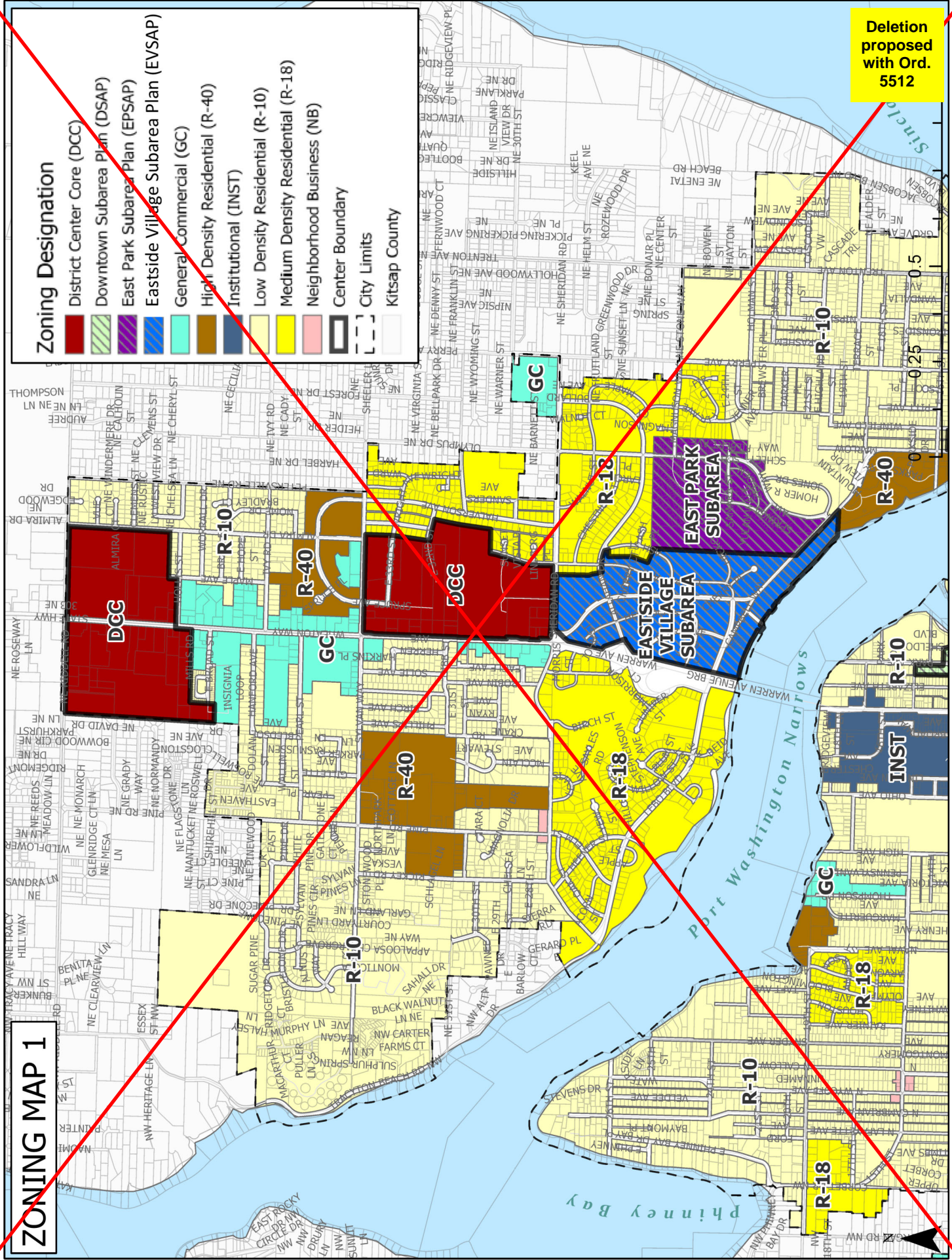


Deletion proposed with Ord. 5512

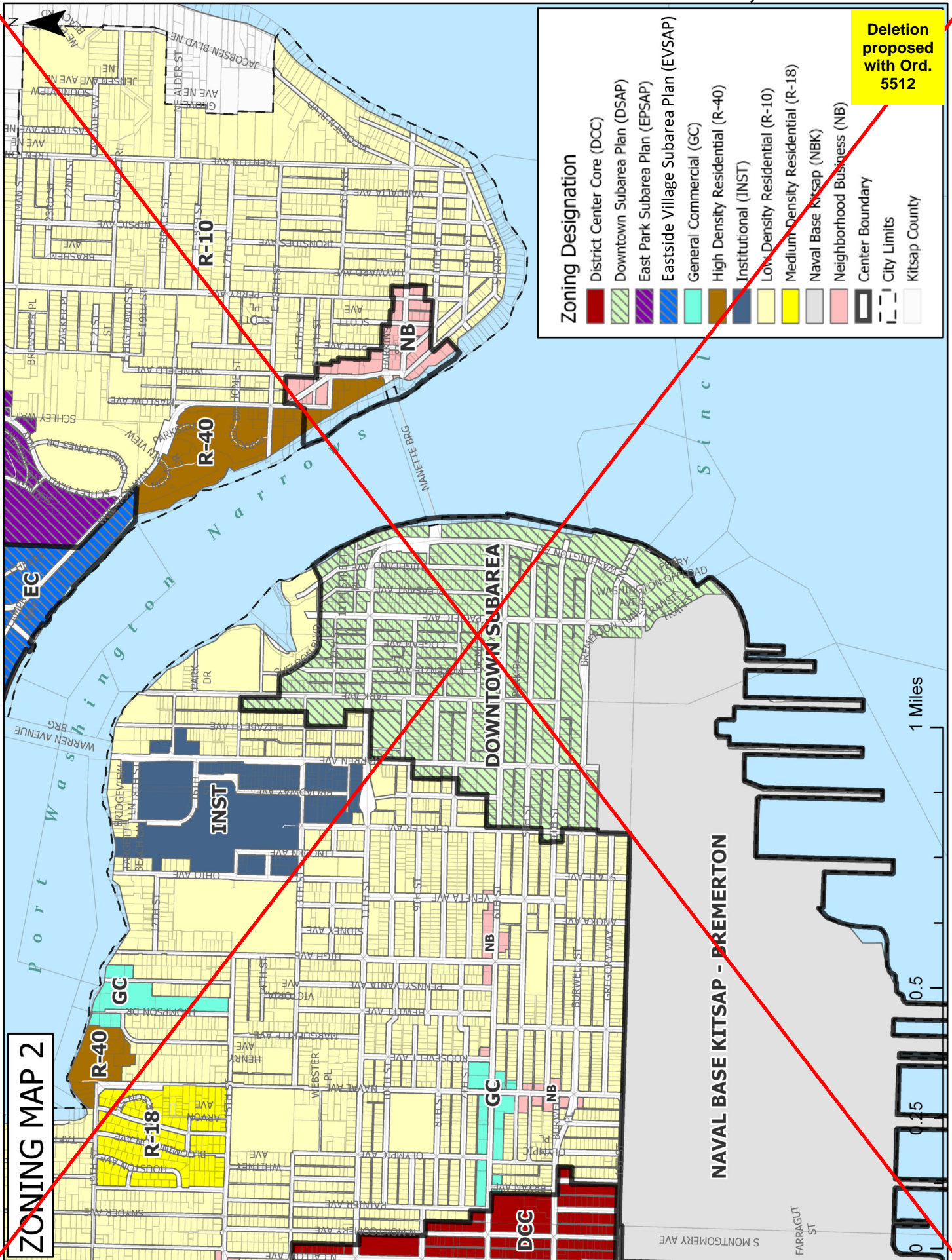
Zoning Designation

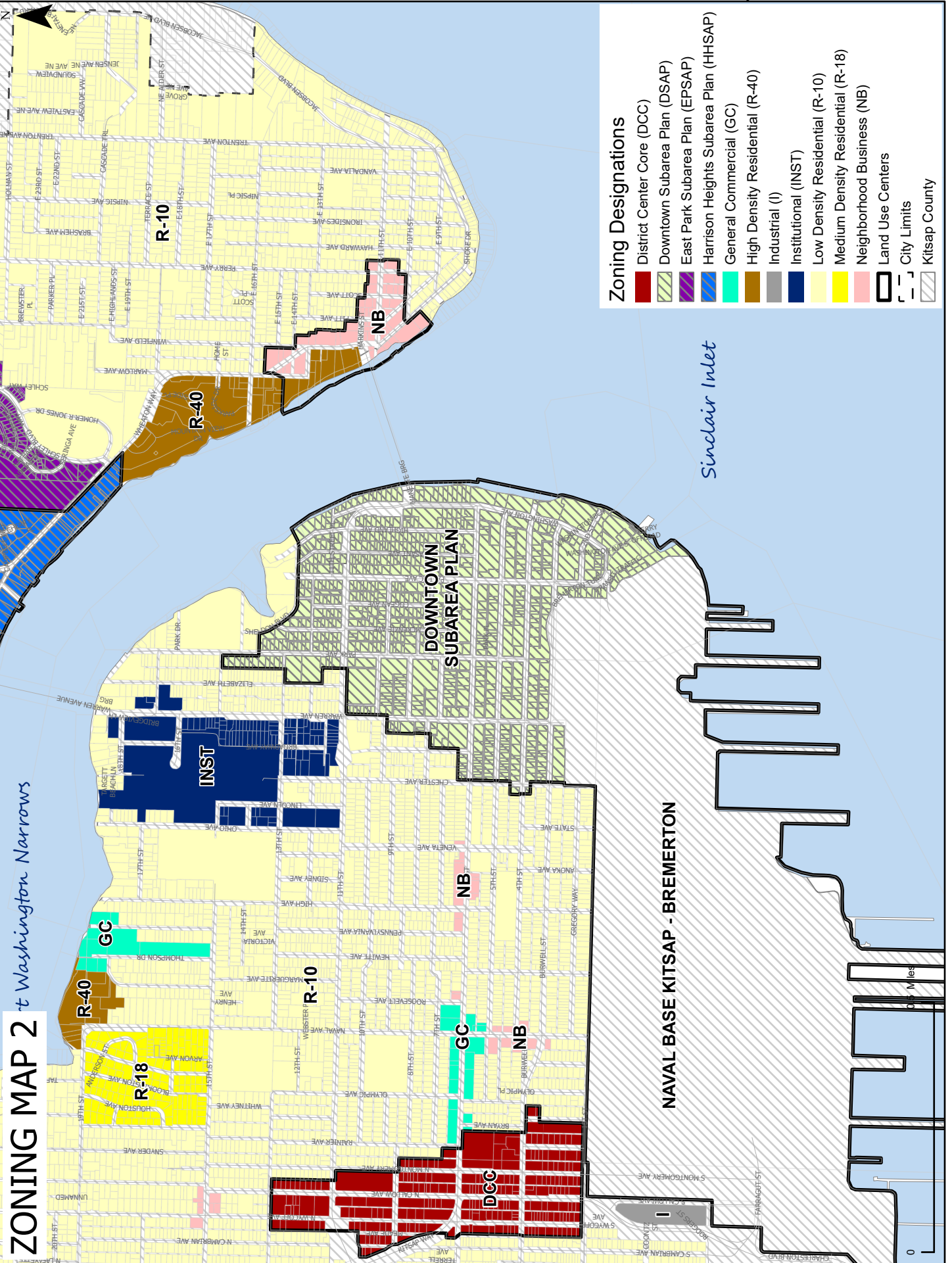
- District Center Core (DCC)
- Downtown Subarea Plan (DSAP)
- East Park Subarea Plan (EPSAP)
- Eastside Village Subarea Plan (EVSAP)
- General Commercial (GC)
- High Density Residential (R-40)
- Institutional (INST)
- Low Density Residential (R-10)
- Medium Density Residential (R-18)
- Neighborhood Business (NB)
- Center Boundary
- City Limits
- Kitsap County

