

ORDINANCE NO. 5351

AN ORDINANCE of the City Council of the City of Bremerton, Washington, amending Chapter 20.70 of the Bremerton Municipal Code entitled “District Center Core” related to providing flexibility for phased-in mixed use development.

WHEREAS, through practical use and application of the Zoning Code the need for modification has been identified; and

WHEREAS, the City of Bremerton has established a procedure for amending the Zoning Code in Title 20.18.020(d) of the Bremerton Municipal Code (“BMC”), which requires amendments to the Zoning Code to be both consistent with the goals and policies of the Comprehensive Plan and to be consistent with other applicable rules and regulations; and

WHEREAS, these amendments are consistent with the City’s Comprehensive Plan, County Wide Planning Policies, the State Growth Management Act, and other applicable regulations and ordinances; and

WHEREAS, on March 19, 2018, the Planning Commission conducted a workshop on the proposed amendments; and

WHEREAS, on April 30, 2018, the proposed Zoning Code amendments were circulated to the State Agencies for the requisite review and comment period; and

WHEREAS, on April 24, 2018, a State Environmental Policy Act (“SEPA”) Determination of Nonsignificance (“DNS”) was issued for the proposed action and no appeals were filed; and

WHEREAS, on May 5, 2018, the public was notified by a legal advertisement in the Kitsap Sun of the opportunity to make comment and participate in the public hearing held by the Planning Commission; and

WHEREAS, on May 21, 2018, the Planning Commission conducted a public hearing on the Zoning Code amendments and formulated a recommendation to forward the amendments for City Council consideration; and

WHEREAS, on July 14, 2018, the public was notified by a legal advertisement in the Kitsap Sun of the opportunity to make comment and participate in the public hearing by the City Council; and

WHEREAS, on August 1, 2018, the City Council conducted a public hearing and considered all testimony prior to their decision; NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF BREMERTON, WASHINGTON,
DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The findings and conclusions adopted by the Planning Commission attached hereto as **Exhibit A** are adopted and incorporated as if set forth herein in full.

SECTION 2. Chapter 20.42 of the Bremerton Municipal Code entitled “Definitions” is hereby amended by amending Subsection 20.42.040(p) to read as follows:

20.42.040 Definitions.

(p) Definitions "p":

"**Parcel**" means a continuous quantity of land in single ownership or under single control, consisting of one (1) or more lots, and considered a unit for purposes of development. (See "Lot.")

"**Park**," "**playground**" and "**open space**" means a site designed, developed, or reserved for recreational use by the public, such as play areas, community gardens and natural areas.

"**Parking, satellite**" means a parking lot containing parking stalls required for a permitted land use which conforms to BMC 20.48.220.

"**Parking, structure**" means a parking lot in which parking stalls are located either below grade, or in a multilevel building structure.

"**Paved surface**" means a surface paved with asphalt, concrete, concrete pavers, brick or similar durable materials. Low-impact development technologies which provide a hard surface while allowing for water penetration shall be classified as paved areas. Paved areas do not include gravel, crushed rock, and similar nonbound materials.

"**Pedestrian-oriented**" means development designed with an emphasis primarily focused on pedestrian access from the street and sidewalks rather than vehicle-dominant design. In general, buildings are placed close to the street and the main entrance(s) is oriented to the street sidewalk and generally includes windows or display cases along building facades which face the street or pedestrian areas.

"**Personal service**" means an establishment engaged primarily in providing services involving the care of a person, apparel or minor appliances, such as: shoe repairs, laundry and dry-cleaning, beauty and barber shops, clothing/costume rental, tanning, other personal grooming facilities and domestic assistance services, and personal computing device or cellular phone repairs. This does not include massage parlors, health care services, exercise establishments, nor funeral services.

"**Physical fitness and health club**" means an establishment primarily engaged in providing facilities for indoor physical fitness activities and recreation. Physical fitness and health clubs may include such facilities as gymnasiums, swimming pools, and ball courts.

