

POULSBO DISTRIBUTION SCHEDULE

ORDINANCE NO. 2007-56

SUBJECT: Adopt 2007 Zoning Code Amendment Package

CONFORM AS TO DATES & SIGNATURES

- (X) Filed with the City Clerk: 11/28/2007
- (X) Passed by the City Council: 12/5/2007
- (X) Signature of Mayor
- (X) Signature of City Clerk
- (X) Publication: 12/12/2007
- (X) Effective: 12/17/2007

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City Clerk

12-27-2007

Date

ORDINANCE NO. 2007-56

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, ADOPTING THE 2007 ZONING CODE AMENDMENT PACKAGE, WITH THE EXCEPTION OF THOSE PROPOSED AMENDMENTS REGARDING DOWNTOWN CORE PARKING REQUIREMENTS AND WIRELESS COMMUNICATIONS FACILITIES; AMENDING THE ZONING CODE DEFINITIONS AND THE CITY'S DEVELOPMENT REGULATIONS REGARDING THE LOW DENSITY RESIDENTIAL DISTRICT, THE MEDIUM AND HIGH DENSITY RESIDENTIAL DISTRICT, THE COMMERCIAL DISTRICT, SPECIAL USES, OFF-STREET PARKING, SPECIAL DEVELOPMENT STANDARDS, SIGNS, SITE PLAN APPROVALS, CONDITIONAL USE PERMITS, ZONING INTERPRETATIONS, BINDING SITE PLANS, AND SPORTS FACILITIES AND RETAIL SALES IN THE BUSINESS PARK AND LIGHT INDUSTRIAL DISTRICTS; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Poulsbo Planning Department and its consulting planner have prepared 13 amendments to Title 18 and one amendment to Title 17 of the Poulsbo Municipal Code for consideration by the Poulsbo City Council, and

WHEREAS, the amendments are collectively known as the 2007 Draft Zoning Code Amendments, and

WHEREAS, most of the amendments are minor in nature and are considered housekeeping, but significant changes are proposed to Chapters 18.20 (Medium and High Density Residential) where new development standards are proposed to replace existing standards; Section 18.24.060(B), where it is proposed to make emergency parking standards for the downtown core permanent; Section 18.48.240, where new provisions are proposed for wireless communications facilities; and Chapter 17.18, in which new provisions for binding site plans are proposed; and

WHEREAS, a Determination of Non-Significance under the State Environmental Policy Act was issued for the amendments on October 3, 2007, and

WHEREAS, the Poulsbo Planning Commission held a public hearing on the proposed 2007 Zoning Ordinance Amendment Package on October 23, 2007 and, after considering any and all testimony and information presented, voted to recommend the amendments to the Poulsbo City Council, and

WHEREAS, the Poulsbo City Council held its own public hearing on the amendments on November 14, 2007 and, after considering all testimony received, determined to adopt those amendments set forth in this ordinance and to defer consideration of the proposed amendments to PMC 18.24.060 and 18.48.240 relating to parking in the downtown core and to wireless communications facilities, respectively, now, therefore,

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

Section 1. **Rationale.** In support of the amendments adopted by this ordinance, the City Council adopts the rationale and analysis contained in the Poulsbo City Council Public Hearing Staff Report dated November 14, 2007 and the Poulsbo Planning Commission Staff Report dated October 23, 2007 regarding the 2007 Draft Zoning Ordinance Amendment Package.

Section 2. **Definitions.** Section 18.08.010 of the Poulsbo Municipal Code is hereby amended to add new definitions for “senior housing” and “parent lot” and to amend the definition of “setback” to read as provided in Amendment 07-01 attached hereto and incorporated herein by this reference as if set forth in full.

Section 3. Low Density Residential District. Subsection 18.16.040(A) of the Poulsbo Municipal Code regarding lot area in the Low Density Residential District is hereby amended and a new subsection 18.16.040(H) regarding street corner side yards is hereby added to read as provided in Amendment 07-02 attached hereto and incorporated herein by this reference as if set forth in full.

Section 4. Medium and High Density Residential Districts. Subsections (A) through (H) of Section 18.20.040 of the Poulsbo Municipal Code are hereby repealed. Table 18.20.040 regarding lot requirements in the RM and RH Districts, Section 18.20.050 regarding special yards and distances between buildings, Subsections 18.20.080(A) and (B) regarding landscaping, and Section 18.20.090 regarding recreation space are each amended to read as set forth in Amendment 07-03 attached hereto and incorporated herein by this reference as if set forth in full.