ZONING MAP 1



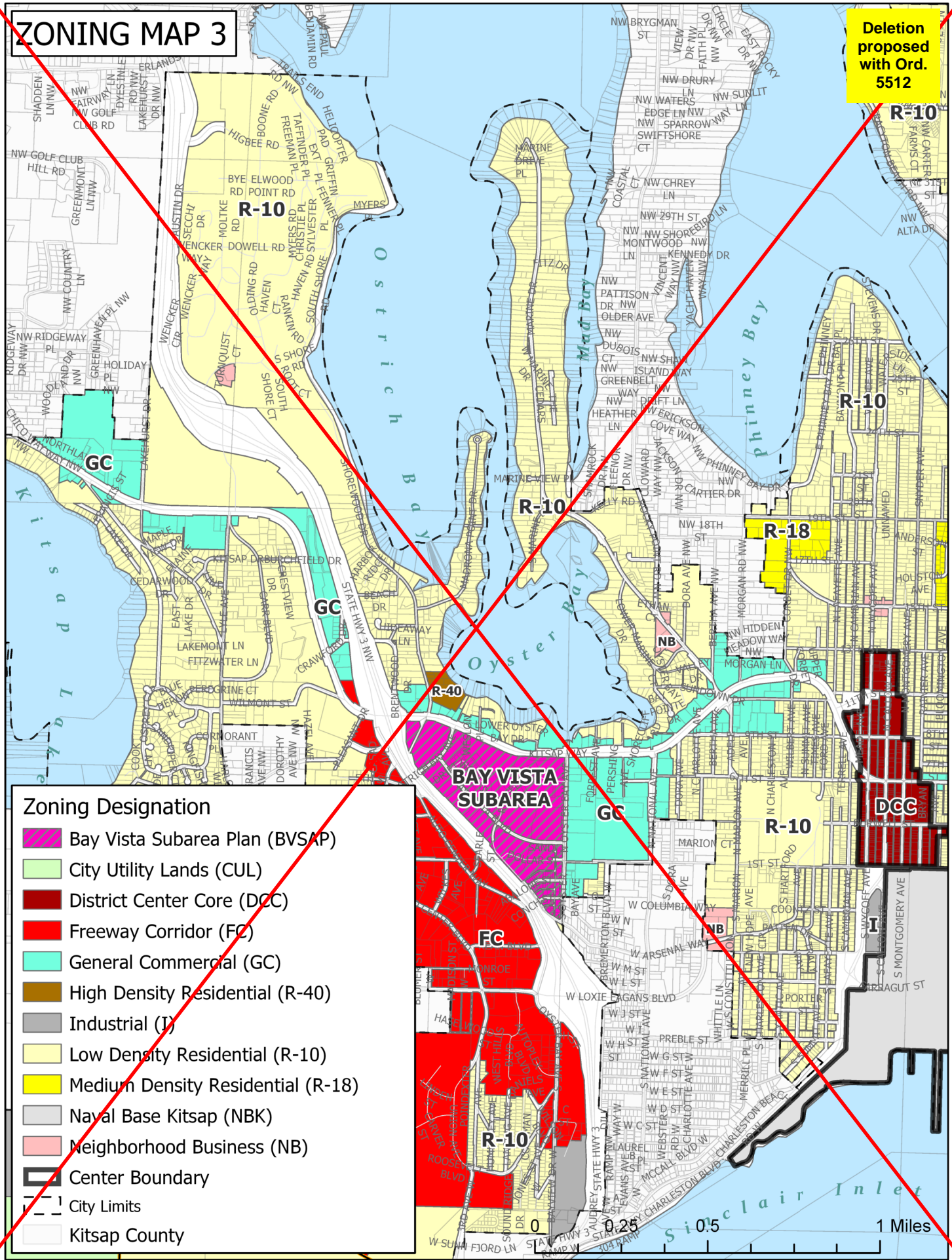
Ord 5512, Exhibit B



















ZONING MAP 3

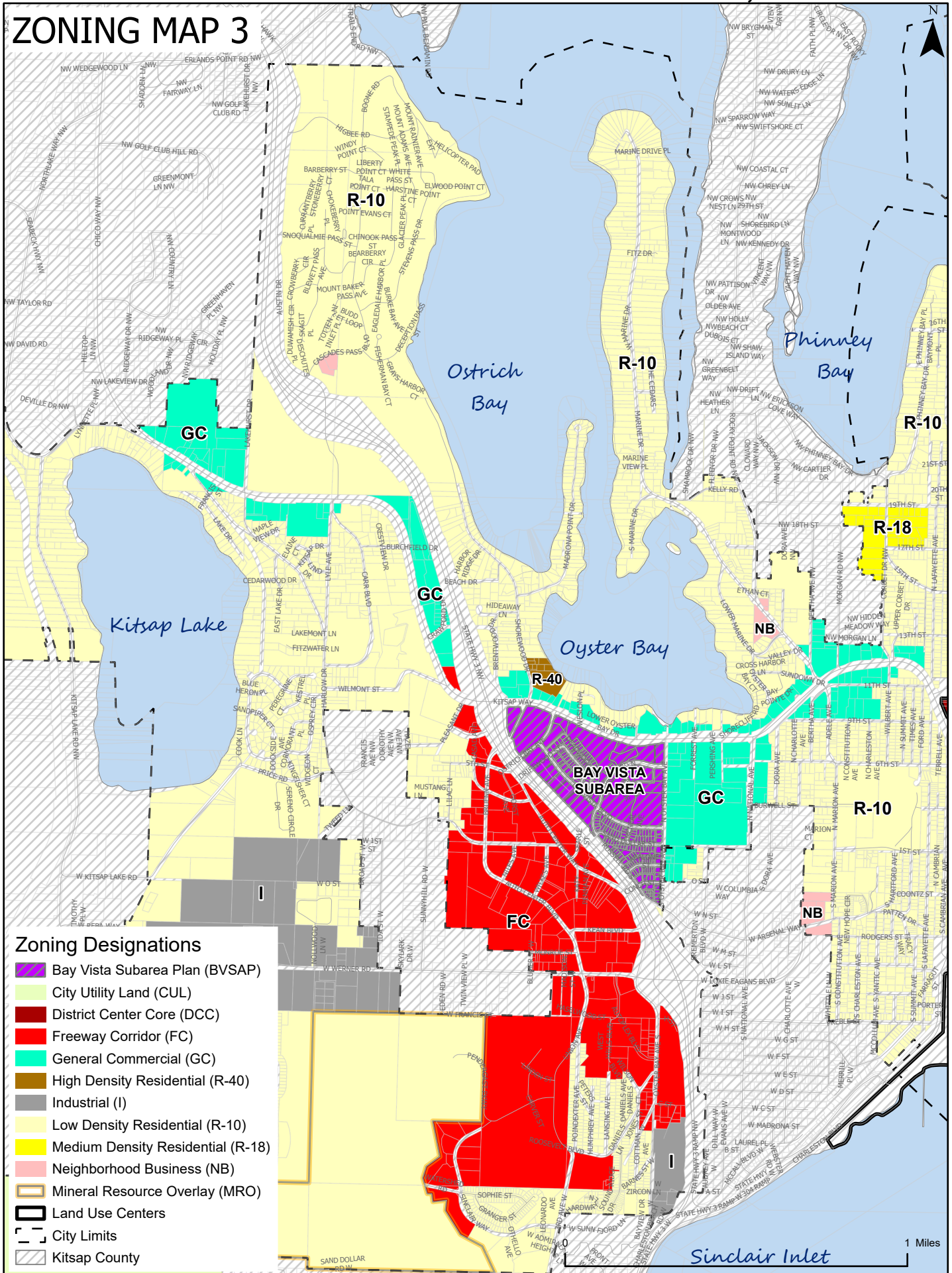
Deletion proposed with Ord. 5512



Zoning Designation

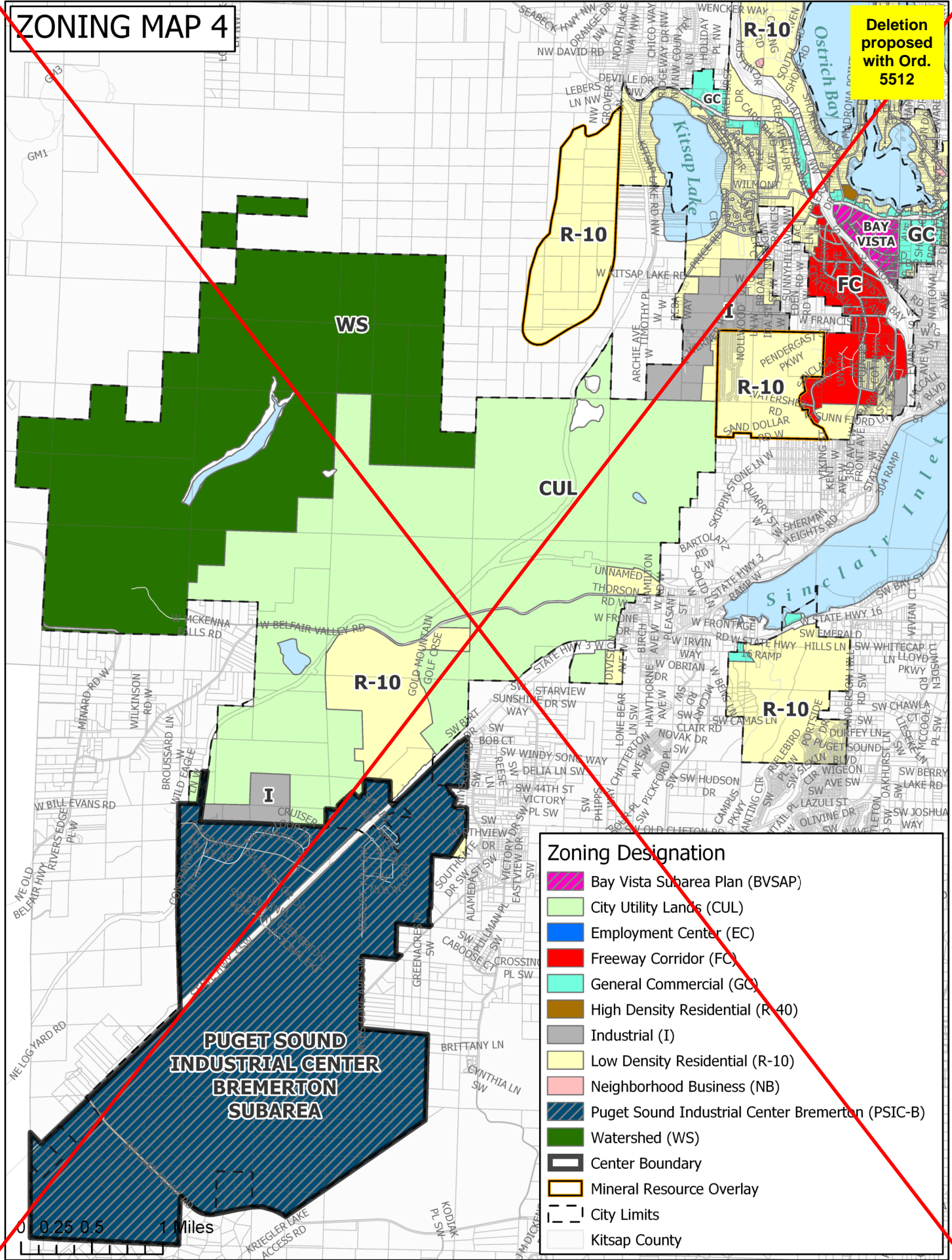
-  Bay Vista Subarea Plan (BVSAP)
-  City Utility Lands (CUL)
-  District Center Core (DCC)
-  Freeway Corridor (FC)
-  General Commercial (GC)
-  High Density Residential (R-40)
-  Industrial (I)
-  Low Density Residential (R-10)
-  Medium Density Residential (R-18)
-  Naval Base Kitsap (NBK)
-  Neighborhood Business (NB)
-  Center Boundary
-  City Limits
-  Kitsap County

