

# 2024 Land Use Code Amendments | Planning Commission Recommended | January 23, 2024

Initial staff proposed amendments are shown in red underline and ~~strikethrough~~  
Planning Commission Recommended 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 have been assigned an amendment number and are presented below in 3 categories – Housekeeping, State Mandate, and Housing Diversity. Staff proposed amendments are represented as red underline for proposed new language or additions, and ~~strikethrough~~ for deletions. Planning Commission recommended amendments are shown in blue underline and ~~strikethrough~~.

*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/>.

---

## HOUSEKEEPING

Housekeeping amendments 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.

### ***Title 6, Animals | Chapter 6.10, Grooming Parlors, Pet Shops, and Kennels***

1. Section: 6.10.040 - Boarding kennels prohibited.

~~6.10.040 Boarding kennels prohibited.~~

~~It is unlawful for any person to operate a boarding kennel within the city of Poulsbo.~~

2. Section: 6.10.050 - Violation- Penalty.

6.10. ~~040 050~~ Violation—Penalty.

### ***Title 18, Zoning | Chapter 18.80, Commercial Districts***

3. Section: 18.80.030 Uses.

Table 18.80.030 Commercial Zoning Districts Use Table					
USE	C-1 Downtown/ Front Street	Shopfront Overlay	C-2 Viking Avenue	C-3 SR 305 Corridor	C-4 College MarketPlace
<b>Retail Sales and Service</b>					
Pet and animal sales or service (including dog day care) <sup>1</sup>	P	P <sup>3</sup>	P	P	P
<sup>1</sup> Subject to standards in Section 18.80.080. <sup>3</sup> Permitted on the second floor or behind shopfront commercial use per Section 18.80.050(D)(12).					

4. Section: 18.80.080 - Additional standards and provisions for C zoning districts.

O. Pet and animal sales or service (including dog day care). Pet and animal sales or service (including dog day care) shall have all activities conducted indoors in the C-1 zoning district.

***Title 17, Land Division | Chapter 17.90, Plat Alterations and Vacation***

5. Section: 17.90.020 Alteration of recorded land division.
- A. Plat alterations are required when a property owner wishes to make any change to a recorded final subdivision, recorded short subdivision or recorded binding site plan. An alternative to the plat alteration process described herein is to submit a new application for the subdivision, or through a boundary line adjustment if appropriate. This process cannot be used to create additional lots, tracts or parcels, except for as provided for in 17.40.020 E.
  - B. Application Requirements. A completed plat alteration application and application fee, with a drawing showing the details of the alteration, shall be submitted.
    - 1. The application shall contain the signatures of the majority of those persons having an ownership interest of lots, parcels, sites, tracts, or divisions in the subject subdivision or portion to be altered.
    - 2. If the subdivision is subject to restrictive covenants that were filed at the time of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof.
    - 3. Easements established by a dedication are property rights that cannot be extinguished or altered without the written and filed approval of the easement owner or owners, unless the plat or other document creating the dedicated easement provides for an alternative method or methods to extinguish or alter the easement.
  - C. Notice of Application Required. A notice of application shall be provided to all owners within the subdivision and to property owners within three hundred feet from the subdivision, posted on the property in three locations, and published in a paper of general circulation. Notice of application is not required for an approved short subdivision utilizing 17.40.020 E.
  - D. Public Hearing Required. The review authority shall conduct a public hearing on the application for a subdivision alteration. A public hearing notice shall be prepared and distributed as set forth in subsection C of this section. The notice of application and public hearing notice may be combined; provided that it is distributed no less than fourteen days prior to the public hearing. Public hearing is not required for an approved short subdivision utilizing 17.40.020 E.
  - E. Decision Criteria. The review authority shall approve, approve with conditions, or deny an alteration. The decision shall be in writing and shall include findings and conclusions based on the record to support the decision.
    - 1. The proposed alteration complies with this title and other applicable city requirements.
    - 2. The proposed alteration will serve the public interest or use.
    - 3. The proposed alteration will not result in the violation of any requirements of the original approval, unless conditions necessitating such requirements have changed since the original plat was recorded.
  - F. Assessments. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots or parcels or be levied equitably on the lots resulting from the alteration.
  - G. Revised Plat Drawing. After approval of the alteration, the applicant shall produce a revised plat drawing titled "Alteration of (insert subdivision/project name)" showing the entire subdivision or portion thereof being altered. The altered plat shall include a note indicating the nature of the alteration. The new drawing shall be submitted to the city for signatures. After recording, the applicant shall submit a copy of the recorded alteration drawing to the city.