"**Pole sign**" means a freestanding sign supported by uprights or braces wherein the width of the uprights or braces comprises less than forty (40) percent of the width of the sign face.

"**Porch**" means a roofed open area attached to a building or other structure, usually at an entrance to the structure. A porch that is enclosed, glazed or screened may lose its status as an appurtenance.

"**Portable sign**" means any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building. A-frame or sandwich board signs, movable readerboard signs, and signs that are mounted, attached or painted on a trailer, boat or motor

vehicle which is parked, stored or displayed conspicuously in a manner intended to attract the attention of the public are examples.

"Premises" means contiguous land in the same ownership or control not divided by a street or public right-of-way.

"Private club or lodge" means structures, facilities and grounds owned or operated by a private or fraternal organization for use by its members and guests.

"Projecting sign" means a sign, other than a wall sign, which is attached to and projects from a structure or building facade and the face(s) of which is not parallel to the building's facade. This sign may be supported by a structure in addition to its building or wall support.

"Public administration" means services and facilities operated by public agencies and serving a community need, and generally including staffed facilities or office spaces. These include government offices, post offices, satellite police and fire station, and other public buildings.

"Public distribution/transmission facility" means the infrastructure lines and connections employed in the delivery and conveyance of utility services. Distribution facilities include equipment such as pipes, wires, cables and similar equipment necessary for delivering utilities including water, sewer, electricity, gas, broadband, and other services. Publicly owned utilities as well as privately owned utilities that serve the general public are included. (See also **"Public utility facility."**)

"Public information/identification sign" means a sign intended solely to inform the public of events or activities of community interest, to identify the entrance to or exit from the City or a district or neighborhood within the City, and which does not include the advertising of any business, product or service of a commercial nature, nor any logo, symbol, or other indication of a commercial message or sponsorship.

"Public services" means services provided for the benefit of the general public, including fire protection and suppression, law enforcement, public health, education, information, recreation, environmental protection, development assistance/permitting, etc.

"Public utility facility" means facilities provided for the benefit of the general public related to infrastructure and utilities. These include structures and equipment such as transfer stations, substations, pumping stations, distribution mains, wells, and related utility facilities and the structures that house them. Publicly owned utilities as well as privately owned utilities that serve the general public are included. (See also **"Public distribution facility."**)

SECTION 3. Chapter 20.70 of the Bremerton Municipal Code entitled "District Center Core (DCC)" is hereby amended by amending Section 20.70.060 entitled "Development Standards" to read as follows:

20.70.060 DEVELOPMENT STANDARDS.

Lot development shall be in accordance with the following unless allowed for otherwise by law:

- (a) Maximum front yard setback: ten (10) feet. At least sixty-five (65) percent of a building's front facade shall meet the maximum front yard setback. The setback may be increased if the Director finds that such increase is the minimum necessary to facilitate a superior site design. In order to obtain approval for an increased setback, the applicant shall submit a written analysis establishing how the project facilitates superior site design, is the minimum necessary, is consistent with specific goals and policies within the Comprehensive Plan, and is

compliant with all applicable sections of the BMC. The following list identifies examples of circumstances where increased setbacks may be found to be appropriate:

- (1) When the site includes more than one (1) street frontage;
- (2) To accommodate existing topography, utilities, or other physical site constraints that make compliance with the setback infeasible;
- (3) To accommodate phasing of infill development;
- (4) On sites that are significantly developed with existing legally established nonconforming uses or structures whereby strict code compliance will not facilitate effective circulation; or

(5) For projects that in the opinion of the Director provide enhanced public amenities within the setback area which include, but are not limited to, the following: public plazas, increased landscaping, architectural features, improved pedestrian connections.

(b) Side yard setback: zero (0) except when adjacent to the low or medium density residential zones (R-10 and R-10M) where a ten (10) to twenty (20) foot visual screen is required pursuant to BMC 20.50.050(b).