ZONING MAP 3



ZONING MAP 4

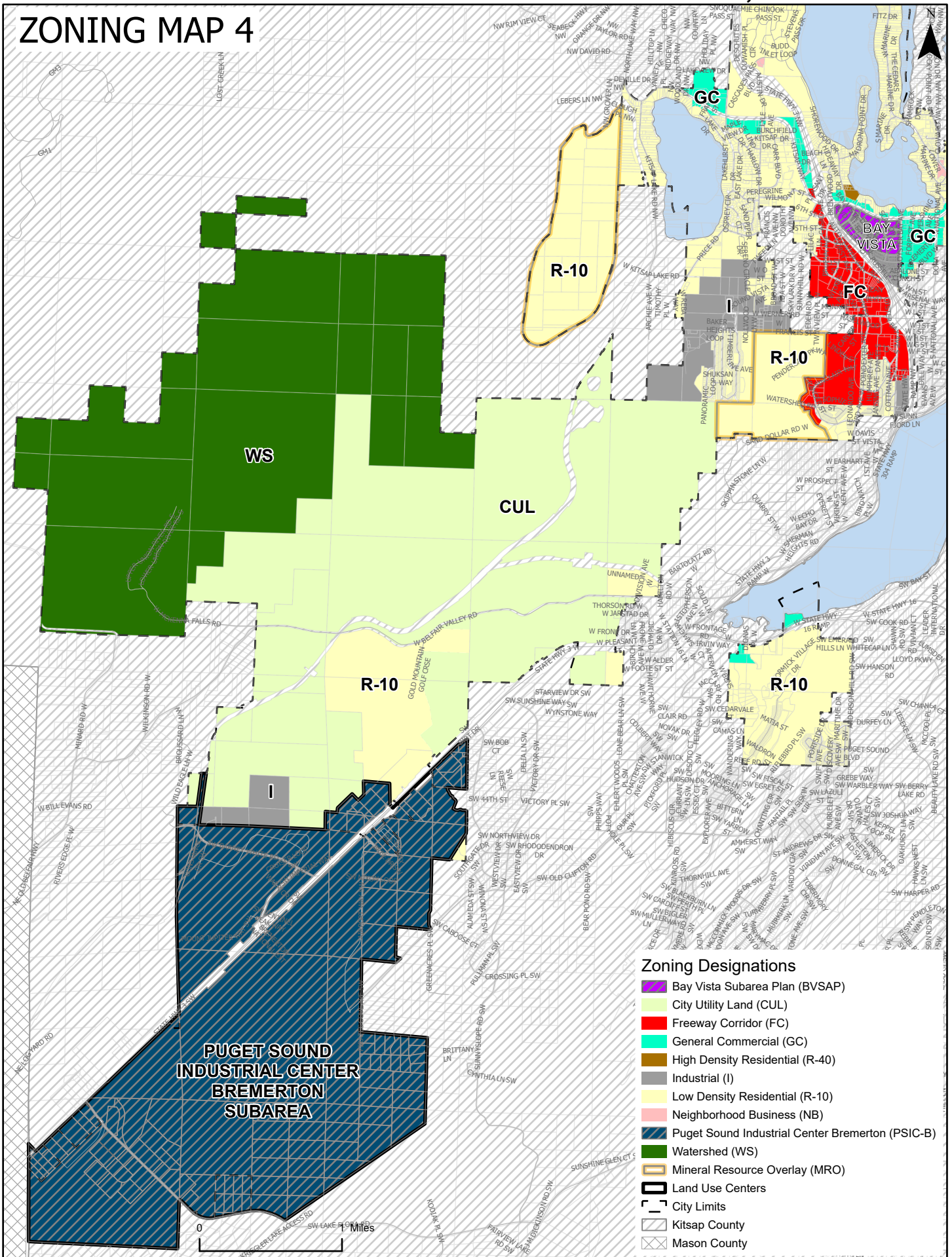
Deletion proposed with Ord. 5512



Zoning Designation

- Bay Vista Subarea Plan (BVSAP)
- City Utility Lands (CUL)
- Employment Center (EC)
- Freeway Corridor (FC)
- General Commercial (GC)
- High Density Residential (R 40)
- Industrial (I)
- Low Density Residential (R-10)
- Neighborhood Business (NB)
- Puget Sound Industrial Center Bremerton (PSIC-B)
- Watershed (WS)
- Center Boundary
- Mineral Resource Overlay
- City Limits
- Kitsap County

ZONING MAP 4



Zoning Designations

- Bay Vista Subarea Plan (BVSAP)
- City Utility Land (CUL)
- Freeway Corridor (FC)
- General Commercial (GC)
- High Density Residential (R-40)
- Industrial (I)
- Low Density Residential (R-10)
- Neighborhood Business (NB)
- Puget Sound Industrial Center Bremerton (PSIC-B)
- Watershed (WS)
- Mineral Resource Overlay (MRO)
- Land Use Centers
- City Limits
- Kitsap County
- Mason County

20.12.040 DEFINITIONS.

The following definitions apply to this chapter and they should be used in conjunction with other definitions found in BMC Title 20. However, these definitions are not intended to replace or alter similar definitions found elsewhere within the Bremerton Municipal Code except when specifically applied to the provisions of this chapter.

"Auditor, County" means the person defined in Chapter 36.22 RCW or the office of the person assigned such duties under the Kitsap County Charter.

"Binding site plan" means a drawing to a scale specified by this chapter which: (a) identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by local regulations; (b) contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the local government body having authority to approve the site plan; and (c) contains provisions making any development be in conformity with the site plan.

"Block" means a group of lots, tracts, or parcels within well-defined and fixed boundaries.

"Bond" means a satisfactory security to insure performance and/or warranty.

"Buildable lot" means a tract or parcel of land, legally created, which is intended for use for the placement of structures separate from other parcels.

"City" means the City of Bremerton.

"Comprehensive Plan" means the City of Bremerton Comprehensive Plan as adopted and amended.

"Concurrency" means the requirement that development applications demonstrate that adequate public facilities be available at prescribed levels of service concurrent with the impact or occupancy of development as defined in the City's Comprehensive Plan.

"Day(s)" means calendar days and includes Monday through Sunday and all holidays.

"Dedication" means the deliberate appropriation of land by an owner for any general and public uses, reserving to himself or herself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

"Department" means the City of Bremerton Community Development Department.

"Director" means the City of Bremerton Director of Community Development and/or his/her designee.

"Division of land" means any segregation of land that creates lots, tracts, parcels, or sites not otherwise exempted by this title that alters or affects the shape, size or legal description of any part of the owner's land.

"Electric utility facilities" means unstaffed facilities except for the presence of security personnel that are used for or in connection with, or to facilitate the transmission, distribution, sale, or furnishing of, electricity including, but not limited to, electric power substations.

"Hearing Examiner" means the person appointed by the Mayor, with the powers and duties prescribed in Chapter 2.13 BMC.

"Lot" means a fractional part of divided lands having fixed boundaries being of sufficient area and dimension to meet the minimum and maximum underlying zoning district requirements for width, area and street frontage. The term shall include tracts or parcels.

"Lot, parent" means a lot which is subdivided into unit lots through the unit lot subdivision process.

"Lot, unit" means a lot created from a parent lot and approved through the unit lot subdivision process.

"Personal wireless services" means any federally licensed personal wireless service. "Facilities" means unstaffed facilities that are used for the transmission or reception, or both, of wireless communication services including, but not necessarily limited to, antenna arrays, transmission cables, equipment shelters, and support structures.

"Plat" means a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys, or other divisions and dedications.

"Plat certificate" means a title report or subdivision guarantee that is prepared by a title company for the property contained in a proposed short subdivision, subdivision or binding site plan, to include, as a minimum, all owners of record, easements and encumbrances affecting said property.

"Plat, final" means the final drawing of the subdivision and dedication prepared for filing for record with the County Auditor and containing all elements and requirements set forth in this chapter and Chapter 58.17 RCW.

"Plat, formal" means the map or representation of a formal subdivision.

"Plat, preliminary" means a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and other elements consistent with the requirements of this chapter. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision or short subdivision.

