

## C2023 Land Use Housekeeping Amendments | PC Recommended Amendments | Jan 11, 2023

Staff proposed amendments are shown in red underline and ~~strikethrough~~

Planning Commission proposed amendments are shown in blue underline and ~~strikethrough~~

### INTRODUCTION:

The proposed amendments to the Poulsbo Municipal Code (PMC) are part of the Planning and Economic Development Departments on-going effort to make land use regulations more usable for residents, developers, and City staff by correcting errors, eliminating text ambiguities, codifying internal policies, and reflecting changes in state law. The proposed amendments do not involve significant changes to the code.

Amendments are included for the following PMC Chapters: 18.40, Zoning Definitions; 18.70, Residential Districts; 18.80, Commercial Districts; 18.130; Landscaping; 18.140, Off-Street Parking; 18.180, Tree Retention; 18.260, Planned Residential Developments; 18.270, Site Plan Review; 19.40, Application Review Procedures; 19.60, Neighborhood Meetings.

The proposed amendments to the sections identified above, have been assigned an amendment number and are presented below in its sequential order per the Poulsbo Municipal Code. The amendments are represented as red underline for proposed new language or additions, and ~~red strikeout~~ for deletions. Planning Commission recommended amendments are represented as blue underline for proposed new language or additions, and ~~blue strikethrough~~ for deletions.

*It should be noted that not all provisions of a specific section are presented below; only the pertinent sections proposed to be amended are identified. For full context, please refer to the complete section in the Poulsbo Municipal Code: <https://www.codepublishing.com/WA/Poulsbo>.*

Full project review documents, including timeline, can be viewed on the project website: <https://cityofpoulsbo.com/development-regulation-amendments-2/>.

---

## TITLE 18: ZONING ORDINANCE | Chapter: 18.40 Definitions

### 1. Section: 18.40.030 Definitions.

#### B Definitions.

“Building lot coverage” means 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 thirty-six inches or less above grade.

#### D Definitions.

“Dwelling, single-family” means a building containing but one kitchen, ~~designed for and occupied exclusively by one family~~, except where a valid accessory dwelling unit has been approved.

#### H Definitions.

“Household” means one or more persons ~~related by blood, marriage, or adoption, or a group of not more than six persons not related by blood or marriage; or a group living arrangement of two or more persons who receive supportive services such as counseling, foster care, or medical supervision at the dwelling unit by resident or nonresident staff living together as a single housekeeping unit in a dwelling unit. For purposes of this definition, children with familial status within the meaning of 42 U.S.C. Section 3602(k), and individuals with disabilities within the meaning of 42 U.S.C. 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 Chapter 70.128 RCW are included within the definition of household.~~

#### E Definitions.

“Electric vehicle charging space” means a parking space specifically for the use of an electric vehicle while charging at an electric vehicle charging station.

“Electric vehicle infrastructure” means all structures and equipment necessary to support an electric vehicle charging space, including associated installation requirements

## TITLE 18: ZONING ORDINANCE | Chapter: 18.70 Residential Districts.

### 2. Section: 18.70.070 Additional standards and provisions for R zoning districts

#### A. Accessory Dwelling Units

##### 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.d.~~ The accessory dwelling unit shall contain no more than eight hundred 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.e.~~ 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 twenty-five feet in height and be separated from the primary residence as required by the city's adopted building code.

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

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

~~j.i.~~ ~~Mobile homes, manufactured homes, or r~~Recreational vehicles shall not be considered an accessory dwelling unit.

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

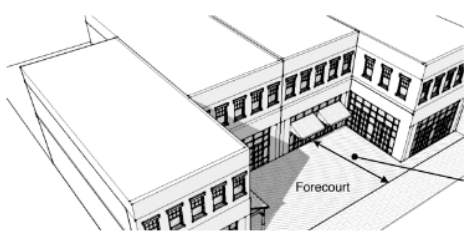
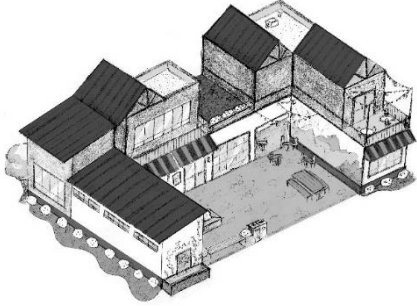
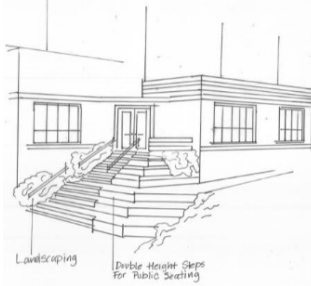
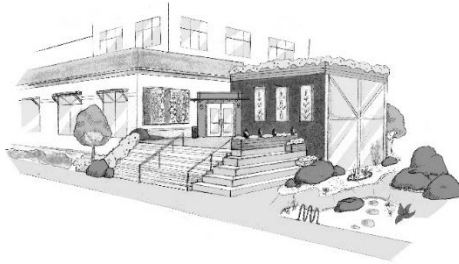
3. Section: 18.70.070 Additional standards and provisions for R zoning districts

