence of the use must be removed.

B. Prior to granting a temporary permit under this section, the Review Authority may require that the applicant provide a cash or surety bond of not less than $1000, nor more than $2500 to ensure timely removal of the temporary use. The temporary use

or structure is not removed or discontinued at the end of its designated time, said cash or surety bond shall be forfeited.

# 18.290 Variances.

**18.290.010 Purpose.**
A variance is a mechanism by which the City may grant relief from the provisions of this Title where a practical difficulty renders compliance with the provisions of this Title an unnecessary hardship; where the hardship is a result of the special circumstances related to physical characteristics of the subject property; and where the purpose of the Title can be fulfilled through the approval of a variance.

**18.290.020 Review Authority.**
All Variance permits shall be processed as Type III applications according to the provisions of PMC Title 19.01.

**18.90.030 Approval Criteria.**
The Review Authority may permit and authorize a variance of any numerical standard, excluding housing density and lot area, from the requirements of this Title. A Variance shall be made only when all of the following conditions and facts exist:

A. The variance shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the property on behalf of which the application was filed is located.

B. That such variance is necessary, because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located.

C. The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or zone in which the property is located.

D. The granting of such variance will not adversely affect the realization of the comprehensive plan.

E. The need for a variance was not brought upon by an action of the applicant or property owner.

**18.290.040 Time Limits.**

A. <u>During City review of variance application.</u>

1. A technically complete application shall be deemed null and void if the applicant fails to submit additional information within 180 days of the Planning Director or Hearing Examiner's written request; further, a technically complete application shall be deemed null and void if the application has been on hold a combined total of 180 days. If the additional

information has not been submitted and accepted by the City, the application will be closed and a new application will be required to be submitted.

2. A technically complete application which has been on hold for a total of 180 days may request one 180-day extension. The extension shall be granted if all of the following are met:
   a. The applicant requests such an extension in writing no less than 30 days prior to the expiration of the initial 180-day time period. Verbal requests will not be accepted.

   b. The Planning Director finds that unusual circumstances beyond the applicant's control or other good cause have prevented them from providing the additional information within the initial 180-day time period.

   c. The applicant demonstrates the likelihood that the requested information will be provided to the City within the additional 180-day time period.

   d. The Planning Director shall not grant more than 1 extension.

   If at the end of the 180 day extension, the additional information has not been submitted and accepted by the City, the application will be closed and a new application will be required to be submitted.

B. <u>After City permit approval.</u>
Authorization of a variance shall be void after 2 years, unless a building permit has been issued. Upon written request by the property owner filed no less than 30 days prior to the date of permit expiration, the Planning Director may grant an extension of time up to but not exceeding one year. Any extensions of time shall be based upon finding:

1. The land use permit is compliant with all applicable development codes at the time of the extension request.

2. There has been no material change of circumstances applicable to the property since project permit approval.

3. The applicant must provide good cause for the delay, and demonstrate likelihood that the permit will be commenced within the additional year.

4. The Planning Director shall not grant more than one permit extension.

# Section V. Administration

## 18.300 Administration and Interpretations

### 18.300.010 Purpose

The purpose of this section is to set forth the provisions for the administration and interpretation of Title 18 Zoning.

### 18.300.020 Administration and Interpretation.

The Planning Director shall be responsible for the administration and interpretation of this Title.

A. The Planning Director shall review and resolve any questions involving the proper interpretation or application of the provisions of this Title and other city plans, codes, regulations and standards related to project permits that may be requested by any property owner, tenant, government officer, department, board, council or commission affected. The Director's decision shall be in keeping with the spirit and intent of this title and of the Comprehensive Plan.

B. A record shall be kept of all written interpretations and rulings made by the Planning Director, Hearing Examiner, and City Council; such decisions shall be used for future administration, and when appropriate, added to this Code through an appropriate amendment.

C. When interpreting and applying the regulations of this Code, its provisions shall be the minimum requirements, unless otherwise stated.

D. At the written request of an applicant or property owner setting forth a valid reason, the Planning Director may authorize a variation of up to 10% of any numerical standard. The Director's response, including findings for granting the variation, shall be in writing and kept on permanent file.

### 18.300.030 Conflict of Provisions.

Should a conflict occur between the provisions of this Title or between this Title and the laws, regulations, codes or rules promulgated by other authority having jurisdiction within the City, the most restrictive requirement shall be applied, except when constrained by federal or state law, or where specifically provided otherwise in this Title.

### 18.300.040 Severability.

If any provision of this Title, or its application to any person or circumstance is held invalid, the remainder of the Title, or the application of the provision to other persons or circumstances is not affected, and to this end the provisions of this Code are declared to be severable.

**18.300.050 Power to Correct Errors or Clarify.**

A. The Planning Director may at any time amend an administrative decision to correct ministerial errors clearly identifiable from the public record.