"Plat, short" means the map or representation of a short subdivision.

"State Environmental Policy Act (SEPA)" means environmental review procedures required under Chapter 43.21C RCW, Chapter 197-11 WAC and Chapter 20.04 BMC.

"Subdivision" means the division or redivision of land through short subdivision, formal subdivision, or binding site plan.

"Subdivision, formal" means the division or redivision of land into ten (10) or more lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership.

"Subdivision, short" means the division or redivision of land into nine (9) or fewer lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership.

"Title notice" means a written notice attached to the title of a parcel of land by the property owner at the request of the City of Bremerton with a recording of said notice at the Kitsap County Auditor's Office per a legal description of said parcel for the purpose of notifying the property owner or future property owner of particular circumstances related to said parcel such as warning statement(s), limitation(s), restriction(s) or other.

"Title report" means the written analysis of the status of title to real property, including a property description, names of titleholders and how title is held (joint tenancy, etc.), encumbrances (mortgages, liens, deeds of trusts, recorded judgments), and real property taxes due.

"Tract" means land reserved for special uses such as open space, surface water retention, utilities, or access. Tracts are not counted as lots nor considered as building sites. (Ord. 5301 §3 (Exh. B) (part), 2016; Ord. 4980 §1 (part), 2006)

"Unit lot subdivision" means the division of a parent lot into two or more unit lots within a development and approved through the unit lot subdivision process.

20.12.080 SUBDIVISION CATEGORIES.

When reference to "subdivision" is made in this code, it is intended to refer to "short subdivision," "formal subdivision," "unit lot subdivision," and "binding site plan" unless one is specified.

- (a) Short subdivision: a subdivision of nine (9) or fewer lots. Land within a short subdivision may not be further divided in any manner within a period of five (5) years without filing of a final plat, except the original owner may file an alteration within five (5) years to create up to a total of nine (9) lots within the original plat boundaries.
- (b) Formal subdivision: a subdivision of ten (10) or more lots.
- (c) Binding site plan: a land division for commercial and/or industrial developments. (Ord. 5301 §3 (Exh. B) (part), 2016; Ord. 4980 §1 (part), 2006)
- (d) Unit lot subdivisions. A subdivision of nine (9) or fewer lots, with separate zoning development considerations made for the parent lot and unit lots.

20.12.090 REVIEW PROCEDURES AND APPROVALS.

Each subdivision type is processed as a different action "type" as described in Chapter 20.02 BMC, Table 040, Project Permit Processing Procedures, and summarized as follows:

- (a) Subdivision. Approval of all subdivisions requires a four (4) step process: approval of a preliminary subdivision, installation or bonding of required improvements, approval of the final subdivision, and recording of the subdivision with the Kitsap County Auditor.
 - (1) Short Subdivision.
 - (i) A preliminary short subdivision: Type II Director decision.
 - (ii) A final short subdivision: Type I Director decision.
 - a. The final short subdivision shall be submitted to the Director within five (5) years of the date that the preliminary approval became final or the short subdivision shall become null and void.
 - (2) Formal Subdivision.
 - (i) A preliminary formal subdivision: Type III Hearing Examiner decision.
 - (ii) A final formal subdivision: Type I Director decision.
 - a. The final formal subdivision shall be submitted to the Director within five (5) years of the date that the preliminary approval became final or as approved through phasing and/or timeline extensions per BMC 20.12.060, General Provisions. Should the project fail to comply with these timelines, the formal subdivision shall become null and void.
 - b. The following signatures on the final plat are required:
 - i. Director. Whose signature approves compliance with all terms of the preliminary plat approval of the proposed plat subdivision or dedication.
 - ii. City Engineer. Whose signature approves the layout of streets, alleys and other rights-of-way, design of bridges, sewage and water systems and other structures. Additionally, the City Engineer's signature approves the adequacy of the proposed means of sewage disposal and water supply if City services are provided.
 - iii. Kitsap County Health District. Whose signature approves the adequacy of the proposed means of sewage disposal and water supply if City services are not provided.
 - iv. Kitsap County Treasurer. Whose signature confirms a statement that all taxes and delinquent assessments for which the property may be liable as of the date of certification have been duly paid, satisfied or discharged.
 - v. Property Owner. Whose signature confirms a statement that the subdivision has been made with the free consent and in accordance with the desires of the owner(s).