***Title 19, Projection Permit Application Procedures | Chapter 19.20, Application Classification***

6. Section: 19.20.020 - Permit application classification

Table 19.20.020 Permit, Process and Review Authority Classification		
Permit Type	Process Type	Review Authority
Plat alterations and vacation	Exempt	CC
<u>Short plat alterations per PMC 17.40.020 E</u>	<u>Exempt</u>	<u>PD</u>

**Title 18, Zoning | Chapter 18.70, Residential Districts**

7. Section: 18.70.030 - Uses.

Table 18.70.030 Residential District Uses			
USE	RL	RM	RH
<b>BUSINESS SERVICES</b>			
Self-serve mini storage	X	X	<del>X</del> AG

**Title 18, Zoning | Chapter 18.80, Commercial Districts**

8. Section: 18.80.040 – Development standards for commercial districts.

B. C-1 Zoning District Height. The maximum average building height in the C-1 zoning district shall be thirty-five feet; provided, that:

1. The height limit on 3rd Avenue NE between Moe Street NE and NE Hostmark Street shall be twenty-five feet as measured from the highest sidewalk grade of 3rd Avenue NE adjacent to the property line;
2. In the shopfront overlay the height limit on west side of Front Street NE shall be twenty-five feet and on east side of Front Street NE shall be thirty-five feet as measured from the highest sidewalk grade of Front Street NE adjacent to the property line;
3. “Highest sidewalk grade” means the highest elevation of the sidewalk parallel to the building frontage; and
4. The height limits described above in subsections (B)(1) and (2) of this section shall not also apply to rooftop appurtenances, ~~such as those identified in Section per~~ 18.310.010(B).

9. Section: 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 five hundred feet of any church, school, and public institution elementary, junior high, or senior high school within the city, except as provided for in RCW 66.24.010.

10. Section: 18.80.110 - Off-street parking and loading standards in the C-2, C-3, and C-4 zoning districts.

A. Number of Spaces Required.

14. Schools (includes public, private, business, and vocational):

- a. Preschool: one space per three children one space for every two employees on the largest shift, plus one space per seven children and adequate provision for loading and unloading.

**Title 18, Zoning | Chapter 18.110, Master Plan Overlay**

11. Section: 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 unless removed pursuant to 18.100.160; 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.

12. New Section 18.110.160 - Removal of master plan.

Removal of a master plan overlay shall follow the review process for adoption of a master plan in conformance with the provisions of Title 19, Project Permit Application Procedures, unless otherwise outlined in the master plan.

**Title 18, Zoning | Chapter 18.170, Signage**

13. Section: 18.170.080 - Temporary signs.

Except as otherwise described under this section, no permit is necessary for temporary signs that meet the requirements herein. 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 not obstruct or impair access to a public sidewalk, public or private street or driveway, traffic control sign, transit stop, fire hydrant, bench or any type of street furniture, or otherwise create a hazard. Temporary signs and shall may be removed or relocated if the building official determines that a sign is unsafe.

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. Community Announcement/Event Banners.

a. ~~I~~n C-1 Zoning District across Front Street, B~~b~~anners 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.

b. ~~3. Community announcement/event banners I~~n all other zoning districts ~~on or above public right-of-way are subject to city council approval allowed fourteen days prior to the event and shall be removed within forty-eight hours after the event.~~

3. ~~4.~~ Portable off-premises signs no larger than three square feet per sign face and not exceeding three feet in height from the ground when displayed, announcing the community event are allowed forty-eight hours fourteen days prior to the event and shall be removed within forty-eight ~~twenty-four~~ 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.