Section 5. Commercial Districts. Subsection (A)(1) of Table 18.24.020 of the Poulsbo Municipal Code regarding residential uses and Subsection C of Table 18.24.040 regarding side yard setbacks are hereby amended to read as set forth in Amendment 07-04 attached hereto and incorporated herein by this reference as if set forth in full.

Section 6. Special Uses. Section 18.48.010 of the Poulsbo Municipal Code regarding accessory dwelling units is hereby amended to read as set forth in Amendment 07-05 attached hereto and incorporated herein by this reference as if set forth in full. The first paragraph of Section 18.48.140 and Subsection 18.48.140(B) regarding drive-through businesses are hereby amended to read as set forth in Amendment 07-05. The first paragraph of Subsection 18.48.150(A) and Subsections

18.48.150(A)(3), (6), and (7) regarding home occupations are hereby amended to read as set forth in Amendment 07-05. Subsection 18.48.160(A), the first paragraph of Subsection 18.48.160(B), and Subsection 18.48.160(B)(1) and (3) regarding residential in-fill incentive densities are hereby amended to read as set forth in Amendment 07-05. Subsection 18.48.160(5)(f) is hereby repealed.

Section 7. Off-Street Parking. Subsection 18.52.020(H) of the Poulsbo Municipal Code relating to underbuilding parking, Subsection 18.52.030(I) relating to the number of spaces required, and Section 18.52.050 relating to bicycle parking are hereby amended to read as set forth in Amendment 07-06 attached hereto and incorporated herein by this reference as if set forth in full.

Section 8. Special Development Standards and Design Guidelines. Subsection 18.60.030(A) of the Poulsbo Municipal Code relating to commercial development design standards and the Type IV landscaping standards in Table 18.60.060 are hereby amended to read as set forth in Amendment 07-07 attached hereto and incorporated herein by this reference as if set forth in full.

Section 9. Sign Code. The title of Section 18.64.080 of the Poulsbo Municipal Code relating to signs in non-commercial districts and the text of Subsection 18.64.085(B)(1) relating to the total allowed area of wall-mounted signs are hereby amended to read as set forth in Amendment 07-08 attached hereto and incorporated herein by this reference as if set forth in full.

Section 10. Site Plan Approval. Section 18.68.060 of the Poulsbo Municipal Code relating to public notice for site plan review applications is hereby

amended to read as set forth in Amendment 07-09 attached hereto and incorporated herein by this reference as if set forth in full.

Section 11. Conditional Use Permits. Subsection 18.76.060(B) of the Poulsbo Municipal Code relating to decisions on conditional use permits is hereby amended to read as set forth in Amendment 07-10 attached hereto and incorporated herein by this reference as if set forth in full.

Section 12. Zoning Interpretations and Exceptions. Section 18.84.010 of the Poulsbo Municipal Code relating to the authority of the Planning Director to interpret the Zoning Code, Subsection 18.84.070(A)(2) relating to projections into required yards, and Subsection 18.84.090(E) relating to temporary use permits are hereby amended to read as set forth in Amendment 07-11 attached hereto and incorporated herein by this reference as if set forth in full. New Subsections 18.84.070(A)(3) and (4) relating to projections into required yards are hereby added to read as set forth in said Amendment 07-11. Section 18.84.080 relating to similar use determinations is hereby repealed.

Section 13. Binding Site Plans. Chapter 17.18 of the Poulsbo Municipal Code is hereby amended to read as set forth in Amendment 07-12 attached hereto and incorporated herein by this reference as if set forth in full.

Section 14. Retail Sales in Business Park District. A new Subsection (E)(5) is hereby added to Table 18.28.020 of the Poulsbo Municipal Code in order to allow limited retail sales in the Business Park District and to read as set forth in Amendment 07-13 attached hereto and incorporated herein by this reference as if set forth in full.

Section 15. Sports Facilities and Retail Sales in Light Industrial

District. New Subsections (A)(16) and (E)(7) are hereby added to Table 18.32.020 of the Poulsbo Municipal Code in order to permit sports facilities and limited retail sales in the Light Industrial District and to read as set forth in Amendment 07-14 attached hereto and incorporated herein by this reference as if set forth in full.

Section 16. Severability. If any section, sentence, clause or phrase of this ordinance or any code section adopted or amended hereby 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 code section adopted or amended hereby.

Section 17. Effective Date. This ordinance shall take effect and be in full force five (5) days after publication of the attached summary, which is hereby approved.