F. Commercial Uses in the R Zones.

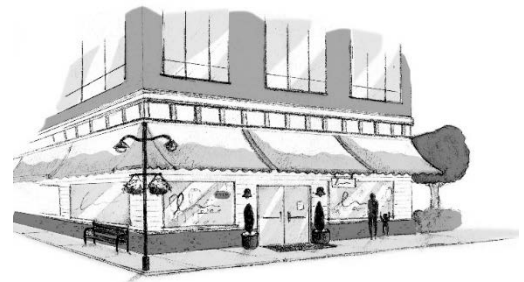
Table 18.70.070.F Types of Commercial Uses in the R Zones				
	Zone	Permit Type Required	Limitations	Occupancy Required
Home Business	All R zones	City Business License only	No customer or client visits; no nonresident employees; no signage	Yes; owner must live and work at existing residence
Home Occupation	All R zones	<del>Administrative Conditional Use Permit (AC) Type II</del>	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	<del>RL Conditional Use Permit (CUP)</del> <del>RM/RH Administrative Conditional Use Permit (AC)</del>	Limits on types of uses; square footage; location of use; hours of operation; and others	No; but residential unit is required

TITLE 18: ZONING ORDINANCE | Chapter: 18.80 Commercial Districts.

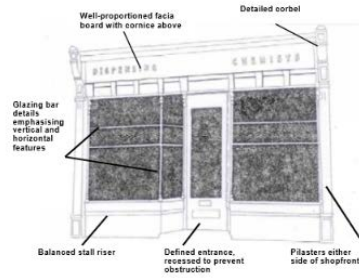
4. Section: 18.80.050 Site and building design standards in the C-1 downtown/Front Street commercial zoning district

<u>Ref</u>	<u>Existing Image</u>	<u>Replacement Image</u>
A.1		
A.7		

B.8



D



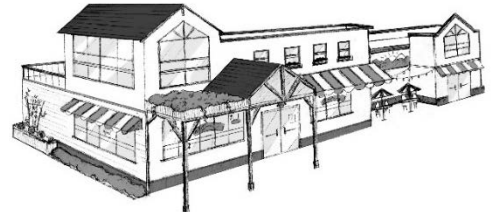
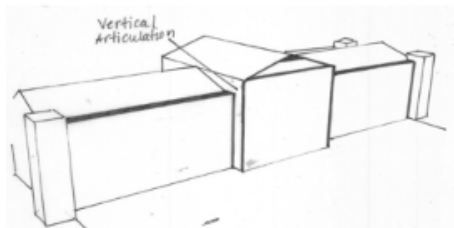
5. Section: 18.80.060 Building design, landscaping and site standards in C-2 Viking Avenue, C-3 SR 305 and C-4 College Marketplace commercial zoning districts

Ref

Existing Image

Replacement Image

A.2

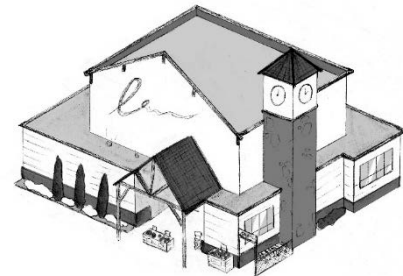


A.3



A.7

None



**6. Section: 18.80.110 Off-street parking and loading standards in the C-2, C-3 and C-4 zoning district**

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.