14. Section: 18.170.090 - Sandwich board signs.

A. Permit Required. Sandwich board signs intended for permanent display (more than fourteen 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 be 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-premises 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-premises sandwich board signs are ~~not permitted, 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 six square feet in size per face and shall not exceed four feet 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 than one sandwich board sign per street frontage (not to exceed two total) shall be permitted for any business, organization, or use; ~~provided, that upon a demonstration of hardship, the planning director may permit one additional sandwich board sign.~~
- E. Placement.
  - ~~1. Sandwich board signs may be located on premises or off premises but cannot exceed the total number of signs allowed per business, organization or use.~~
  - 1. ~~2.~~ On-premises sandwich board signs must be located on property directly in front of the business displaying the sign, or in right-of-way 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 the owner's consent.~~
  - ~~4. Off-premises sandwich board signs are allowed only for businesses or organizations located within the Pousbo city limits and have a valid business license.~~
    - ~~a. Sandwich board signs advertising businesses or organizations not physically located and operated within the city limits are not permitted.~~
  - 2. ~~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.
  - 3. ~~6.~~ Signs shall not create a traffic safety hazard by obstructing the view or passage of pedestrians, cyclists or motorists.
  - 4. ~~7.~~ Sign placement may not obstruct an entrance to a building, steps or driveway access.
  - 5. ~~8.~~ No sign may be placed within a sight vision clearance triangle or within five feet of a wheelchair ramp.
  - 6. ~~9.~~ No sign shall be placed within the roadway, traffic island, median or circle.
- F. Sandwich board signs ~~On- and off-premises signs~~ may be displayed only during the hours of eight a.m. to nine ten 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, 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.

### ***Title 18, Zoning | Chapter 18.270, Site Plan Review***

#### 15. Section: 18.270.020 - Applicability

- B. Minor Site Plan Review. Minor modifications of site plan features to existing developments, including new structures up to two thousand square feet, additions to existing structures increase of up to two 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)).

### ***Title 15, Buildings and Construction | Chapter 15.35, Tree Cutting and Clearing***

#### 16. Section: 15.35.140 - Tree cutting and clearing limits.

See requirements of Section 18.180.070.

~~A.—Tree removal boundaries shall be marked by flagging, stakes, paint spots, a continuous ribbon or other readily visible means around the perimeter. Property lines and corners shall be clearly identified if tree removal is to occur in close proximity to property boundaries.~~

~~B.—Open space tracts, tree retention tracts, protected critical areas and buffers, and other areas which prohibit tree removal shall be protected from potentially damaging activities. The applicant and/or authorized contractor shall:~~

~~1.—Protection areas shall be clearly shown on all applicable site development, preliminary plats, and construction drawings. Protection areas may only be modified or temporarily relocated with prior written approval of the planning director.~~

~~2.—Install a visible protective fencing along the outer edge and completely surrounding the protected area (drip line/critical root zone) of all protected trees, groups of trees, or vegetation.~~

~~3.—Maintain the protective barriers in place until the city authorizes their removal or a final certificate of occupancy is issued, whichever occurs first.~~

~~4.—Ensure that any landscaping done in the protected area(s) subsequent to the removal of barriers shall be accomplished with light machinery or hand labor.~~

~~C.—Additional protection during construction consistent with requirements of Section 18.180.070, may be required by the planning director.~~

### **Title 18, Zoning | Chapter 18.180, Tree Retention**

#### **17. Section: 18.180.070 - Tree protection measures.**

A. 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 (dripline/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 four feet 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: provided, that the director may allow such activities approved by the city arborist.

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 from outside the protected area or hand labor.

5. Shall install highly visible signs spaced no further than 50 feet apart along the entirety of the protective tree fencing. Said sign must be approved by the director and shall state, at a minimum, "Tree Protection Area, Entrance Prohibited."

6. The applicant shall not install an impervious surface within the critical root zone of any tree to be retained without the authorization of the director. The director may require specific construction methods and/or use of aeration devices to ensure the tree's survival and to minimize the potential for root-induced damage to the impervious surface.

7. To the greatest extent practical, utility trenches shall be located outside of the critical root zone of trees to be retained. The director may require that utilities be tunneled under the roots of trees to be retained if the director determines that trenching would significantly reduce the chances of the tree's survival.

8. Native understory trees, shrubs and other vegetation shall be protected within the designated tree protection area.

9 ~~5.~~ In addition to the above, the planning director may require the following:

a. Cover with mulch to a depth of at least six 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 two-foot-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.
  - B. Directional felling of trees shall be used to avoid damage to trees designated for retention.
  - C. All construction activities, including staging and traffic areas, shall be prohibited within five feet of the dripline of the protected trees.
  - D. 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.
  - E. The review authority may require additional tree protection measures as conditions of approval, which are consistent with accepted urban forestry practices.
  - G. Upon completion of construction activities, the city contract arborist, at the cost of the property owner or applicant, shall inspect all trees remaining on site. Any protected tree found to be irreparably damaged, severely stressed or dying shall be replaced at a three tree to one tree ratio. Proposed location and species of replacement trees shall be reviewed by the city arborist.
  - H. All costs associated with review by the city arborist shall be the responsibility of the property owner or applicant.
- 18. Section: 18.180.080 - Long-term tree protection and maintenance.
  - A. The trees retained as required by this chapter 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 homeowners’ 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. Individual properties that include trees identified for retention and protection by easement, tract, or covenant restriction shall record a notice on title of the existence of such protected trees against the property with the Kitsap County auditor’s office, prior to certificate of occupancy. The notice shall be approved by the director for compliance with this provision.
  - D. Permanent fencing of the tree protection tract or easement shall be required. This shall be accomplished by installing a wood, split-rail fence with applicable signage. The director may approve pedestrian-sized openings for the purpose of facilitating passive recreation within the tract for the benefit of the community. The director may authorize alternate styles and/or materials for the required fencing.
  - E. The boundary between a tree protection easement or tract and the abutting land must be permanently identified. This identification shall include permanent wood or metal signs. Sign locations and size specifications are subject to City review for approval. Suggested wording is as follows: “Protection of these trees is in your care. Alteration or disturbance of trees is prohibited by law without prior city approval.”
  - F. ~~G.~~ The trees retained as required by this chapter 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. The tree(s) shall be replaced per 18.180.070 G.
  - G. ~~D.~~ Pruning of trees retained as required by this chapter 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. Trees shall not be topped.

## STATE MANDATES

State mandates refer to directives or requirements imposed by the state government on local jurisdictions or municipalities regarding how they plan and regulate land use within their boundaries. Mandates typically come in the form of laws, regulations, or policies that outline specific criteria, standards, and procedures that local governments must follow when making decisions about land development and zoning.

### **Supportive Housing**

RCW 35.21.689, which was adopted in 2019, states that “a city may not prohibit permanent supportive housing in areas where multifamily housing is permitted.” E2SHB 1220, passed in 2023, added “transitional housing” to this prohibition and extends the geographic scope as follows:

*A city shall not prohibit transitional housing or permanent supportive housing in any zones in which residential dwelling units or hotels are allowed.*

### **Title 18: Zoning Ordinance | Chapter 18.40, Definitions**

19. Section: 18.40.030 - Definitions.

~~“Homeless shelter” means a facility offering lodging and/or emergency shelter to homeless individuals, and meeting the standards of Chapter 246-360 WAC.~~

~~“Transitory accommodation” means shelters that are not permanently attached to the ground, that may be easily erected, dismantled or moved, and are intended for temporary occupancy.~~

“Emergency housing” means temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.

“Emergency shelter” means a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations.

“Permanent supportive housing” is subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the residents health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in chapter 59.18 RCW.

“Transitional housing” means a project that provides housing and supportive services to homeless persons or families for up to two years and that has as its purpose facilitating the movement of homeless persons and families into independent living.

### **Title 18, Zoning | Chapter 18.70, Residential Districts**

20. Section: 18.70.030 - Uses.

Table 18.70.030 Residential District Uses			
USE	RL	RM	RH
<b>RESIDENTIAL</b>			
<del>Confidential shelter<sup>†</sup> (including confidential transition homes) no public noticing required (MOVED)</del>	AG	AG	P



Table 18.70.030 Residential District Uses			
USE	RL	RM	RH
Homeless shelter	AC	AC	AC
<b>SUPPORTIVE HOUSING</b>			
<u>Confidential shelter<sup>1</sup> (including confidential transition homes) no public noticing required</u>	AC	AC	P
<u>Emergency Shelter<sup>1</sup></u>	AC	AC	AC
<u>Emergency Housing<sup>1</sup></u>	AC	AC	AC
<u>Permanent Supportive Housing<sup>1</sup></u>	AC	AC	P
<u>Transitional Housing<sup>1</sup></u>	AC	AC	P
<sup>1</sup> Subject to additional standards in Section <u>18.70.070</u> .			