(c) Rear yard setback: zero (0) except when adjacent to the low or medium density residential zones (R-10 and R-10M) where a ten (10) to twenty (20) foot visual screen is required pursuant to BMC 20.50.050(b).

(d) There is no maximum density for residential use.

(e) Maximum building coverage: sixty (60) percent base maximum; provided, that through the use of any combination of the following, building coverage may be increased up to eighty-five (85) percent maximum:

(1) Projects containing mixed uses: ten (10) percent bonus.

(2) Projects with a three (3) or four (4) story building: ten (10) percent bonus; projects with five (5) or more story building: fifteen (15) percent bonus.

(3) Projects providing a pedestrian-oriented plaza or area of at least one hundred fifty (150) square feet along a pedestrian walkway at an intersection corner, bus stop or other key pedestrian area approved by the City. Such areas shall contain seating for at least four (4) people, a trash receptacle and three (3) or more of the following: a pedestrian shelter, a drinking fountain, a bike rack, pedestrian-scale lights, pavers on the walkway surfaces, a kiosk, a street vendor station providing food or beverages, trees, an appropriately sized statue or sculpture, or a public restroom. Interior courtyards with these amenities qualify if they would be readily apparent and accessible to pedestrians on adjoining sidewalks: twenty (20) percent bonus.

(4) Projects providing a through-block corridor that facilitates pedestrian access in a location approved by the City: five (5) percent bonus.

(5) Projects providing at least fifty (50) percent of their required parking underground or within the building: twenty (20) percent bonus.

(f) Maximum development coverage: maximum development coverage by impervious surfaces, seventy-five (75) percent; provided, that through the use of any combination of the mechanisms listed in subsections (e)(1) through (5) of this section, up to ninety-five (95) percent maximum development coverage may be allowed.

(g) Maximum building height: eighty (80) feet except:

(1) Structures within fifty (50) linear feet of parcels zoned for low density residential shall not exceed four (4) stories in height; and

(2) Structures within fifty (50) and one hundred (100) linear feet of parcels zoned for low density residential shall include architectural features to gradually transition the

building height from four (4) stories to a maximum height of eighty (80) feet at the one hundred (100) foot distance from the low density residential zoned parcel.

(h) Mixed-Use Requirement. All structures that include residential uses located adjacent to, are oriented towards, or are viewable from a public right-of-way (not required on private streets) shall provide retail/commercial uses along a minimum of fifty (50) percent of the ground floor building facade. Exceptions to this requirement will be made for projects that comply with BMC 20.70.070(a)(6).

SECTION 4. Chapter 20.70 of the Bremerton Municipal Code entitled “District Center Core (DCC)” is hereby amended by amending Section 20.70.070 entitled “Design Standards” to read as follows:

20.70.070 DESIGN STANDARDS.

The following design standards shall be applied to all new structures and redeveloped structures. Residential development of three (3) units or fewer are exempt from this section. When development involves the remodel or expansion of existing structures, the Director may modify these requirements to reasonably fit the scope and scale of the remodel or expansion.

(a) Primary Design Features. The following criteria shall be applied to all primary building facades and facades facing public streets:

(1) Top and Base. Buildings shall convey a visually distinct base and top. A "base" can be emphasized by a different masonry pattern, more architectural detail, visible plinth above which the wall rises, storefront, canopies, or a combination. The top edge is highlighted by a prominent cornice, projecting parapet or other architectural element that creates a shadow line.

(2) Orientation. All properties adjacent to a public right-of-way shall orient structures toward the primary street. Properties located at intersections should orient their structures toward the intersecting corner.

(3) Minimum Transparency. At least sixty (60) percent of all facades facing the public sidewalk, or sidewalks providing circulation within a site, measured to eight (8) feet above the sidewalk or surface grade, shall be comprised of transparent windows or doors.

(4) Blank Facades. Building facades shall not present a blank facade to view from public rights-of-way, common parking areas, or residential properties. Such facades may be broken by windows, trellises, columns, variations in plane, or other devices that add variation and interest to the facade.