APPROVED:

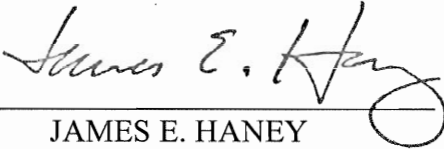


MAYOR KATHRYN H. QUADE

ATTEST/AUTHENTICATED:


CITY CLERK KAROL JONES, CMC

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 
JAMES E. HANEY

FILED WITH THE CITY CLERK: 11/28/2007
PASSED BY THE CITY COUNCIL: 12/5/2007
PUBLISHED: 12/12/2007
EFFECTIVE DATE: 12/17/2007
ORDINANCE NO. 2007-56

SUMMARY OF ORDINANCE NO. 2007-56

of the City of Poulsbo, Washington

On the 5th day of December, 2007, the City Council of the City of Poulsbo, passed Ordinance No. 2007-56. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, ADOPTING THE 2007 ZONING CODE AMENDMENT PACKAGE, WITH THE EXCEPTION OF THOSE PROPOSED AMENDMENTS REGARDING DOWNTOWN CORE PARKING REQUIREMENTS AND WIRELESS COMMUNICATIONS FACILITIES; AMENDING THE ZONING CODE DEFINITIONS AND THE CITY'S DEVELOPMENT REGULATIONS REGARDING THE LOW DENSITY RESIDENTIAL DISTRICT, THE MEDIUM AND HIGH DENSITY RESIDENTIAL DISTRICT, THE COMMERCIAL DISTRICT, SPECIAL USES, OFF-STREET PARKING, SPECIAL DEVELOPMENT STANDARDS, SIGNS, SITE PLAN APPROVALS, CONDITIONAL USE PERMITS, ZONING INTERPRETATIONS, BINDING SITE PLANS, AND SPORTS FACILITIES AND RETAIL SALES IN THE BUSINESS PARK AND LIGHT INDUSTRIAL DISTRICTS; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

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

DATED this 6th day of December, 2007.

Karol Jones
CITY CLERK KAROL JONES, CMC

City Council Approved

2007 Poulsbo Zoning Ordinance Amendments

Approved by Poulsbo City Council at their November 14, 2007 public hearing. Includes the modifications made by the Council.

Please Note: Most amendments are only to specific sections of a particular chapter of the Poulsbo Municipal Code's Zoning Ordinance. All paragraphs or an entire section is not included here if no amendment to that section or paragraph was approved.

Please refer to the City's zoning ordinance to see the entire section's regulations. It will be noted if an entire section was approved to be replaced. Underlined text indicates additions to the existing language; ~~strikeout~~ text indicates deletions from the existing language.

Amendment 07-01

Chapter 18.08 Definitions

18.08.010 Definitions

Add following definitions:

“Parent Lot” shall mean a tax lot of record which is proposed to be subdivided; but which the remainder of the original lot, after subdivision, is still of a size that can be further subdivided in the future based on its zone's minimum lot size.

“Senior housing” shall mean dwelling units specifically for occupancy by persons fifty-five (55) years of age or older.

Modify the following definition:

“Setback” shall mean the minimum allowable horizontal distance from a given point or line of reference, such as a street right of way, or approved private street or access easement, to the nearest vertical wall, such as the structure's foundation.

2007 Poulsbo Zoning Ordinance Amendments

Amendment 07-02

Chapter 18.16 Low Density Residential District

18.16.040 Lot Requirements.

The following minimum lot requirements shall be met;

Lot area – 7,500 square feet. There shall be a maximum density of five (5) dwelling units per gross acre. There shall be a minimum density of four (4) dwelling units per net acre. The maximum lot size shall be 10,890 square feet. A parent lot may remain larger than 10,890 square feet; however, it must be able to be further subdivided in 7,500 square foot increments.

Public Street Corner Side yard – 10 feet

2007 Poulsbo Zoning Ordinance Amendments

Amendment 07-03

Chapter 18.20 Medium and High Density Residential Districts

18.20.040 Lot and density requirements.

Delete Sections A through H.

and

Delete entire Table 18.20.040 RM and RH Residential Zone Lot Requirements.

Replace with:

Table 18.20.040 RM and RH Residential Zone Lot Requirements

Zoning Standard	Single Family detached (including any method of subdivision for single family detached)	Multi family developments (ex. duplex, triplex, apartment, townhomes, detached cottage*, attached or detached condo)	Non Residential
Min. Lot Area	4000 square feet	None	6000 square feet
Min. Lot Width	50'	20'	50'
Max. Lot Coverage	50%	60%	50%
FY Setback	15'	10'	20'
RY Setback	10'	10' 15' when abutting R zone	20'
SY Setback	5'	Detached: 10' Attached: None Ends of attached units: 10'	Minimum 5' for a total of 15'
SY Setback on Corner Lots at intersection(s) of public streets/right 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)	10' (or greater if necessary for sight distance as determined by the City Engineer)
Increases in yard setbacks		For side, rear and peripheral yards, the setback shall be increased by one-half foot for each foot by which the building height	

	exceeds 25'. (In no case, however, shall the building height exceed the standard of 35', unless allowed for in another section).
<p>*Note: Detached cottage developments proposed through a subdivision also may utilize the no minimum lot area provision. To utilize the no-minimum lot size provision in these zoning districts, cottage development shall mean detached single-family units clustered around commonly owned courtyard/common landscaped areas.</p> <p>All other single family detached units proposed through a subdivision must meet the 4000 square foot minimum lot size.</p>	