21. Section: 18.70.070 - Additional standards and provisions in the R zoning districts

I. Supportive Housing.

1. 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.
2. Permanent Supportive Housing and Transitional Housing. The number of transitional housing units allowed on any given property shall be no more than the number of standard dwelling units that would be allowed under the zoning of the property. No transitional housing unit may be located within half a mile of another transitional housing property, as measured by the nearest point on one such property to the nearest point on the other, that contains permanent supportive housing or transitional housing. Transitional housing shall not be located within a half mile of emergency housing and emergency shelters as measured by the nearest point on one such property to the nearest point on another. Must comply with all standards of the zone in which the transitional housing is located.
3. Emergency Shelter and Emergency Housing. The occupancy of an indoor emergency shelter shall be limited to no more than ten families or 40 people, whichever is fewer. There shall be no more than one continuously operating indoor emergency shelter in the city. As used herein, the phrase "continuously operating" is intended to exclude indoor emergency shelter facilities that are needed to respond temporarily to a natural disaster or other similarly acute emergency (e.g., unusually hot or cold temperatures of short duration) that has caused unexpected homelessness within the city. No continuously operating emergency shelter may be located within a half mile of a continuously operating emergency housing facility as measured by the nearest point on one such property to the nearest point on the other. Emergency shelters shall not be located within a half mile of permanent supportive housing or transitional housing units as measured by the nearest point on one such property to the nearest point on another. An operations and security plan for emergency housing facilities shall be required that address potential security and neighborhood impacts within 500 feet of the emergency housing facility. Must comply with all standards of the zone in which the indoor emergency shelter is located.

22. Section: 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:

- C. Supportive Housing. One per four regular beds (or units), plus one space for every full-time employee on the largest shift.

**Title 18, Zoning | Chapter 18.80, Commercial Districts**

23. Section: 18.80.030 - Uses.

Table 18.80.030 Commercial Zoning Districts Use Table					
USE	C-1 Downtown/ Front Street	Shopfront Overlay	C-2 Viking Avenue	C-3 SR 305 Corridor	C-4 College MarketPlace
<u>Emergency Shelter<sup>1</sup></u>	<u>AC</u>	<u>C<sup>3</sup></u>	<u>AC</u>	<u>AC</u>	<u>AC</u>
<u>Emergency Housing<sup>1</sup></u>	<u>AC</u>	<u>C<sup>3</sup></u>	<u>AC</u>	<u>AC</u>	<u>AC</u>
<u>Permanent Supportive Housing<sup>1</sup></u>	<u>AC</u>	<u>C<sup>3</sup></u>	<u>AC</u>	<u>AC</u>	<u>AC</u>
<u>Transitional Housing<sup>1</sup></u>	<u>AC</u>	<u>C<sup>3</sup></u>	<u>AC</u>	<u>AC</u>	<u>AC</u>
<sup>1</sup> Subject to standards in Section 18.80.080.					

24. Section: 18.80.080 - Additional standards and provisions in the C zoning districts

P. Supportive Housing.

1. Permanent Supportive Housing and Transitional Housing. The number of transitional housing units allowed on any given property shall be no more than the number of standard dwelling units that would be allowed under the zoning of the property. No transitional housing unit may be located within half a mile of another transitional housing property, as measured by the nearest point on one such property to the nearest point on the other, that contains permanent supportive housing or transitional housing. Transitional housing shall not be located within a half mile of emergency housing and emergency shelters as measured by the nearest point on one such property to the nearest point on another. Must comply with all standards of the zone in which the transitional housing is located.
2. Emergency Shelter and Emergency Housing. The occupancy of an indoor emergency shelter shall be limited to no more than ~~ten families or 40 people, whichever is fewer.~~ There shall be no more than one continuously operating indoor emergency shelter in the city. As used herein, the phrase “continuously operating” is intended to exclude indoor emergency shelter facilities that are needed to respond temporarily to a natural disaster or other similarly acute emergency (e.g., unusually hot or cold temperatures of short duration) that has caused unexpected homelessness within the city. No continuously operating emergency shelter may be located within a half mile of a continuously operating emergency housing facility as measured by the nearest point on one such property to the nearest point on the other. Emergency shelters shall not be located within a half mile of permanent supportive housing or transitional housing units as measured by the nearest point on one such property to the nearest point on another. An operations and security plan for emergency housing facilities shall be required that address potential security and neighborhood impacts within 500 feet of the emergency housing facility. Must comply with all standards of the zone in which the indoor emergency shelter is located.

25. Section: 18.80.100 - Off-street parking and loading standards in the C-1 zoning district.

B. Number of Spaces Required.

2. Residential

- f. Supportive housing: one per four regular beds (or units), plus one space for every full-time employee on the largest shift.