(5) Mechanical Equipment Screening. Rooftop and ground-level mechanical equipment shall be screened from view from public streets. Screening materials shall be architecturally similar to the primary structure.

(6) Ground-floor. Ground-floor frontage of a structure facing a public right-of-way must conform to either subsection (i) or (ii) below, except as provided in subsection (iii):

(i) Constructed for Pedestrian Oriented uses. At least fifty (50) percent of the floor area abutting the linear sidewalk level shall be designed and constructed for “pedestrian oriented” uses.

(ii) Constructed for Future Pedestrian Oriented uses. At least fifty (50) percent of the floor area abutting the linear sidewalk level shall be designed and constructed to accommodate potential future conversion to “pedestrian oriented” uses and may be occupied by any use permitted in BMC 20.70.020. The areas designed and constructed to accommodate future conversion shall meet the following standard, in

addition to any other required design standards: The sidewalk level façade must include an entrance or entrances to accommodate a single or multiple tenants or be structurally designed so entrances can be added when converted to the building uses listed in BMC 20.70.020.

(iii) Exception: For structures that abut two or more public right-of-ways and contains topography or other site constraints that would make the placement of the pedestrian oriented use on the ground floor difficult for the public to utilize, the pedestrian-oriented requirement in (i) and (ii) may be reduced to one (1) street frontage.

(b) Secondary Design Features. Four (4) secondary design features are required from the following list:

(1) Multiple Roof Lines. Structures shall have at least three (3) horizontal roof lines, as viewed from the front facade.

(2) Modulation. The horizontal plane of a structure shall not extend for more than thirty (30) feet, as measured from any one (1) point of the structure, without a significant architectural variation of at least two (2) feet in depth.

(3) Facade Materials. At least three (3) different facade materials shall be incorporated into the exterior appearance of the structure (wood, brick, stucco, tile, shingles, other).

(4) Additional Transparency. An additional fifteen (15) percent transparency to what is required per subsection (a)(3) of this section.

(5) Weather Protection. Recessed or protruding building features, of no less than four (4) feet in depth, which extend along at least fifty (50) percent of the front facade.

(6) Main Entry. Pedestrian entrances are preferred from buildings facing the street. Entries shall be easily identifiable from the street or sidewalk; this can be accomplished through architectural or ornamental features.

(7) Public Amenity. Outdoor eating area, artwork, street furniture, plantings in window boxes, public trash receptacles, or other alternative public amenity approved by the Director. Any proposed amenity shall be architecturally compatible with the principal structure. Any approved amenity shall be maintained for the life of the project.

SECTION 5. Severability. If any one or more sections, subsections, or sentences of this ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

SECTION 6. Effective Date. This ordinance shall take effect and be in force ten (10) days from and after its passage, approval and publication as provided by law.

PASSED by the City Council the 1st day of August, 2018.


for ERIC YOUNGER, Council President

Approved this 1st day of August, 2018.


GREG WHEELER, Mayor

ATTEST:


ANGELA WOODS, City Clerk

APPROVED AS TO FORM:


ROGER A. LUBOVICH, City Attorney

PUBLISHED the 7th day of August, 2018.
EFFECTIVE the 17th day of August, 2018.
ORDINANCE NO. 5351

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*Exhibit A: Planning Commission
Findings and Conclusions*

FINDINGS AND CONCLUSIONS OF THE CITY OF BREMERTON PLANNING COMMISSION

Summary:

The proposed amendments to the Bremerton Municipal Code related to flexibility for phased-in mixed use development with the District Center Core.

I. FINDINGS OF FACT

1. Project Description:

The proposed amendment package includes revisions to Bremerton Municipal Code 20.70, District Center Core, as follows:

- (a) Correct citation in BMC 20.70.060 Development Standards to exception for phased-in mixed-use requirement;
- (b) Revise "Ground-floor" design standards per BMC 20.70.07(a)(6) to allow flexibility for phased-in mixed use development.