(3) Binding Site Plan.

- (i) A preliminary binding site plan - Type II Director decision.
- (ii) A final binding site plan - Type I Director decision.
 - a. The final binding site plan shall be submitted to the Director within two (2) years of the date that the preliminary approval became final or the binding site plan shall become null and void.
 - b. The following signatures on the binding site plan are required before the Director can approve the final binding site plan:
 - i. City Engineer. Whose signature approves the layout of streets, alleys and other rights-of-way, design of bridges, sewage and water systems and other structures. Additionally, the City Engineer's signature approves the adequacy of the proposed means of sewage disposal and water supply if City services are provided.
 - ii. Kitsap County Health District. Whose signature approves the adequacy of the proposed means of sewage disposal and water supply if City services are not provided.
 - iii. Kitsap County Treasurer. Whose signature confirms a statement that all taxes and delinquent assessments for which the property may be liable as of the date of certification have been duly paid, satisfied or discharged.
 - iv. Property Owner. Whose signature confirms a statement that the division of land has been made with the free consent and in accordance with the desires of the owner(s). (Ord. 5345 §3, 2018; Ord. 5301 §3 (Exh. B) (part), 2016; Ord. 5261 §2 (part), 2014; Ord. 4980 §1 (part), 2006)

(4) Unit lot subdivisions.

- (i) A preliminary Unit Lot Subdivision: Type II Director decision.
 - a. Development as a whole on the parent lot, rather than individual unit lots, shall comply with applicable design and development standards of the zone.
 - b. Subsequent platting actions and additions or modifications to structure(s) may not create or increase any nonconformity of the parent lot.
 - c. Access easements, joint use and maintenance agreements, and covenants, conditions and restrictions (CC&Rs) identifying the rights and responsibilities of property owners and/or the homeowners' association shall be executed for use and maintenance of common garage, parking, and vehicle access areas; bike parking; solid waste collection areas; underground

utilities; common open space; shared interior walls; exterior building facades and roofs; and other similar features shall be recorded with the county auditor.

- d. Portions of the parent lot not subdivided for individual unit lots shall be owned in common by the owners of the individual unit lots, or by a homeowners' association comprised of the owners of the individual unit lots.
- e. Effect of Preliminary Approval. Preliminary approval constitutes authorization for the applicant to develop the required facilities and improvements, upon review and approval of construction drawings by the public works department. All development shall be subject to any conditions imposed by the city on the preliminary approval.

(ii) A final unit lot subdivision: Type I Director decision.

- a. The final unit lot subdivision shall be submitted to the Director within five (5) years of the date that the preliminary approval became final or the unit lot subdivision shall become null and void.
- b. Notes shall be placed on the face of the plat or short plat as recorded with the county auditor to state the following: The title of the plat shall include the phrase "Unit Lot Subdivision." Approval of the development on each unit lot was granted by the review of the development, as a whole, on the parent lot.

20.42.040 DEFINITIONS

(a) Definitions "A":

"Abandoned sign" means any sign, including its structure and other components, which is located on vacant property or an unoccupied building for a period of one (1) year or more and which, during that time, is not used for legal sign purposes; or which relates to a time, event or purpose which no longer applies; and/or which has been allowed to deteriorate to become a public hazard or eyesore.

"Abandonment" or "abandoned" means to cease operation for a period of ninety (90) or more consecutive days unless documentation is provided to the City that negotiations are underway potentially leading to the sale, lease, or resumption of operations, in which case a wireless communications facility may not be considered abandoned for an additional period not to exceed ninety (90) days.

"Accessory dwelling unit (ADU)" means a second dwelling unit on a lot with an existing principal unit added to or created for use as a complete, independent or semi-independent living unit with provisions for cooking, eating, sanitation and sleeping, and which complies with the development and design standards contained in this code for ADUs (BMC 20.46.010).

"Accessory use, activity or structure" means a use, activity, structure or part of a structure which is subordinate and incidental to the permitted principal use or building, located on the same lot or

parcel with such principal use or building, and erected or established only after or in conjunction with the establishment of the principal use or building.

"Acre, gross" means a measurement of land equal to forty-three thousand five hundred sixty (43,560) square feet with no deductions or subtractions for elements such as public or private streets or nondevelopable areas. (See also "Acre, net.")

"Acre, net" means a measurement of land after subtracting public and private streets, rights-of-way, and other unusable or nondevelopable areas of land from a gross acre of land (forty-three thousand five hundred sixty (43,560) square feet). (See also "Acre, gross.")

"Adjoining" or "adjacent" means property that touches or is directly across a public or private right-of-way. This does not include property across from limited access highways or arterials with four (4) lanes of traffic or more.

"Administrative Design Review" means a development permit process whereby an application is reviewed, approved, or denied by the Director of Community Development or designee based solely on objective design and development standards without a public predecision hearing, unless such review is otherwise required by state or federal law, or the structure is a designated landmark or historic district established under a local preservation ordinance. A city may utilize public meetings, hearings, or voluntary review boards to consider, recommend, or approved requests for variances from locally established design review standards.

"Administrative Hearing Examiner" means a person appointed with the powers set forth in Chapter 2.13 BMC. The term "Administrative Hearing Examiner" shall likewise include the Examiner Pro Tem. As used in this chapter, "Administrative Hearing Examiner" shall not mean the Municipal Court Hearing Examiner established pursuant to Chapter 2.62 BMC.

"Adult entertainment business." See BMC 20.46.110.

"Adult family home" means a residential home in which a person or persons provide personal care, special care, room, and board to more than one (1) but not more than six (6) adults who are not related by blood or marriage to the person or persons providing the services; provided, however, any limitation on the number of residents resulting from this definition shall not be applied if it prohibits the City from making reasonable accommodations to disabled persons in order to afford such persons equal opportunity to use and enjoy a dwelling as required by the Fair Housing Amendments Act of 1988, 42 U.S.C. 3604(f)(3)(b).

"Alley" means any public right-of-way or thoroughfare having a typical width of at least ten (10) feet, but generally not more than thirty (30) feet, which has been dedicated or deeded to the public for public use and which affords only secondary means of access to abutting properties, primarily for service purposes.

"Alteration" means any change in the size, shape, method of illumination, position, location, construction or the supporting structure of a sign.

"Alteration, structural" means any changes or repairs to the supporting members of a structure, or to the configurations of the roof or exterior walls, that would prolong the life of the supporting members of a building or structure. This does not include minor actions such as adding a doorway or window, or attaching architectural features, appurtenances, or adornments.

"Antenna tower" means any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas, including but not limited to self-supporting lattice towers, guy towers or monopole towers.

(1) "Type I tower" means a tower up to, but not exceeding, sixty (60) feet in height.

(2) "Type II tower" means a tower greater than sixty (60) feet in height.

"Antenna, wireless" means any exterior equipment attached or mounted to a building or tower in the form of one or more rods, panels, discs or similar devices used for the transmission or reception of radio or electromagnetic frequency signals.

(1) An "omnidirectional antenna" transmits and receives radio frequency signals in a three hundred sixty (360) degree radial pattern. For the purpose of the provisions set forth in BMC 20.46.140, an omnidirectional antenna is up to fifteen (15) feet in height and up to seven (7) inches in diameter. If otherwise meeting the definition, a whip antenna is considered an omnidirectional antenna.

(2) A "directional antenna" transmits and receives radio frequency signals in a specific directional pattern of less than three hundred sixty (360) degrees.

(3) A "parabolic antenna" is a device of generally parabolic shape for the reception and transmission of radio frequency signals in a specific directional pattern. Also referred to as a satellite dish.

"Applicant" means a person who applies for any permit or approval to do anything governed by this title and who has legal standing to apply for a permit or approval on the specific property.

"Appurtenance" or "appendage" means a supplemental component, architectural feature, or decoration that has been added to or extends outward from the exterior of a building wall and is not a primary component of the structure itself. This includes bay windows, low decks, open porches, awnings, chimneys, and other similar features.