26. Section: 18.80.110 - Off-street parking and loading standards in the C-2, C-3, and C-4 zoning districts

A. Number of Spaces Required.

12. Residential

- e. Supportive housing: one per four regular beds (or units), plus one space for every full-time employee on the largest shift.

## **Accessory Dwelling Units**

In 2023, HB 1337 amended RCW 36.70A to add significant changes to local government roles for regulating ADUs. Within urban growth areas, cities and counties:

- Must allow two ADUs per residential lot. They may be attached, detached, or a combination of both, or may be conversions of existing structures.
- May not require the owner to occupy the property and may not prohibit sale as independent units.
- May not charge more than 50% of impact fees charged for the principal unit.
- Must allow an ADU of at least 1,000 square feet and must adjust zoning to be consistent with the bill for things such as height, setbacks, and other regulations.
- Must set consistent parking requirements based on distance from transit and lot size.

If a city does not amend its rules to be consistent with the law, the statute will "supersede, preempt and invalidate any conflicting local development regulations."

Helpful Links:

- [HB 1337 Link](#)
- [Department of Commerce Guidance](#)

## **Title 18, Zoning | Chapter 18.40, Definitions**

27. Section: 18.40.030 - Definitions.

"Accessory dwelling unit (ADU)" means ~~a dwelling unit located on the same lot as a single-family housing unit, duplex, triplex, townhome, or other housing unit~~ 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.

"Attached accessory dwelling unit" means an accessory dwelling unit located within or attached to a single-family housing unit, duplex, triplex, townhome, or other housing unit.

"Detached accessory dwelling unit" means an accessory dwelling unit that consists partly or entirely of a building that is separate and detached from a single-family housing unit, duplex, triplex, townhome, or other housing unit and is on the same property.

"Floor area, gross" means the ~~interior habitable area of a dwelling unit including basements and attics but not including a garage or accessory structure.~~ 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, stairwells and interior atriums), outdoor courts and exterior balconies.

"Major transit stop" means:

- A stop on a high capacity transportation system funded or expanded under chapter 81.104 RCW;
- Commuter rail stops;
- Stops on rail or fixed guideway systems, including transitways;
- Stops on bus rapid transit routes or routes that run on high occupancy vehicle lanes; or
- Stops for a bus or other transit mode providing actual fixed route with a frequency of service at intervals of at least fifteen minutes for at least five hours during the peak hours of operation on weekdays.

"Principal unit" means the single-family housing unit, duplex, triplex, townhome, or other housing unit located on the same lot as an accessory dwelling unit.

**Title 18, Zoning | Chapter 18.70, Residential Districts**

28. Section: 18.70.030 - Uses.

Table 18.70.030 Residential District Uses			
USE	RL	RM	RH
<b>RESIDENTIAL</b>			
Accessory dwelling units <sup>1</sup>	<del>AG-P</del>	<del>AG-P</del>	<del>AG-P</del>
<sup>1</sup> Subject to additional standards in Section <u>18.70.070</u> .			

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

A. Accessory Dwelling Units.

1. Purpose. ~~An a~~Accessory dwelling unit (ADU) is ~~an additional, smaller dwelling unit on a lot with, or in, an existing home. These units are~~ intended to provide a housing type that responds to changing needs and lifestyles, facilitate land efficiency and better utilize existing infrastructure, 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. Two accessory dwelling units are permitted on all lots that are located in residential zoning districts in the following configurations:~~
  - a. One attached accessory dwelling unit and one detached accessory dwelling unit;
  - b. Two attached accessory dwelling units; or
  - c. Two detached accessory dwelling units, which may be comprised of either one or two detached structures.
3. ~~Types of ADU:~~
  - ~~a. For a new ADU that is located internal to the primary residence (e.g., basement) and in 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 Title 19. 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.~~
3. ~~5.~~ Standards.
  - a. ~~d. Each~~ The accessory dwelling unit shall contain no more than eight hundred-1,000 square feet of heated living area; excluding garages, storage areas less than 5 feet in height, and porches and covered decks. ~~provided, if~~ If the accessory unit is completely located on a ground floor or basement of the principal unit, ~~the review authority ADU may allow be~~ increased in size ~~in order~~ to efficiently use all floor area, so long as all other standards set forth in this section are met.
  - b. ~~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.
  - c. 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. An attached ADU is limited to the height that applies to the principal unit.
  - d. ~~e~~ If located in a subdivision where a Planned Residential Development (PRD) was approved, A ~~a~~ detached accessory dwelling unit shall be consistent in design and appearance with the principal

~~unit primary structure~~. Specifically, the roof pitch, siding materials, color and window treatment of the ADU shall be similar ~~the same as to~~ the principal unit primary structure.