B. The Planning Director may at any time clarify a statement in a written administrative decision as long as the clarification does not alter the intent or effect of the decision.

# 18.310 Exceptions

## 18.310.010 Exceptions to Building Height.

A. Height limitations set forth elsewhere in this title shall not apply to the following: barns, silos, or other farm buildings and structures, provided they are not less than 50' from every lot line; chimneys, church spires, belfries, cupolas, smokestacks, flagpoles, cooling towers, monuments, fire house towers, masts, aerials, elevator shafts, and other similar projections, wireless communication facilities, HVAC or other roof-mounted equipment and necessary screening, and outdoor theater screens; provided, said screens contain no advertising matter other than the name of the theater.

B. Underbuilding Parking. When a structure is proposed to include underbuilding parking in the RM, RH, all C districts, OCI, BP and LI zoning districts, the building height limit may be increased by 10'. The building height calculation shall remain the same as set forth in Chapter 18.150. The increased height shall be reviewed for bulk, scale and compatibility to surrounding structures, and may not be allowed if impacts cannot be adequately mitigated. The gross square footage of the building area allowed by the increased height shall be equal or less than the gross square footage or the underbuilding parking.

C. The Review Authority may increase maximum building height to a height no more than 40' in recognition of differences in grade between the subject parcel and adjacent parcels.

D. In order to ensure compatibility with surrounding properties, the Review Authority may decrease the height of any building that is proposed to be 10' higher than a single family residence located within 25' of the proposed building. The modified building height may not be reduced to less than 25'.

## 18.310.020 Exceptions to Lot Size Requirements.

A. If at the time of passage of this title, a lot of record, or the aggregate of contiguous lots or land parcels held in single ownership, has an area less than required for the zone in which the property is located, the lot or aggregate holdings may be occupied by any permitted use in the zone subject to compliance with all other requirements of the zone (except for commercial lots, which may be excused required side yards by the director if such required yards would render the property unusable); provided, however, that the use of a lot in a residential zone which has an area deficiency shall be limited to a single-family dwelling.

B. If at the time of passage of the ordinance codified in this title, a lot of record was lawfully occupied by two or more single-family residences, such lot may be granted short plat approval in order to permit the segregated sale of such residences, even though some or all of the resulting new lots will have dimensions less than required for the zone in which the property is located; provided, however, that the degree of

density nonconformity shall not be increased. All lots shall have a minimum of 20' of access to a public or private street.

**18.310.030 Exceptions to Setback Requirements.**

A. Projections into Required Setbacks. Certain architectural features and structures may project into required zoning district setbacks. Compliance with requirements in the International Building Code still applies.

1. Cornices, canopies, eaves, belt courses, sills, or other similar architectural features, landscaping features or fireplaces.

2. Fire escapes, open/uncovered porches, decks, balconies, landing places, or outside stairways may extend 1½' into any required side or rear yard; and may extend up to 6' into any required front yard. Open/uncovered porches, decks, walkways or stoops less than 18" in height may extend to within 1½' to any lot line.

3. Open/uncovered pedestrian access to commercial or business/employment zoned structures, such as walkways, decks, or stairways of any height, may extend into any side or rear setback up to 10' of the setback width, as long as all other applicable development standards are met.

4. Greenhouses, storage sheds or other similar detached structures may extend into any side or rear setback up to 3' from the lot line. To extend into a side or rear setback, the structure must be limited to 120 square feet in size and no taller than 14' in height.

5. For existing nonconforming attached commercial structures, the established and pre-existing setbacks will be allowed for redevelopment purposes; provided, however, that the existing footprint is not expanded on the ground floor. In all cases, however, International Building Code requirements will need to be met.

B. Exceptions to Front Yard Requirements in the RL zoning district.

1. If there are dwellings on both abutting lots with front yards less than the required depth for the zone, the front yard for the lot need not exceed the average front yard of the abutting dwellings.

2. If there is a dwelling on one abutting lot with a front yard less than the required depth for the zone, the front yard need not exceed a depth of halfway between the depth of the front yard on the abutting lot and the required front yard depth.

C. Exceptions to Yard Requirements for Existing Nonconforming Lots.

1. Front, side and rear yard requirements for existing nonconforming lots shall be the average of abutting lots (may include those separated by a street). In granting these exceptions, the Planning Director shall make the following findings:
   a. By granting the yard requirement exception, the neighborhood character of the immediate vicinity will not be diminished. Compatibility with neighborhood character shall include:
      i. Appropriate bulk and scale to adjacent structures.
      ii. The structure is placed on the lot consistent with the adjacent structures.

   b. By granting the yard requirement exception, the applicant is enjoying the same property rights possessed by the owners of other properties in the same immediate vicinity; and

   c. By granting the yard requirement exception, the realization of the comprehensive plan will not be adversely affected.

   d. The averaging allowed in this Section is not intended to apply to lots 7,500 square feet or larger; or lots deliberately created smaller than 7,500 square feet through outer allowed provisions, such as infill, planned residential developments, density bonuses, lot averaging or other applicable provisions.