"Area of a sign" means the total space within the frame or outer dimensions of a sign and including any logos or other artistic or architectural features that are directly related to or an integral part of the sign. (See also BMC 20.52.060, Sign measurements.)

"Art gallery" means a room or series of rooms where art such as paintings, sculptures or other works are exhibited.

"Art studio" means a loft, room, group of rooms or building in which an artist works. This includes facilities for the production of photographic works (still or motion), painting, sculpture, dance, music or similar activities. A studio is often found in combination with a gallery or may be an accessory use to a retail business or other use. This does not include incidental artist work areas within a residence, which produce no odors or noise that negatively impact adjacent properties.

"Assisted living facility" means a residential facility for elderly persons (age fifty-five (55) or older) who require moderate to extensive assistance with daily tasks such as cooking, eating, bathing, housekeeping, dispensing of medicines, shopping, appointments and other tasks.

"Automobile sales" means an establishment primarily engaged in the sale or rental of personal or commercial vehicles such as cars, trucks, vans, recreational vehicles, boats, motorcycles, etc. See "Retail, general" for clarification of automobile sales that are wholly indoors.

"Automobile service and repair" means an establishment primarily engaged in repairing, maintaining, or servicing automobiles, including battery exchange station. Servicing and repairing of automobiles on a residential lot for automobiles that are not registered to the property owners or tenants on the site shall be considered automobile service and repair.

"Awning/canopy" means a temporary or movable shelter (awning), or a fixed rigid shelter (canopy) supported entirely by the exterior wall of the building and generally extending over a pedestrian walkway. When used in conjunction with signs, only that portion of the awning or canopy that is actually used as a sign shall be included in sign area calculations. Lighting of the awning or canopy, whether directly, indirectly, or by backlighting, shall have no effect on the sign requirements, unless lighted signs are specifically prohibited in that area or zone.

(c) Definitions "C":

"Car wash" means a business engaged in washing, waxing, polishing, and general cleaning of automobiles, small trucks, light utility vehicles and small recreational vehicles, but that is not designed to handle larger commercial trucks and buses. It includes self-service, full-service, and automated car washes and auto detailing services.

"Caretaker" means a person who maintains or watches over someone else's land or property on a part-time or full-time schedule. The caretaker may live on the property or elsewhere.

"Caretaker's residence" means an accessory dwelling unit provided by the owner of a property to be used exclusively as living quarters for the caretaker(s) of that property.

"Carport" means an attached or detached partially enclosed accessory structure intended primarily for the storage of private vehicles such as automobiles, light trucks, or recreational vehicles which is open to the weather on at least two (2) sides.

"Change of use" means a change in the utilization or occupancy of a property or building from one use to another.

"Changeable copy/readerboard sign" means a sign structure that may be internally or externally illuminated and intended to accommodate changeable lettering, numbering, graphic displays, or other short-term messages. Generally used for commercial advertising or for public service announcements of current or coming events. (Also see "Public information/identification sign.")

"City" means the City of Bremerton, Washington.

"Collective garden" means gardens established and/or maintained for the growing, production, transportation, and delivery of cannabis, by qualifying patients, for medical use, as defined in RCW 69.51A.085, as currently enacted and hereinafter amended.

"Community facility" means a facility operated by a public agency or nonprofit organization for social gatherings, meetings, learning, recreation, programs to promote economic independence, or similar functions.

"Construction sign" means a sign that relates directly to a construction project taking place on the premises and may include such information as the name of the project and contractors, phone numbers, completion dates, and similar information about the project.

"Cottage housing" means residential units on a lot with a common open space that either: (a) Is owned in common; or (b) has units owned as condominium units with property owned in common and a minimum of 20 percent of the lot size as open space. Units shall not be greater than one thousand two hundred (1,200) square feet, and shall not share any common walls, ceilings, or floors with other residential units.

"Cottage housing development" means a lot containing more than one (1) principal conventional dwelling unit. Units shall not be greater than one thousand two hundred (1,200) gross square feet, and shall not share any common walls, ceilings, or floors with other principal conventional dwelling units.

"Courtyard apartments" means attached dwelling units arranged on two or three sides of an open space area, with a minimum open space dimension of 15 feet along any side.

(d) Definitions "D":

"Day care facility" means a facility licensed by the state of Washington and approved by the City to provide regular care for adults or children for periods of less than twenty-four (24) hours.

"Deck" means an open platform wider than eighteen (18) inches. A deck may be freestanding, cantilevered from a building, or connected to the ground with steps or ramps. A deck that is higher than thirty (30) inches above finish grade may be referred to as a raised deck, a rooftop deck, a balcony, or other suitable term.

"Density" means a measure of residential concentration, usually expressed as the number of dwellings per acre of land. For the purposes of calculating allowable densities within this code, density shall be measured on a "net" basis, whereby unusable areas such as rights-of-way and lands in public or shared ownership shall be deducted from the overall area in the calculation. For example, a one hundred and twenty (120) acre area containing twenty (20) acres of rights-of-way and public lands and three hundred (300) dwellings has a (net) density of three (3) dwellings per acre (three hundred (300) dwellings/one hundred (100) usable acres). (See also "Acre, net" and "Acre, gross.")

"Density, maximum" means the maximum number of dwellings allowed per the gross buildable acreage as stated for each zone. Where not specified in a zone chapter, no maximum density shall apply.

"Density, minimum" means the minimum number of required dwellings per net buildable acre as stated for each zone. Where not specified in a zone chapter, the associated Comprehensive Plan land use density applies.

"Detached" means any residential structures on the same lot that are not connected and have a fire separation of no less than six (6) feet as defined in Section R302 of the IRC. For commercial structures see the International Building Code.

"Detoxification center" means a facility providing for the care and treatment of an intoxicated person during the period in which the person recovers from the transitory effects of acute intoxication.

"Development coverage" means that portion of a lot covered by the impervious surface areas of all structures, and impervious paved areas, such as driveways and walkways.

"Development regulations" or "regulation" means the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city.

"Development standards" means controls placed by the city on building or site design and development including parking requirements, floor area allowances, density allowances, minimum lot coverage, and other dimensional standards.

"Directional sign" means a permanent sign which is designed solely for the purpose of directing motor vehicle, pedestrian, bicycle, or other traffic, or individuals toward a specific destination or route.

"Director" means Bremerton's Director of Community Development and his/her designee.

"Drinking place" means an establishment selling intoxicating beverages for consumption on the premises.

"Drive-through facility" means an automobile-oriented component of a permitted use that includes both service window(s) and a stacking lane designed primarily for drive-through trade, and which provides service and caters to patrons while in their motor vehicles. (See BMC 20.44.120.)

"Driveway" means a private roadway providing access for vehicles to a parking space, garage, dwelling, or other structure.

"Duplex" means a structure containing two (2) dwelling units on a single lot.

"Dwelling, conventional" means any building or structure that is built or assembled (in the case of a modular structure) on the site and in conformance with the provisions of the International Building Code (IBC).

"Dwelling, duplex" means a building designed and arranged exclusively for occupancy by two (2) families living independently of each other in separate dwelling units.

"Dwelling, modular or factory-built" means buildings or structures that are constructed primarily in a factory and transported to the site for assembly or installation. All temporary wheels, axles, and other appliances used in the transport are removed at the destination and the structure is permanently placed, unless approved as a temporary placement by the City. Such structures are constructed to the standards of either the International Building Code (IBC) or the HUD Code. (See also "Manufactured home.")

"Dwelling, multi-unit structure" means a structure containing three (3) or more dwelling units. (Also referred to as a "multifamily structure.") Multi-unit structures also include:

- (1) "Dormitories" means a structure intended principally for sleeping accommodations, where no individual kitchen facilities are provided, and which is related to an educational institution or maintained by a nonprofit welfare organization.

"Dwelling, single-unit attached" means two (2) single-unit dwellings (houses) that are attached at a common side lot line with each dwelling located entirely on its own lot. This does not include row houses or other housing types having more than two (2) attached units. (See also "Zero lot line.")

"Dwelling, single-unit structure" means a structure containing one (1) dwelling unit. (Also referred to as a "single-family dwelling," or a "house.")

"Dwelling, townhouse," for purposes of this code, means a single-unit structure in a row of at least three (3) or more such units in which each unit has its own access to the outside, no unit is located over another, and each is separated from any other unit by one (1) or more common fire-resistant walls.

"Dwelling unit" means a living space or combination of rooms designed to provide independent year-round living facilities for one (1) family or household, constructed to the minimum standards of the IBC or HUD Code, and with provisions for sleeping, eating and sanitation.

(f) Definitions "F":

"Fence" means a structure built to prevent escape or intrusion, or to provide privacy, screening, or buffering from noise or other undesirable impacts or activities beyond the property line. Also includes freestanding walls.