18.20.050 Special yards and distances between buildings with more than two attached units.

A. There shall be a minimum distance of ten feet between buildings or structures when a structure has two or more units and it exceeds 25 feet in height ~~providing two or more residential units with a height of less than twenty-five feet on the same parcel or in the same development.~~ There shall be an additional minimum distance of one-half foot for each foot buildings or structures exceed twenty-five feet of height on the same parcel or in the same development.

B. For the purpose of calculating special yards, the determination of special yard distance shall be calculated based on the average height of the facing sides of the buildings or structures.

18.20.080 Landscaping.

A. All yards and setback areas shall be landscaped as approved, except for those areas designated as driveways, parking areas, patios, or other similar improvements. Landscaping types as set forth in Section 18.60.060(B) shall be as follows:

1. RM/RH zone adjacent to ~~RM/RH~~ any R, C, BP: Type II.
2. ~~RM/RH zone adjacent to RL, C, BP zone: Type I.~~
3. 2. RM/RH zone adjacent to LI: Type IV.

B. Twenty percent of the total ~~lot~~ proposed project development area shall be landscaped. Landscaped yards, setback areas and improved outdoor recreational space may count towards meeting this requirement.

18.20.090 Recreation Space.

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

<u>1-20 units</u>	<u>1 amenity</u>
<u>21-40 units</u>	<u>2 amenities</u>
<u>40-60 units</u>	<u>3 amenities</u>
<u>60+ units</u>	<u>4 amenities</u>

~~C. B.~~ Usable ~~and improved~~ recreation space amenities shall be improved and maintained for its intended use ~~and anticipated residents of the development~~. Examples of usable recreation space amenities include swimming pools, whirlpool tubs, community buildings, large picnic areas, including bar-b-ques and covered shelter, tennis courts, outdoor exercise circuits, community gardens, and improved playgrounds, paths and passive seating areas, exercise rooms, basketball court, pickleball court, and shuffleboard, and others as approved by the Review Authority.

C. In multiple dwelling developments ~~structures of ten units or more~~, the following usable recreation space per unit shall be required:

1. Each living unit ~~in a residential development subject to site plan review~~ shall have an accessible outdoor private space of not less than forty-eight square feet in area. The area shall be designed to provide privacy for unit residents and their guests.
2. ~~Usable open space and/or outdoor/indoor recreational space or a combination of both shall be provided for the shared use of residents and their guests as follows:~~
 1. ~~One bedroom or efficiency units: one hundred fifty square feet per unit.~~
 2. ~~Two bedroom units: two hundred fifty square feet per unit.~~
 3. ~~Three or more bedroom units: three hundred fifty square feet per unit.~~

2007 Poulsbo Zoning Ordinance Amendments

Amendment 07-04

Chapter 18.24 Commercial Districts

Table 18.24.020 Commercial Use

- A. Residential
1. Residential uses as a component of mixed use where commercial uses are located on the ground or street level. Residential uses located below ground or street level floors, are limited to one level.

Table 18.24.040 Commercial Zone Lot Requirements

- | | | |
|----|---|------------|
| C. | Minimum side yard setback not abutting a lot in an R district | 5' |
| | <u>Minimum street corner side yard setback</u> | |
| | <u>not abutting a lot in an R district</u> | <u>10'</u> |

2007 Poulsbo Zoning Ordinance Amendments

Amendment 07-05

Chapter 18.48 Provisions Applying to Special Uses

18.48.010 Accessory Dwelling Units.

- A. In order to encourage the provision of affordable housing, accessory dwelling units may be located in single-family zones. Not more than one accessory dwelling unit shall be permitted on any parcel or lot. Accessory dwelling units are normally located within the primary residence or in an accessory structure. Any accessory dwelling unit shall not be greater than forty percent (40%) of the habitable area of the primary residence and contain no more than one bedroom.