12. Residential.

- a. Single-family detached residential unit: two spaces.
- b. Studio/one bedroom: one space per residential unit.
- c. Two or more bedrooms: two spaces per dwelling unit.
- d. Guest parking is one space per ten dwelling units; provided, that commercial use parking spaces may meet this requirement at a one-to-one ratio replacement when uses' peak hours of operation do not overlap.
- ~~de.~~ Residential units restricted to use for seniors (sixty-five years and older): one and one-quarter spaces per dwelling unit.
- ~~ef.~~ Assisted living, senior congregate care, residential care center: one for each four regular beds (or units), plus one space for every two full-time employees on largest shift.

**TITLE 18: ZONING ORDINANCE | Chapter: 18.130 Landscaping.**

**7. Section: 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 one-inch equals twenty feet 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 (including height of existing and proposed overhead electrical power lines) and easements, and other public or semipublic 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 six percent.
- 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 nonnative species plants should be clearly distinguished.~~
- M. Native and nonnative species plants should be clearly distinguished.
- N. Identification of areas subject to soil conditioning and mulching, including specifications for soil quality, conditioning, and mulch per section 18.130.050 B.



## TITLE 18: ZONING ORDINANCE | Chapter: 18.140 Off Street Parking and Loading

### 8. Section: 18.140.080 Electric Vehicle Charging Spaces.

A. Buildings and accessory structures shall be provided with EV charging stations, EV-Ready parking spaces, and EV-capable parking spaces in accordance with IBC Section 429, as amended. Calculations shall be consistent with section 18.150.020. There is no minimum number of charging station spaces required.

1. Where spaces are open to the general public and not limited to those frequenting the business/residence, additional non EVC parking spaces may be required and at the director's discretion.

2. Where a building contains more than one occupancy, the electric vehicle charging infrastructure percentages shall be applied to the number of spaces required for each occupancy.

B. The station installation and equipment shall be consistent with the rules and regulations adopted pursuant to RCW 19.27.540, Electric vehicle infrastructure requirements, and with applicable regulations under the city's building and fire codes.

BC. Electric vehicle charging ~~stations-spaces~~ may be reserved for parking and charging electric vehicles only. The property owner may set hours and conditions of use on the spaces and the charging stations. The owner of the property may charge a fee for charging any electric vehicle.

D. Electric vehicle charging spaces shall have the same dimensions as standard parking stalls as identified in Table 18.140.040. Accessible charging spaces shall have the dimensions required in the building code for accessible parking stalls.

CE. Where charging ~~station-space~~ equipment is provided within an adjacent pedestrian circulation area, such as a sidewalk or accessible route to the building entrance, the charging equipment shall be located so as not to interfere with accessibility requirements of WAC 51-50-005.

F. Design, location and layout of electric vehicle parking is expected to vary based on the design and use of the primary parking lot. The following required and additional locational and design criteria are provided in recognition of the various parking lot layout options.

1. Except for those located in residential zones, each charging station space shall be posted with signage indicating the space is for electric vehicle charging purposes. Days and hours of operations may be included if time limits or tow away provisions are to be enforced.



2. Electric vehicle charging spaces in non-residential zones with advertising signs shall obtain a sign permit and the signage shall count towards overall site totals per Chapter 18.170.

3. Where charging station infrastructure is installed, adequate site lighting shall exist, unless charging is for daytime purposes only.

4. Charging station infrastructure shall be maintained in all respects, including the functioning of the charging equipment. A phone number or other contact information shall be provided on the charging station equipment for reporting when the equipment is not functioning, or other problems are encountered.

5. Related charging station infrastructure, including transformers, switchgear, and other similar items must be screened with a fence, wall, berm, evergreen landscaping, or any combination. Any landscaping used for screening purposes must be maintained.

G. Electric vehicle charging spaces that do not comply with the criteria above are considered a principal use and are deemed an auto fuel service station use under the Zoning Ordinance and shall require site plan approval per Chapter 18.270.

**TITLE 18: ZONING ORDINANCE | Chapter: 18.180 Tree Retention.**

**1. Section: 18.180.030**

B. Tree Retention Requirement.

1. At least twenty-five percent of the existing trees which are ~~ten~~ **six** inches in diameter or greater measured four feet six inches above grade and meet the priorities in subsection A of this section, shall be retained.

**TITLE 18: ZONING ORDINANCE | Chapter: 18.260 Planned Residential Developments**

**2. Section: 18.260.100 Amenities Required.**

A. Both passive and active recreational amenities (owned and maintained by the homeowners or by the city of Pouslbo if it meets Section ~~18.260.090~~(H)(2)(a)(i) through (v)) are required to be provided for all PRDs, and shall be located within the required open space area.