- e. ~~h.~~ There shall be one off-street parking space provided for ~~the each~~ ADU, unless located within one-half mile walking distance of a major transit stop which is in addition to the off-street parking spaces required for the primary residence. ADU parking space may be in tandem with other required spaces.
  - f. ~~i.~~ Recreational vehicles shall not be considered an accessory dwelling unit.
  - g. ~~j.~~ An ADU may not be used as a short-term rental and must be rented for a minimum of ninety days or more.
    - ~~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.
    - ~~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.
- ~~4.~~ Pre-Existing and Nonpermitted 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 to bring the unit up to minimum public health and safety standards if found inadequate.
4. Conversion of Existing Structures to ADUs. An existing structure that does not comply with certain development standards of this chapter may be permitted provided the requirements of this section are met.
- a. The structure must have been constructed prior to December 31, 2023. The structure must either have received a city or County permit, not needed a permit at the time of construction, or be recognized as a structure per the Kitsap County Assessor records.
  - b. The structure must meet, either currently or through permitted remodeling, the requirements of the building and fire code for habitable structures.
  - c. The conversion of an existing structure to an ADU, with no expansions, is exempt from development standards for setbacks, height, and lot coverage of the underlying zone.
  - d. An existing structure may be enlarged or extended, provided the following provisions are met:
    - i. The enlargements do not violate underlying zone requirements. Structures that do not conform to the setback requirements may expand up to the building line, provided these enlargements do not further violate setback requirements.
    - ii. The enlargements do not cause the entire structure to exceed the ADU size requirements of subsection A.3(a) of this section.

- e. A conversion of the structure to an ADU will not be approved if it conflicts with the City’s Capital Improvement Plan or other capital projects related to nearby expansion of utilities or infrastructure including the need for additional right-of-way.

~~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.~~

30. Section: 18.70.080 - Parking.

A. Residential.

1. Single-family detached: two spaces per dwelling unit.
2. Accessory dwelling unit: ~~one space in addition to spaces required for primary residence.~~ one off-street parking space provided for the each ADU, unless located within one-half mile walking distance of a major transit stop, which is in addition to the off-street parking spaces required for the primary residence. ADU parking space may be in tandem with other required spaces.
3. Multifamily attached: one and one-half spaces; provided, that studio apartments (apartments with one room enclosing all activities) may provide one space. Guest parking shall be provided at one space per four units.
4. Cottage: two 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: one per sleeping unit, plus one per employee and/or owner(s).
6. Residential units restricted to use for seniors (sixty-five years and older): one and one-quarter spaces per dwelling unit.

**Title 18, Zoning | Chapter 18.160, Nonconformities**

31. Section: 18.160.030 - Nonconforming structures.

- 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, unless the structure is rebuilt as an Accessory Dwelling Unit per Section 18.70.070.A.4.

**Title 19, Projection Permit Application Procedures | Chapter 19.20, Application Classification**

32. Section: 19.20.010 - Permit application type.

Table 19.20.020 Permit, Process and Review Authority Classification		
Permit Type	Process Type	Review Authority
Accessory dwelling unit	<del>† Exempt</del>	<u>BO/PD</u>
<del>Accessory dwelling unit, w/administrative conditional use permit</del>	<del>‡</del>	<del>PD</del>

## HOUSING DIVERSITY

Housing diversity refers to the variety of housing options available and encompasses a range of housing types, sizes, styles, and price points to accommodate the diverse needs and preferences within the community. The concept of housing diversity recognizes that individuals and families have varying lifestyle preferences, income levels, and household sizes. By providing a mix of housing options, a community can better meet the needs of its residents and create a more inclusive and dynamic living environment.

### ***Title 18: Zoning Ordinance | Chapter 18.40, Definitions***

33. Section: 18.40.030 - Definitions.

“Corner Lot” is a plot of land at the intersection of two streets. A lot abutting on curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an angle of less than one hundred thirty-five (135) degrees.