- B. An accessory dwelling unit which is not part of the existing single-family residence or an existing accessory structure - (existing accessory structure such as a detached garage or workshop) - may be added to a lot and shall be considered a stand-alone unit. Such a stand-alone unit shall be limited in size to 800 square feet and subject to a conditional use permit. On lots 20,000 square feet or greater, the stand alone unit square footage may be increased to 1000 square feet, and is also subject to a conditional use permit. Placement of stand-alone unit shall not prohibit further potential future subdivision of the lot. On lots 20,000 square feet or greater, the ADU maximum square feet may be increased to one thousand (1000) square feet for stand-alone units.

- C. The accessory dwelling unit shall have minimal adverse impacts on surrounding properties, view blockage, traffic, parking, and drainage. The owner of the property shall reside in either residence and must occupy the structure at least 6 months out of the year. The property owner may be required to provide evidence to the Planning Director that he/she in fact occupies one of the structures for at least 6 months of the year. Except as provided for above, the accessory dwelling unit is subject to the review and approval of the Planning Director and shall be processed as a Type II application.

18.48.140 Drive-Through Restaurants Businesses.

Drive-through businesses include restaurants, banks, pharmacies, coffee shops, car wash, photo drop off 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 ~~restaurants~~ businesses shall meet the following standards:

- B. Drive-through lanes shall have stacking space for 120 lineal feet ~~before the menu board~~ except as allowed by the Planning Director based on a special condition, such as proposed use, topography, size of lot, or other similar reason determined by the Planning Director to be acceptable. In no case shall the stacking space be less than 60 lineal feet. When reducing the staking area, the Planning Director shall enter findings of fact in support of the reduction.

18.48.150 Home Occupations.

A. In the RL, RM or RH district, a home occupation may be carried on within a dwelling by members of the family occupying the dwelling with no ~~servant~~, employee or other persons being engaged in the business activity and as approved by the Planning Director subject to conditions including, but not limited to:

3. Such occupations shall be a secondary use on the premises and shall not occupy more than twenty-five percent of the floor area of the total floor of the dwelling, excluding garage. If the business requires outdoor storage, the storage cannot occupy more than fifteen percent of the lot area and must be screened in such a manner that it cannot be viewed from neighboring properties.

6. Home occupation uses shall be limited to service businesses, provided that retail sales may be permitted if the same are demonstrated to be incidental to the primary service business. An example of this type of permitted retail activity is the sale of hair products in a home-based hair salon.

7. The Planning Director shall be authorized to impose conditions on home occupations in order to ensure that the occupation remains the secondary use on the premises and in order to mitigate or avoid any detrimental impacts that may occur to surrounding properties as a result of the home occupation. Such conditions may include, but are not limited to, limited hours of operation, adequate parking, adequate landscaping, signage, and screening.

18.48.160 Residential In-Fill Incentive Densities.

A. Purpose. To maximize the utilization of public services, utilities and facilities. Within the RL and RM Districts the opportunity to achieve maximum utilization exists on smaller parcels that have been bypassed in the residential development of the urban areas. An increase in the density normally allowed by this Ordinance is deemed an appropriate incentive to accomplish an in-filling within of the urban growth areas established residential neighborhoods. The primary purpose of infill densities is to

encourage development in existing but underutilized lots located within established neighborhoods in a way that is consistent with the existing neighborhood character.

B. Eligibility. Within the RL and RM Districts, parcels which meet all the following criteria are eligible for increased densities, upon approval:

1. The infill provisions of this section shall be applied through the short subdivision process by creating four (4) lots or less. The minimum site size must be 10,000 square feet, however, a larger parcel size may be necessary in order to ensure consistency with the existing neighborhood development patterns and lot sizes.

~~1. Parcel is less than ten acres in size or is of irregular shape which precludes a subdivision under other provisions of this title.~~

3. The site design of the project is compatible with the residential character of the area by matching the existing surrounding development patterns and lot sizes.

5. Lot Requirements. The following minimum lot requirements are:

f. ~~Opposite Side yards: zero feet~~

2007 Poulsbo Zoning Ordinance Amendments

Amendment 07-06

Chapter 18.52 Off-Street Parking and Loading

18.52.020 General provisions.

H. Underbuilding parking. When a structure is proposed to include underbuilding parking in the RM, RH, C, DC, LI and BP zoning districts, the building height limit may be increased by ten feet. The building height calculation shall remain the same as set forth in 18.08.010. 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.

18.52.030 Number of Spaces required.

I. The number of parking spaces required by 18.52.030 may be decreased if an applicant provides adequate alternative parking provisions as set forth in a Parking Demand Study and Proposed Alternatives, and which is accepted and approved by the Review Authority.

