

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.

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.

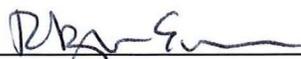
Section 3. Adoption of Zoning Map. The Official Zoning Map of the City of Poulsbo is hereby amended and replaced to read as set forth on Exhibit B attached hereto and incorporated herein by this reference as if set forth in full.

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:



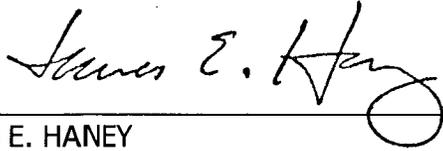
MAYOR, REBECCA ERICKSON

ATTEST/AUTHENTICATED:



JILL A. BOLTZ, CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:



A handwritten signature in cursive script, reading "James E. Haney". The signature is written in black ink and is positioned above a horizontal line.

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

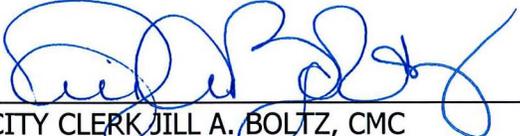
of the City of Poulsbo, Washington

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:

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

DATED this 18th day of March, 2013.


CITY CLERK JILL A. BOLTZ, CMC