2. Procedural History:

- 2.1 Planning Commission Workshops: March 19, 2018
- 2.2 Washington State Department Of Commerce Notice: April 30, 2018
- 2.3 SEPA Threshold Determination DNS: April 24, 2018
- 2.4 Notice of Public Hearing: May 5, 2018
- 2.5 Planning Commission Public Hearing: May 21, 2018

3. Public and Agency Comment:

- 3.1 At the workshop held on March 19, 2018, a public comment was offered by Kurt Wiest, Director of the Bremerton Housing Authority, who was in favor of any modifications which could increase housing supply and provide more housing options within the City.
- 3.2 At the Planning Commission Public Hearing on May 21, 2018, the following testimony was provided:

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4. SEPA Determination:

A Determination of Non-Significance was issued on April 24, 2018, to date no comments or appeals have been filed.

5. Consistency:

Text amendments to Title 20 shall meet the decision criteria outlined in BMC 20.18.020(d). The Planning Commission may recommend, and the City Council may adopt or adopt with modifications, an amendment to Title 20 if the criteria outlined below are met.

- (1) It is consistent with the goals and policies of the comprehensive plan;

Analysis: The proposed amendments continue to uphold the objectives and goals of the Comprehensive Plan, and implement the following policies:

LU1(A): Designate neighborhoods, communities, and centers throughout the City and encourage the implementation of design guidelines for new development and redevelopment that complement the designated purpose and scale.

LU2(A): In order to combat chronic vacancy experienced in select areas, the City should consider zoning regulations that promote occupancy for buildings that are experiencing prolong vacancy.

LU2(B): Support flexible development regulations to allow transitions of uses over time.

LU2(D): Provide development incentives and flexibility within regulations to encourage desirable design elements.

LU1-Cen(A): Development regulations should encourage pedestrian oriented mixed-use design in Centers and address such issues as:

- (1) Locating buildings or features in the core of the Center at sidewalk edge,*
- (2) Providing windows and other architectural features that foster pedestrian interest along street fronts,*
- (3) Adopting sign standards that reflect pedestrian scale,*
- (4) Encouraging and/or requiring architectural features that are of a scale and type appropriate for viewing by pedestrians at the building front and immediately nearby, and*
- (5) Development projects should be encouraged to provide amenities such as street furniture, street trees, small public spaces and plazas, etc.*

LU1-Cen(E): Consider the existing built environment when creating development regulations.

LU2-Cen(C): Provide incentives and flexibility that encourage and enable development in Centers.

ED2(B): Ensure new development promotes street level activation to encourage walkability and social interaction through site and façade design, including but not limited to the following:

- Design standards should be required for new commercial structures, especially in Centers, that ensure buildings and site layouts are designed with a focus on pedestrian scale such as intersection anchoring, strategically locating parking to the rear of structures, recognizable access ways, promotion of weather protection etc.*
- Promote the use of the design review board to ensure aesthetic quality, pedestrian scale of new buildings, and flexibility of development standards within the Downtown Regional Center for both new construction and substantial remodel of existing structures.*

(2) It does not conflict with other City, state and federal codes, regulations and ordinances.

Analysis: The proposed amendments do not conflict with any other regulations. To ensure the City continues having a balance of housing and employment opportunities as identified within the Comprehensive Plan, an annual status report on commercial growth/development will be presented to the Planning Commission to monitor if this exception is still needed.

II. CONCLUSIONS & RECOMMENDATION

Based on the findings above, the Planning Commission concludes that the proposed amendments to the Bremerton Municipal Code Title 20 Land Use Chapter, meets the requirements in BMC 20.18.020(d) text amendments, and therefore recommends to the City Council, the adoption of amendments to Title 20.

Respectfully submitted by:



Andrea L. Spencer, Executive Secretary



Richard L. Tift, Planning Commission Chair