18.52.050 Bicycle Parking.

Bicycle parking shall be provided based on a percentage of overall parking spaces. One bicycle space shall be required for every twenty spaces provided; however, the maximum number of bicycle spaces required shall not exceed 20. By providing at least five covered bicycle parking spaces, one vehicle parking space may be eliminated. No more than two vehicle parking spaces or ten percent, whichever is less, shall be replaced with covered bicycle parking spaces.

2007 Poulsbo Zoning Ordinance Amendments

Amendment 07-07

Chapter 18.60 Special Development Standards and Design Guidelines

18.60.030 Commercial development design standards.

A. Applicability. The city's design review board shall review all proposals which require site plan review, minor site plan review, or building permit which affects any exterior façade on any structure or building within the commercial district or downtown core commercial district. Minor exterior façade modifications consistent with the structure's exterior design and which require a building permit, including but not limited to replacing or creating doorways; windows; or addition of previously approved design components, may be approved by the Planning Director without design review board review and recommendation.

18.60.060 Landscaping and screening.

Table 18.60.060 Landscaping Standards

Buffering Type	Required Plants	Setback Minimums	Fencing Requirements
Type IV	Two rows of offset evergreen trees 6' in height when planted and spaced to provide a sufficient sight-obscuring fence screen within three years;	25' 30' 40'	5' <u>6'</u> wall 6' <u>5'</u> wall 6' sight-obscuring fence or 5' earthen berm
	Evergreen shrubs and ground cover of sufficient species and size to provide 75% coverage in two years.	50'	None

2007 Poulsbo Zoning Ordinance Amendments

Amendment 07-08

Chapter 18.64 Sign Code

18.64.080 Regulations for non-commercial zoning districts signs located outside of the downtown area.

18.64.085 Regulations for commercial zoning districts outside of the downtown area.

B. Wall-Mounted Signs.

1. Total Area: Fifty square feet or one square foot per one foot of lineal façade area where the sign is affixed, not to exceed two hundred fifty square feet per sign. In no case shall the total length of all ~~the~~ signs exceed seventy percent of the lineal feet of the building frontage.

2007 Poulsbo Zoning Ordinance Amendments

Amendment 07-09

Chapter 18.68 Site Plan Approval

18.68.060 Public Notice. Public notice for all site plan review applications, except minor site plan review, shall be given as required for a Type II application in Title 19, Project Permit Application Procedures.

Amendment 07-10

Chapter 18.76 Conditional Use Permit

18.76.060 Action by the review authority.

B. The decision of the review authority shall be final. ~~A council decision may be appealed to a court of jurisdiction.~~

2007 Poulsbo Zoning Ordinance Amendments

Amendment 07-11

Chapter 18.84 Zoning Interpretations and Exceptions

18.84.010 Planning Director authority.

A. It shall be the responsibility of the Planning Director to interpret and apply the provisions of this title. Any interpretations shall be subject to appeal to the planning commission Hearing Examiner. An appeal of a Planning Director's interpretation shall be as set forth in Chapter 19.01.060, and the appellant shall be responsible for Hearing Examiner costs.

B. Recognizing that there may be certain uses not mentioned specifically in this title either because of changing business markets, technology advances or other reasons, the planning director shall be authorized to make similar use determinations. In making such determinations, the Planning Director shall evaluate and determine that the proposed use is similar and in conformity to the designated primary uses allowed in the zoning district. Similar use determination shall be a Type I procedure as set forth in Title 19, Project Permit Application Procedures.

C. At the request of the applicant, in writing, the director may authorize a variation of up to ten percent of any numerical standard. The director's response, including findings for granting the variation, shall be in writing and kept on permanent file.

18.84.070 Exceptions to yard requirements.

2. Fire escapes, open-uncovered porches, decks, balconies, landing places, outside walkways, or outside stairways may not in any case extend one and one-half feet (1 ½') more than eighteen inches into any required side or rear yard; and shall not may extend more than up to six feet (6') into any required front yard. This is not to be construed as prohibiting Open uncovered porches, decks, walkways or stoops not exceeding less than eighteen inches in height, and not approaching closer than eighteen inches to any lot line. may extend to within one and one-half feet (1 ½') to any lot line.

3. Open, uncovered pedestrian access to commercial or industrial zoned structures, such as walkways, decks, or stairways of any height, may extend into any side or rear setback up to 10 feet of the setback width, as long as all other applicable development standard is met.

4. For existing non-conforming 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.

~~18.84.080 — Authorization for similar uses.~~

~~The Planning Commission may determine that a use, not specifically named in the allowed uses of a zone, shall be included among the allowed uses. The planning commission may not allow a use already allowed in any other zone.~~

18.84.090 Temporary Use Permits

E. Temporary permits may be granted an additional one-year extension by the planning director ~~upon the recommendation of the planning commission~~, and with demonstrated good cause.