### ***Title 18: Zoning Ordinance | Chapter 18.70, Residential Districts***

34. Section: 18.70.030 - Uses.

Table 18.70.030 Residential District Uses			
USE	RL	RM	RH
<b>RESIDENTIAL</b>			
<u>Duplex on corner lot<sup>1</sup></u>	<u>P</u>	<u>P</u>	<u>P</u>
<sup>1</sup> Subject to additional standards in Section <u>18.70.070</u> .			

35. Section: 18.70.070 Additional standards and provisions in the R zoning districts

#### I. Duplex on Corner Lot.

1. Duplexes are allowed on all corner lots in all zoning districts that permit single-family residences provided the applicant can demonstrate compliance with other development standards, such as setbacks, lot coverages, building height, stormwater provisions, and parking.
2. Duplexes located on corner lots shall be designed with pedestrian entries located on opposite street frontages so that the structure is characteristic of a single-family dwelling from each street. Alternatively, there may be a single shared entrance that presents the appearance of one single-family house.
3. Vehicular access shall be located on the lowest classified roadway for corner lots with two street classifications and driveway must be shared. For duplexes fronting on two local access roads, there may be vehicular access and individual driveways for each frontage. The City Engineer may restrict access to a specific frontage if necessary for public safety.
4. When a corner-lot duplex is created by retaining and renovating an existing dwelling unit legally established nonconforming building setbacks can be matched in any building addition or expansion necessary to convert the existing dwelling unit to a duplex.

36. Section: 18.70.050 - Development standards in the RL zone.

Table 18.70.050 Residential Low (RL) District Development Standards	
Minimum Lot Size	7,500 square feet
Maximum Lot Size	10,890 square feet <i>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.</i>
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.

<b>Table 18.70.050 Residential Low (RL) District Development Standards</b>	
<del>Minimum Lot Depth</del>	90'
Maximum Building Coverage	50%
Front Yard Setback	20' from main building facade; 25' from attached garage facade if front loaded and protrudes streetward from main building facade.
Rear Yard Setback	10'
Side Yard Setback	5' with a combined total of 15'
Street Corner Setback ( <i>corner lots at intersection(s) of public or private streets</i> )	10' ( <i>or greater if necessary for sight distance as determined by the city engineer</i> )
Maximum Building Height	No building or structure may exceed 35' in height.

**Title 18: Zoning Ordinance | Chapter 18.260, Planned Residential Developments.**

37. Section: 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 three 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 twelve cottages are proposed or as part of a larger development proposal.~~

38. Section: 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.



<b>Table 18.260.050 Lot Requirements for PRD</b>			
<b>Development Standard</b>	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
<b>Density</b>	Per underlying zoning district and as allowed as bonus units in Section 18.260.110.		
<b>Minimum Lot Area</b>	3,750 square feet 3,000 square feet for detached single-family cottages.	No minimum lot area for attached units. 3,000 square feet for detached units.	<u>3.5</u> acres or as a component of a PRD w/subdivision
<b>Minimum Lot Width</b>	30'	20'	n/a
<b>Minimum Lot Depth</b>	<del>70'</del>	<del>None</del>	<del>n/a</del>
<b>Maximum Building Lot Coverage</b>	50%	60%	n/a
<b>Front Yard Setback*</b>	10'	10'	n/a
<b>Rear Yard Setback*</b>	5'	5'	n/a
<b>Side Yard Setback*</b>	5'	5'	n/a
<b>Street Corner Yard Setback* (corner lots at intersections(s) of public streets/rights of way)</b>	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
<b>Perimeter Setback</b>	n/a	n/a	20' and as may be required by Section 18.260.070
<b>Setback between Structures*</b>	n/a	n/a	10'
<b>Maximum Overall Building Lot Coverage</b>	n/a	n/a	60%

39. Section: 18.260.060 - PRD development standards.

F. Landscaping. Landscaping in a minimum ~~fifteen~~ ten-foot-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, with a notice on title of the existence of such protected landscaping area against the property with the Kitsap County auditor's office. The notice shall be approved by the director for compliance with this provision. 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.

40. Section: 18.260.080 - Residential types in residential low (RL) zoning district.

Attached dwellings, not to exceed ~~sixplexes~~ fourplexes, 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. No more than 30% of all structures, or potential structures, in the PRD are attached dwellings.
- ~~D. E.~~ The attached units must be single-family in appearance.
- ~~E. D.~~ Architectural renderings of the attached units must be submitted with the application.