**18.310.040 Exceptions to accommodate the disabled.**

Wheelchair ramps, elevators, mechanical access devices and other structures intended to facilitate access for the disabled may be exempted from setback requirements or other development standards; provided that all applicable International Building Code requirements are met.

**18.310.050 Exceptions for Housing Authorities.**

A. Purpose.

This section is established under the authority of Chapter 35.83 RCW which permits cities and other state public bodies to establish such exceptions to building, housing and development codes as the city council deems appropriate. The purpose of the statute is to provide for the cooperation of the city with the goals and objectives of the housing authority as set forth in RCW 35.83.010 and various state and federal programs for the development of low-income housing. This chapter is established in order to provide clear criteria for the review of such applications and to provide for adequate public input.

B. Application, Project Review, Hearing Notice, Commission Recommendation and City Council Action. Applications for housing authority development permits shall

be made in accordance with Type III permit procedures established in Title 19.01. The provisions of that chapter shall also govern the recording of any approved plan, the expiration of such approvals as well as any and all other procedural or performance requirements.

C. Findings. The housing authority development permit granting exceptions may be approved if the following findings are made:

1. The proposal complies with the purposes and directives of the Poulsbo Comprehensive Plan.

2. The proposal promotes the goals of the Housing Cooperation Act, Chapter 35.83 RCW.

3. The site is physically suitable for the type and intensity of the land use being proposed with the exception of development requirements requested.

4. There are adequate provisions for water, sanitary sewer, and other public facilities and services to assure that the proposal will not be detrimental to public health, safety and welfare.

5. There are adequate provisions for public access to serve the subject proposal.

6. There will not be significant harmful effects upon environmental quality and natural resources.

7. The negative impacts of the proposal are mitigated or otherwise balanced by the beneficial aspects of such housing through addition to the City's housing stock or other goals established by the City's Comprehensive Plan.

8. The proposed location, size and design of the proposal will not be detrimental to the public interest, health, safety or welfare of the City, or the City finds that any detrimental impacts are outweighed by the positive public benefits which such a proposal will provide to the City of Poulsbo and the goals and objectives of the Comprehensive Plan.

**18.310.060 Exceptions Documented.**

When an exception is allowed pursuant to this Section, the Planning Director shall document in writing the allowed exception. Documentation may be made through a condition of approval when part of a land use permit, accompany a building permit issuance, or other method as determined appropriate by the Planning Director.

# 18.320 Enforcement and Violations

### 18.320.010 Authorization.

The Planning Director is authorized with the enforcement of the provisions of this Code; and to designate city employees as authorized representatives of the department to investigate suspected violations of this title, and to issue notices infraction.

### 18.320.020 Investigation and right of entry.

When it is necessary to make an inspection to enforce the provisions of this Code, or when the Planning Director has reasonable cause to believe that a condition exists on property which is contrary to, or in violation of, this Code, the Planning Director or his/her designee may enter the property to inspect, pursuant to the provisions of PMC Section 1.16.050.

### 18.320.030 Violation.

It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or use any land in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this Code, or contrary to or in violation of the terms and conditions of any permit or approval issued by the city pursuant to this Code, or contrary to or in violation of any concomitant agreement or development agreement with the City.

### 18.320.040 Stop Work Orders.

Whenever any work or activity is being done contrary to the provisions of this Code or conditions of an approved permit, the Planning Director or designee may order the work stopped by notice in writing, served on any persons engaged in doing or causing such work to be done, or by posting the property, and any such persons shall forthwith stop such work or activity until authorized by the Director to proceed. A failure to comply with a stop work order shall constitute a gross misdemeanor.

### 18.320.050 Penalties.

The violation of any provision of this Code or permit condition, where such violation constitutes a first offense, shall constitute a civil infraction. The Director may issue a notice of infraction in accordance with PMC 1.16. Any person who violates or fails to comply with any of the provisions of this chapter or permit conditions, where such person has been adjudged by the Poulsbo Municipal Court to have committed a previous violation of such provision, shall be guilty of a misdemeanor. Each violation shall constitute a separate offense for each and every day or portion thereof during which the violation is committed, continued or permitted.

### 18.320.060 Employees not personally liable.

Any employee charged with the administration and/or enforcement of this Code, acting in good faith and without malice for the City in the discharge of duties, shall not thereby render him/herself liable personally and is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of duties. Any suit brought against the employee,

because of such act or omission performed in the enforcement of any provisions of this Code, shall be fully defended by the City Attorney's Office until final termination of the proceedings.