"Finance," "insurance" and "real estate" means an establishment primarily involved in finance, such as depository and nondepository institutions, holding companies, investment companies, and brokers; insurance, such as carriers of all types, agents and brokers; and real estate, such as leasers, buyers, sellers, agents and developers.

"Fiveplex" means a residential building with five attached dwelling units.

"Fourplex" means a residential building with four attached dwelling units.

"Foster home" means a dwelling unit in which a full-time resident provides temporary care and supervision on a full-time basis to not more than six (6) foster children, three (3) expectant mothers, or three (3) other adults requiring full-time care.

"Franchise business" means a business granted authorization by a manufacturer or parent company to sell or distribute goods or services at a certain location.

"Freestanding sign" means a sign which is designed solely for the purpose of directing motor vehicle, pedestrian, bicycle, or other traffic, or individuals, toward a specific destination or route, which is not affixed to a building.

"Frontage" means the actual length of the front property line abutting a street or alley (if no street frontage), or length of the property line of a flag lot that most closely parallels the street it most directly relates to.

(m) Definitions "M":

"Maintain" means to allow to exist or continue to exist. Also, where the context indicates, to keep in a safe, neat and clean condition.

"Major transit stop" means either a stop on a high capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW; or commuter rail stops; or stops on rail or fixed guideway systems; or stops on bus rapid transit routes, including those stops that are under construction.

"Manufactured home" means a single-family dwelling required to be built in accordance with regulations adopted under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.). The unit shall bear an insignia issued by a state or federal regulatory agency indicating that the manufactured home complies with all applicable construction standards of the U.S. Department of Housing and Urban Development (HUD). Commercial coaches, recreational vehicles, travel trailers, and motor homes are neither manufactured homes nor dwelling units. (See "Mobile home.")

"Marina" means a facility which provides moorage or wet or dry storage for watercraft or float planes, and which may offer marine-related sales and services.

"Medical office" and "clinic" means an establishment primarily engaged in providing medical, dental or other health care services to patients on the premises, but which excludes facilities for overnight patient care. Medical clinics that do not have facilities for overnight patient care are included.

"Middle housing" means buildings that are compatible in scale, form, and character with single-family houses and contain two or more attached, stacked, or clustered homes including duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, stacked flats, courtyard apartments, and cottage housing.

"Mini-storage," for the intent of this title, means an accessory business that may contain office and individual compartmentalized self-storage units, stalls, or lockers which are rented or leased for the storage of household or business goods, supplies or materials. Mini-storage shall be an accessory use that is subordinate and incidental to the permitted principal use. (See "Light industrial/manufacturing" for further clarification of "mini-storage" when it is a primary use).

"Mobile home" means a factory-built dwelling built before June 15, 1976, to standards other than the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), and acceptable under applicable state codes in effect at the time of construction or introduction of the home into this state. Mobile homes are accommodated within some existing mobile home parks, but are not allowed on individual lots. (See "Manufactured home.")

"Monument sign" means a freestanding sign placed on a base of solid appearance, wherein the width of the base is equal to at least forty (40) percent of the width of the sign face.

"Motion picture theater" means any premises in which motion pictures are shown as the principal use of the premises, and wherein fees of any kind are charged, and wherein such movies are shown on a regular basis.

"Multiple-building complex" means a group of structures housing a combination of business, office, residential, or other uses, and which shares a common area, access, parking and/or other facilities.

"Multiple-occupancy building" means a single building housing more than one (1) retail business, office, commercial venture or other allowed land use.

"Museum" and "gallery" means a building, room, vessel (boat or ship), or site intended for the preservation and exhibition of artistic, historical, or scientific objects.

(s) Definitions "S":

"Senior citizen" means an individual of fifty-five (55) years of age or older.

"Senior housing complex" means a planned residential community, intended and operated for occupancy by senior citizens, which consists of any mix of detached single-family or duplex dwellings and/or retirement apartments, wherein at least eighty (80) percent of the occupied units are occupied by at least one (1) senior citizen.

"Setback, maximum" means a required maximum horizontal distance between the finished exterior wall of a structure and the lot line of the lot on which it is located. Where maximum setbacks are stipulated, zone districts specify what portion of the structure's finished front facade width must be located a distance equal to or lesser than the maximum setback from the property line. A maximum setback shall apply to the height of a structure up to fifteen (15) feet above grade, or the height of the building, whichever is less. Where not specified, no maximum setback shall apply.

"Setback, minimum" means the required horizontal distance between the finished exterior wall of a structure and the lot line of the lot on which it is located. All portions of a structure must be located away from the property line a distance equal to or greater than the minimum setback.

"Shop." Refer to the definition of "storage building."

"Shopping center" means a contiguous collection of retail businesses under one (1) ownership or common management located in a building or set of buildings.

"Sidewalk vendor" means a person(s) who sells edible or nonedible merchandise from a stand, booth, cart, basket, tray, table or other device on any sidewalk, street, highway or public place. They are not categorized as a land use.

"Sign" means any communication device, structure, or fixture which is intended to identify a building, use, business, or event; or to promote the sale of products, goods or services; using graphics, letters, figures, symbols, trademarks or written copy. Painted wall designs or patterns which do not represent a product, service or registered trademark, and which do not identify the user, are not considered signs. (See sign provisions of this code.)

"Sign structure" means any structure specifically intended to support a sign, and which may include supports, uprights, braces, framework, or other members needed for support.

“Sixplex” means a residential building with six attached dwelling units.

"Social services" means establishments primarily engaged in providing social and rehabilitation services to improve life skills and increase socioeconomic opportunities for neighborhood or community residents of all ages. Establishments primarily engaged in providing welfare and charitable functions are included.

“Stacked flat” means dwelling units in a residential building of no more than three stories on a residential zoned lot in which each floor may be separately rented or owned.

"Stacking lane" means a designated driving lane provided for vehicles waiting for, receiving, and exiting after receiving a service at a drive-up window from a permitted use. The lane is physically separated from other traffic and pedestrian circulation on the property and includes adequate area for cars to wait for service.

"Stadium and sports complex" means a large structure for open-air sports and entertainment generally consisting of tiered seating where people can sit and watch games or events. Sports complexes may also include recreational motor vehicle tracks such as go-cart tracks. Associated field houses and facilities for serving food are often included.

"Storage building" and "shop" mean an attached or detached accessory structure which is used for noncommercial storage of household goods or noncommercial recreational and hobby uses in association with the principal use.

"Storage yard, outdoor storage" means an outdoor area where vehicles, equipment, merchandise, raw materials, cargo containers, railroad cars, semi-truck trailers or other items are accumulated and stored for an indefinite period until needed. Storage yards are often used in conjunction with a warehouse, storage buildings, sheds or other structures and may be public or private. Unless a function of a government agency or public utility, storage yards are considered accessory to a business or other principal use.

"Story" means that portion of a building that extends from the floor surface to the surface of the floor above or, in the case of a top floor, to the ceiling or roof above. If a finished floor level is more than six (6) feet above the finished grade for more than fifty (50) percent of the total perimeter, the area beneath that floor shall be considered a story.

"Street" means the improved section of any public or private right-of-way intended primarily for motor vehicle travel and which affords the principal means of access to abutting property, together with bicycle lanes, sidewalks, and related improvements.

"Street, private" means a parcel at least twenty (20) feet in width, created specifically to provide motor vehicle access to abutting properties, the owners of which share in its ownership and maintenance responsibilities.

"Structure" means that which is built or constructed.

"Structure, accessory" means a structure that is incidental and subordinate to a principal structure and which is customarily found in connection with the principal structure and located on the same lot or parcel.

"Structure, principal" means a structure containing one or more principal uses, as permitted by the zone in which the property is located.

"Support structure" means any existing or proposed building, utility pole, or tower capable of supporting a wireless communications antenna. Support structures include, but are not limited to, existing buildings, water towers, and utility poles and/or towers.

(t) Definitions "T":

"Temporary sign" means a sign that is not permanently affixed, and which is intended for short-term use, such as to advertise a specific activity such as a special promotion, sale, or fundraising event. For the purposes of this code, temporary signs are those displayed for between seven (7) and sixty (60) days.

"Townhouse." See "Dwelling, townhouse."

"Transient person" means a temporary lodger who stays no longer than thirty (30) days per visit.

"Transportation facility" or "multi-modal station" means a dedicated transit facility where several transit routes converge, including transit stations, transit stops, taxicab stands, transportation services, bicycle facilities, battery changing stations, electric vehicle charging stations, and similar. The transportation facility shall be owned, leased, or endorsed by a public transit authority for the purpose of providing public transportation services. A transportation facility is designed to accommodate several buses or multiple modes of transit that allows users to easily transfer between transit routes or modes. A transportation facility may provide transit passenger covered shelters and waiting areas, restrooms, and access for transit modes including buses, taxis and drop-off, and park and rides.