2007 Poulsbo Zoning Ordinance Amendments

Amendment 07-12

Replace entire Chapter 17.18 Binding Site Plans with the following:

Chapter 17.18 *Binding Site Plans*

17.18.010 Purpose.

This section shall govern a subdivision of land through the optional binding site process provided for in chapter 58.17.035 RCW, or its successor. If approved under this section, a division of land authorized by a binding site plan is exempt from the short and long subdivision regulations and processes. Binding site plans are most commonly used for condominiums and the division of commercial or manufacturing sites, but they have other uses as well.

17.18.020 Applicability.

Binding site plans shall apply to the following: 1) property zoned commercial, light industrial or business park; 2) condominiums for one or more units in any RM, RH, commercial, light industrial or business park zoning districts, and are owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest; and 3) division for the purpose of lease when no residential structure other than mobile homes or travel trailers are to be placed on the land. The underlying zoning district standards shall apply for development utilizing the optional binding site plan process.

17.18.030 Application and site design.

A. Request for binding site plan shall be submitted and processed in the manner prescribed by Title 19. All requests shall be accompanied with a binding site plan application on a form provided by the City; legal descriptions for property to be subdivided and of each sub parcel; and a plat certificate from a title company showing all record owners of and encumbrances upon the property. The plat certificate shall be current within sixty days at the time of recording.

B. Binding site plans drawings shall be drawn at a scale no smaller than one inch equals 50 feet; and if appropriate, one overall site plan drawing may be drawn at a scale no smaller than one inch equals 100 feet. The drawing(s) and its supporting documents shall include the following:

1. All section, township, municipal and city lines laying within or adjacent to the binding site plan;

2. The boundary of the binding site plan with complete bearings and lineal dimensions;
3. The length of each lot line, together with bearings and other data necessary for the location of any lot line in the field;
4. The location, width, centerline and name or number of all streets within and adjoining the binding site plan;
5. Areas designated for landscaping, parking and vehicle use;
6. The location of all easements within and adjacent to the proposal, and where possible, labeling each by width, name and Kitsap County auditor's file number;
7. The areas and locations of all improvement and utilities;
8. The areas and locations of open space, recreational amenities, and critical areas;
9. The location of all existing and proposed structures;
10. Ties to permanent monuments of record;
11. North point and origin of meridian;
12. Controlling reference points or monuments;
13. Sub parcels labeled alphabetically;
14. The name and locations of adjacent subdivisions, short plats and binding site plans;
15. The location of all property to be dedicated and a textual declaration of the dedication. Roads not dedicated to the public must be clearly marked on the face of the binding site plan. (Any dedication, donation or grant as shown on the face of the binding site plan shall be considered for all intents and purposes as a quitclaim deed to the donee or donees, grantee or grantees for his, her, or their use of the purposes intended by the donors or grantors);
16. Proposed phasing plan;
17. Proposed Covenants, Conditions and Restrictions;
18. A declaration that all development of the property shall conform to that shown on the binding site plan and conditions placed upon the binding site plan; and all provisions, conditions, and requirements of the binding site plan shall be legally enforceable on the purchaser or any other person acquiring a lease or other ownership interest of any lot, parcel, or tract created pursuant to the binding site plan;
19. Signatures required:
 - a. Signature and date lines for certification by a registered land surveyor of the state of Washington that the binding site plan and legal descriptions were prepared under his or her direct supervision;
 - b. Signature and date lines for the approvals of the city engineer and planning director;
 - c. Signature and date lines for the county treasurer indicating that the real property taxes are current;
 - d. Signature and date lines subscribed by all owners and acknowledgment of all owners' signatures;
 - e. Signature and date line for approval by the mayor on behalf of the review authority;

20. If the Binding Site Plan is in conjunction with condominiums, pursuant to RCW 64.32 or 64.34, the following statement must be included on the face of the Binding Site Plan: "All development and use of the land described herein shall be in accordance with this binding site plan, as it may be amended with the approval of the city, town, or county having jurisdiction over the development of such land, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof. Upon completion, the improvements on the land shall be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest. This binding site plan shall be binding upon all now and hereafter having any interest in the land described herein."

C. All binding site plan designs shall include as determined by the director, overall site landscaping, pedestrian walkways and connections, parking and circulation, recreational amenities, walls and fences, architectural design guidelines, lighting, and other site plan standards as set forth by the underlying zoning district. For commercial, business park, and industrial divisions, building envelope or use does not have to be identified at time of binding site plan. However, site plan review for subsequent building size, location and use will be required and shall be submitted and processed as a Type II process unless otherwise required.