**18.320.070 Imminent and Substantial Dangers.**
Notwithstanding any provisions of these regulations, the Planning Director may take immediate action to prevent an imminent and substantial danger to the public health, welfare, safety or the environment by the violation of any provision of this chapter.

**18.320.080 Nuisance.**
In addition to the penalties set forth in PMC 1.16, all remedies given by law for the prevention and abatement of nuisances shall apply regardless of any other remedy. All violations of this Code, permit conditions, or rules and regulations adopted thereunder, are determined to be detrimental to the public health, safety and welfare and are public nuisances. The City may cause all conditions which are public nuisances to be abated pursuant to the procedures of Chapter 7.48 RCW.

**18.320.090 Revocation of Permit.**

A. Permits are revoked and voided if not used within the time limit identified for each respective permit. Said permit shall not be deemed used until the applicant has actually obtained a building permit and commenced construction thereunder, or has actually commenced the permitted use on the premises. Extension of permit time limit is as set forth in each of the respective permit section in this Code.

B. Any approval, permit, certificate, or license issued based on a knowing and material misrepresentation by an application, may be suspended or revoked by the Planning Director.

**18.320.100 Construction.**
This Chapter shall be liberally interpreted and construed to secure the public health, safety, morals and welfare and the rule of strict construction shall have no application.

# Zoning Ordinance Map
# City of Poulsbo, Washington

## Legend

- City Limits
- Urban Growth Area
- Master Plan Overlay
- Park

### Residential

- Residential Medium (>5 to 10 units/ac)
- Residential Low (4 to 5 units/ac)
- Residential High (>10 to 14 units/ac)

### Commercial

- C-1 Downtown/Front Street
- C-2 Viking Avenue
- C-3 SR 305 Corridor
- C-4 College MarketPlace

### Business & Employment

- Office Commercial Industrial
- Business Park
- Light Industrial

*Liberty Bay*

| # | Street Name | # | Street Name |
|---|---|---|---|
| 1 | NE Youngquist St | 21 | Baron Ln NW (PVT) |
| 2 | Weathervane Ln NE | 22 | Kentucky Ln NW (PVT) |
| 3 | Blue Lagoon Pl NE | 23 | Scoter Lane NE (PVT) |
| 4 | Cherry Blossom Lp NE (PVT) | 24 | NE Cooperation Way |
| 5 | NE Angel Oak Ct (PVT) | 25 | Max William Pl NE |
| 6 | NE Flowering Dogwood Ct (PVT) | 26 | NE Minor Ct (PVT) |
| 7 | NE Goldenchain Ct (PVT) | 27 | NE Vader Ct (PVT) |
| 8 | NE Honey Locust Ct (PVT) | 28 | Hillsong Pl NE (PVT) |
| 9 | Wild Chestnut Pl NE (PVT) | 29 | NE Craftsman Way (PVT) |
| 10 | Sugar Maple Pl NE (PVT) | 30 | NE Rugosa Way (PVT) |
| 11 | Hamilton Ct NE | 31 | Antonson Way NE (PVT) |
| 12 | Weeping Peach Ct NE (PVT) | 32 | NE Tricia Rd (PVT) |
| 13 | Whispering Willow Pl NE (PVT) | 33 | Vicki Rd NE (PVT) |
| 14 | NW Staffordshire Ct | 34 | NE Tani Rd (PVT) |
| 15 | Gadwell Ln NE (PVT) | 35 | Farreil St NE (PVT) |
| 16 | NE Whimbrel Ln (PVT) | 36 | Elliott Ave NE (PVT) |
| 17 | Johanna Vel Ln NW (PVT) | 37 | NE Tosha St (PVT) |
| 18 | Morajean Ln NW (PVT) | 38 | Wendy Way NE (PVT) |
| 19 | Patriot LN NW (PVT) | 39 | Odessa Way NE (PVT) |
| 20 | Laurene Way NW (PVT) | 40 | NE Fontaine St (PVT) |

0 625 1,250 2,500 3,750 5,000 Feet

N W E S

City of Poulsbo Planning Department GIS
March 22, 2013

Zoning Map Primary Map Sources and Original Scales:
Kitsap County Assessor's Tax Maps 1:12,000 (Kitsap County IT, GIS Division)
* Note: City limits amended May 2011 by annexation. Urban Growth Area adopted 2001.

Poulsbo Zoning Ordinance Map
Approved February 27, 2013; Adopted March 13, 2013
Effective March 27, 2013

This zoning ordinance map is intended for general purpose planning. Maps are schematic representations of physical features, infrastructure and land ownership boundaries. The map information was derived from available public records and existing sources, not from surveys. Studies may be necessary with project review to verify information.