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 fifty-one units shall provide at least two Group 1 amenities.
2. PRDs with fifty-one to eighty units shall provide one Group 1 amenity and one Group 2 amenity.
3. PRDs with eighty-one to one hundred ten units shall provide two Group 1 amenities and two Group 2 amenities.
4. PRDs with one hundred eleven units or more shall provide three Group 1 amenities and two Group 2 amenities.

<b>Table 18.260.100—Types of Passive and Active Recreational Amenities</b>	
<b>Passive</b>	<b>Active</b>
<b>Group 1 Amenities</b>	<b>Group 1 Amenities</b>
Picnic areas with improved seating area and at least 2 picnic tables, in conjunction with an open play area	Multipurpose 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
<b>Group 2 Amenities</b>	<b>Group 2 Amenities</b>
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. The location, size, and design of all recreational amenities shall be reviewed by the planning director, city engineer, and parks director, prior to preliminary approval.

DE. 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.

## **TITLE 18: ZONING ORDINANCE | Chapter: 18.270 Site Plan Review**

### **3. Section: 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 one thousand square feet; installation of accessory structures; landscaping; parking realignment or new parking nine 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 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 hookups, water hookups, fire department permits.
  - e. Comprehensive plan map and text amendments and associated zone changes pursuant to RCW [36.70A.130](#) and Chapter [18.210](#).
  - f. New construction of or modification to existing single-family residence.

g. Any other work determined by the planning director to be minor or incidental in nature and consistent with the intent and objectives of this chapter and the specific zoning district provisions.

## **TITLE 19: PROJECT PERMIT PROCEDURES | Chapter 19.40 Application Review Procedures**

### **4. Section: 19.40.040 Type III Permit Applications**

H. Appeal. Appeal of the hearing examiner decision ~~or city council decisions~~ on Type III permit applications may be appealed to [the city council](#) as set forth in Section [19.70.020](#). ~~City council decisions may be appealed to the~~ Kitsap County superior court [as set forth in Section 19.70.030](#).

## **TITLE 19: PROJECT PERMIT PROCEDURES | Chapter 19.60 Neighborhood Meetings**

### **5. Section: 19.60.010 Neighborhood Meetings**

A. The purpose of neighborhood meetings is to:

1. Provide a forum for interested individuals to meet with the applicant to learn about the proposal early in the review process.
2. Provide an opportunity for meaningful public input.
3. Provide a dialogue between the applicant, citizens, and city officials whereby issues can be identified.
4. Provide an opportunity for applicants to address concerns generated by individuals and incorporate possible changes.

B. A neighborhood meeting is required for the following:



1. Conditional use permits; ~~and administrative conditional use permits when required by the planning director~~
2. Infill residential development;
3. Planned residential developments;
4. Planned mixed use developments;
5. Preliminary plats;
6. Exception for housing authorities:
- ~~6-7.~~ Master plans, master plan map overlay and/or master plan amendments;
- ~~7.~~ Shoreline substantial development permit (major);
- ~~8.~~ Shoreline conditional use permit (major);
- ~~9-8.~~ Shoreline variance, and variances.

C. When a neighborhood meeting is required, it shall be conducted by the applicant prior to submittal of a counter complete application. The applicant shall notify the city of the date and time of the meeting. At least one representative from city staff shall be in attendance. The applicant shall mail notice of the neighborhood meeting to the same individuals to whom notice is required for the notice of application (see Section [19.50.020](#)) at least fourteen calendar days in advance of the meeting and the subject site shall be posted with at least one copy of the notice of neighborhood meeting on a public notice board as set forth in Section 19.50.050. The notice shall include a vicinity map, the project name and location, tax parcel number(s) and a description of proposed project. The applicant shall provide the city with an affidavit of mailing and site posting. A sign-in sheet shall be provided at the meeting, giving attendees the option of establishing themselves as a party of record. A summary of the attendees and comments received by the applicant shall be included in the application submittal.

D. Applicants may choose to hold additional neighborhood meetings in order to provide an opportunity to address concerns generated, provide additional information, propose changes to plans, or provide further resolution of issues. If the applicant holds additional meetings, there is no specific requirement of notice or city attendance. However, the city shall make effort to attend meetings where appropriate and when the applicant has notified the city that additional meetings are taking place.