D. The survey of binding site plans shall be made by or under the supervision of a registered land surveyor. All surveys shall conform to standard practices and principles for land surveying as set forth in the laws of the state of Washington.

17.18.040 Planning Commission Review.

At a public meeting, the Planning Commission shall consider all relevant evidence to determine whether the binding site plan should be forwarded to the Review Authority with a recommendation for approval, approval with conditions, or denial. The Commission may approve and/or modify a binding site plan application in whole or in part, with or without conditions, only if all of the following findings are made:

- A. The proposal complies with all of the applicable provisions of Title 18 - Zoning of the Poulsbo Municipal Code;
- 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; and
- 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.

17.18.050 Review Authority Decision.

The Review Authority shall review the record of the Planning Commission's proceedings and recommendation, in addition to the evidence produced at the Review Authority's hearing. The Review Authority may approve and/or modify a binding site plan application in whole or in part, with or without conditions, only if all of the findings from 17.18.040 have been met.

17.18.060 Recording of site plan.

- A. When a binding site plan receives Review Authority approval and any required infrastructure necessary to support the Binding Site Plan have been installed as required in the project's conditions of approval, the original shall be filed for recordation with the Kitsap County auditor .
- B. In lieu of the completion of the actual construction of required improvements prior to recording of the binding site plan, the developer may file a completion bond or other suitable security in a form approved by the City and in an amount to be determined by the City Engineer sufficient to guarantee actual construction and installation of such improvements within two years of binding plat approval. Such bond arrangement must be specifically allowed in the conditions of approval.
- C. Prior to recording, the City Engineer may require a maintenance bond or other suitable security in a form approved by the City and in an amount to be determined by the City Engineer, guaranteeing the repair or replacement of any improvement to be dedicated to the public within two years after final acceptance of the improvement by the City. Further, the Planning Director may require a maintenance bond or other suitable security in a form approved by the City and in an amount to be determined by the Planning Director, for any landscaping which proves defective or fails to survive within two years after final acceptance of the landscaping by the City.

- D. Enforcements of performance and/or maintenance bonds shall be as set forth in PMC 17.12.080(B) or as amended.
- E. Construction of improvements in support of the binding site plan shall be as set forth in PMC 17.12.090 or as amended.

17.18.070 Monuments and lot corners.

All corners of the real property to be subdivided shall be marked by three-quarter-inch galvanized pipe or like permanent marker and wooden witness stakes at lot corners.

17.18.080 Dedications.

In order to meet the public interest, approval of a binding site plan may be conditioned upon dedication for open spaces, drainage ways and systems, streets, alleys, other public ways, water and sanitary sewer systems, parks, playgrounds, sites for schools, school grounds, and other needs of the public.

17.18.090 Violation.

Any sale, transfer, or lease of any lot, tract, or parcel created pursuant to an approved binding site plan that does not conform to the requirements of the binding site plan or without receiving binding site plan approval, shall be considered a violation of chapter 58.17 RCW and shall be restrained by injunctive action and be illegal as provided in chapter 58.17 RCW.

17.18.100 Vacation or alteration.

Vacation or alteration on an approved binding site plan shall be processed in the same manner as a subdivision pursuant to chapter 58.17.212 RCW and 58.17.215 RCW respectively.

17.18.110 Binding site plan expiration.

A binding site plan shall remain valid if construction is commenced within five years from the date of approval (by securing a building permit and construction has commenced), or the binding site plan shall become null and void unless an extension has been granted. Projects may be built in phases if pre-approved by the Hearing Examiner.

17.18.120 Extension of time.

The City Council may, upon a request being filed thirty days prior to expiration and for good cause, grant a one time extension not to exceed one year.

17.18.130 Concurrent applications.

An applicant may submit an application for binding site plan approval concurrently with site plan or other applicable land use applications.

2007 Poulsbo Zoning Ordinance Amendments

Amendment 07-13

Table 18.28.020 Business Park Use

Section E. Other – ADD new number 5 to read:

<u>Retail sales in conjunction with a permitted use</u>	<u>P</u>
<u>(not to exceed 25% of permitted use's square footage)</u>	

Amendment 07-14

Table 18.32.020 Industrial Use

Section A. Services and Retail Amusements - ADD new number 16 to read:

<u>Sports Facilities, including stadium and arena facilities</u>	<u>P</u>
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Section E. Other – ADD new number 7 to read:

<u>Retail sales in conjunction with a permitted use</u>	<u>P</u>
<u>(not to exceed 25% of permitted use's square footage)</u>	