"Triplex" means a residential building with three attached dwelling units.

"Townhouses" means buildings that contain three or more attached single-family dwelling units that extend from foundation to roof and that have a yard or public way on not less than two sides.

(u) Definitions "U":

"Unit density" means the number of dwelling units allowed on a lot, regardless of lot size.

"Use" means the purpose or activity for which land or improvements are intended, occupied or maintained.

"Use, accessory" means a use that is incidental and subordinate to a principal use, which customarily is found in connection with the principal use, and which is located on the same lot or parcel such as a private garage, hobby shop, workshop, personal greenhouse, and required off-street parking.

"Use, conditional" means a use that is not permitted outright, but may be approved through a conditional use permit process. "Conditional use" shall have the same meaning as "special use," as employed in Bremerton Municipal Code.

"Use, principal" means the primary or main use conducted or allowed on a lot or parcel.

"Use, temporary" means a use that may occur on a lot on a short-term or seasonal basis for a prescribed period of time, which usually does not exceed a six (6) month duration during a twelve (12) month period.

(z) Definitions "Z":

"Zero lot line" means the location of a building on a lot in such a manner that one (1) of its sides rests directly on a side lot line with no setback. (Ord. 5458 §§3,4, 2022; Ord. 5369 §3, 2019; Ord. 5351 §2, 2018; Ord. 5345 §§5-9, 2018; Ord. 5326 §4, 2017; Ord. 5319 §§3, 4, 2017; Ord. 5312 §3, 2016; Ord. 5301 §3 (Exh. B) (part), 2016; Ord. 5249 §4, 2014; Ord. 5222 §3, 2013; Ord. 5205 §5, 2013; Ord. 5177 §3, 2012; Ord. 5063 §2, 2008; Ord. 5046 §2, 2008; Ord. 5008 §3 (part), 2007; Ord. 4977 §5, 2006; Ord. 4971 §4 (part), 2006; Ord. 4950 §8 (Exh. A) (part), 2005)

"Zoned Predominantly for Residential Use" means all zoning districts in which residential dwellings are the predominant use. This excludes lands zoned primarily for commercial, industrial, and/or public uses, even if those zones allow for the development of detached single-family residences. This also excludes lands zoned primarily for mixed uses, even if those zones allow for the development of detached single-family residences, if the zones permit by-right multifamily use and a variety of commercial uses, including but not limited to retail, services, eating and drinking establishments, entertainment, recreation, and office uses.

20.44.110 LIGHTING REGULATIONS.

The following requirements shall apply concerning exterior lighting:

- (a) Light sources, both direct and nondirect, ~~shall be selected and placed so that glare produced by any light source does not extend beyond the property lines~~ shall be designed to prevent light trespass into the sky and adjacent properties through methods that may include, but are not limited to, light shielding, downward directional lighting, or specialized fixture optics. Illumination shall not cast beyond the premises it is intended to illuminate., except onto adjacent sidewalks.
- (b) A photometric plan shall be submitted for all nonresidential development and multiple-family developments to confirm compliance with light requirements. The plan shall include the following items:
 - (1) Location of all lighting fixtures;
 - (2) Manufacturer's model identification of each lighting fixture;
 - (3) Manufacturer's performance specifications of each fixture; and
 - (4) Photometric plan of the installed fixtures which demonstrates that all illumination is confined within the boundaries of the site. (Ord. 5301 §3 (Exh. B) (part), 2016; Ord. 4950 §8 (Exh. A) (part), 2005)

20.46.210 MIDDLE HOUSING.

- (a) Intent. The purpose of this section is to provide land use, development, design, and other standards for Middle Housing as defined in BMC 20.42.
- (b) Applicability. The provisions of this section shall apply to all lots Zoned Predominantly for Residential Use, unless otherwise noted. This section does not apply to lot that was created through the splitting of a single residential lot. In the event of a conflict between this section and other development regulations applicable to middle housing, the standards of this ordinance control except that, this subsection shall not apply to shoreline regulations under Chapter 90.58.RCW.
- (c) Allowable Density. BMC 20.46.210(c) does not apply to portions of a lot, parcel, or tract designated with critical areas designated under RCW 36.70A.170 or their buffers

as required by RCW 36.70A.170 or the Shoreline Jurisdiction. The following density and lot area standards are applicable to Middle Housing development:

- (1) The permitted unit density on all lots Zoned Predominantly for Residential Use is:
 - (i) Two units per lot, unless zoning permitting higher densities or intensities applies.
 - (ii) Four units per lot on all lots within one-quarter mile walking distance of a Major Transit Stop, unless zoning permitting higher densities or intensities applies.
 - (iii) Four units per lot if at least one unit on the lot is affordable housing meeting the requirements of subsection (4) below, unless zoning permitting higher densities or intensities applies.
- (2) The standards of subsection d(1) do not apply to lots after subdivision below 1,000 square feet unless the city has enacted an allowable lot size below 1,000 square feet in the zone.
- (3) To qualify for additional units under the affordable housing provisions of subsection d(1), an applicant shall commit to renting or selling the required number of units as affordable housing and meeting the standards of subsections (i) through (v) below.
 - (i) Dwelling units that qualify as affordable housing shall have costs, including utilities other than telephone, that do not exceed 30 percent of the monthly income of a household whose income does not exceed the following percentages of median household income adjusted for household size, for the county where the household is located, as reported by the United States Department of Housing and Urban Development: (a) Rental housing: 60 percent, (b) owner occupied housing: 80 percent.
 - (ii) The units shall be maintained as affordable for a term of at least 50 years, and the property shall satisfy that commitment and all required affordability and income eligibility conditions.
 - (iii) The applicant shall record a covenant or deed restriction that ensures the continuing rental or ownership of units subject to these affordability requirements consistent with the conditions in chapter 84.14 RCW for a period of no less than 50 years.
 - (iv) The units dedicated as affordable housing shall be comparable to other units in the development in terms of range of sizes, number of bedrooms, distribution throughout the development, and functionality.
- (d). Development Standards. Middle Housing shall comply with the development and design standards of the underlying zone, except that in all cases maximum structure height is 35 feet.
- (e). Parking Standards. Middle Housing shall comply with the parking standards of the underlying zone.

20.60.010 INTENT.

The intent of the low density residential (R-10) zoning district is to accommodate single-family housing, duplexes, townhouses, multifamily and low intensity compatible uses by infilling at a range of lot sizes consistent with urban growth patterns. ~~Some attached single family housing, duplexes and townhouses may be appropriate when responding to sensitive areas or with innovative design. Residential development at higher densities is encouraged at the edge of designated centers.~~ (Ord. 5364 §12, 2018; Ord. 5301 §3 (Exh. B) (part), 2016; Ord. 4950 §8 (Exh. A) (part), 2005)

20.60.020 PERMITTED USES.

~~Only one (1) principal use shall be allowed on each residentially zoned lot unless allowed for otherwise by law. This limitation shall not include permitted accessory uses associated with a permitted principal use.~~

The following uses are permitted outright:

- (a) Cemetery;
- (b) Colocation of wireless communications per BMC 20.46.140;
- (c) Community facilities of twenty thousand (20,000) square feet gross floor area or less;
- (d) Day care facility of twelve (12) or fewer persons receiving care;
- (e) Education and schools (K-12) of twelve (12) or fewer students;
- (f) Foster home;
- (g) Group residential home;
- (h) Manufactured home per BMC 20.46.040;
- (i) Parks, playgrounds and open space equal or less than one-half (0.5) acre (twenty-one thousand seven hundred eighty (21,780) square feet);
- (j) Residential Uses.
 - (1) Single-unit dwelling unit, detached;
 - (2) Single-unit dwelling unit, attached (zero (0) lot lines) per BMC 20.60.060(b);
 - (3) Duplex;
 - (4) Townhouse;
 - (5) Cottage housing development per BMC 20.46.170;
 - (6) Group residential facilities – Class I, per BMC 20.46.180;
 - (7) Middle Housing per BMC 20.46.210;
 - (8) Multi-unit Structure Dwelling;
 - ~~(9)(7)~~ Senior housing complex, per BMC 20.46.190;
 - ~~(10)(8)~~ Manufactured home park or expansion of existing parks, per BMC 20.46.200.
- (k) Worship and religious facilities of twenty thousand (20,000) square feet gross floor area or less;
- (l) Incubator for business associated with a worship and religious facility or community facility, provided the following conditions are met:
 - (1) The incubated business is a use that is permitted outright in the neighborhood business zone, BMC 20.82.020;
 - (2) Landscaping and signage requirements of the neighborhood business zone, Chapter 20.82 BMC, shall be met; and
 - (3) The parcel upon which the incubated business is situated shall have frontage on an arterial street. (Ord. 5506 §17, 2024; Ord. 5458 §6, 2022;

Ord. 5364 §13, 2018; Ord. 5301 §3 (Exh. B) (part), 2016; Ord. 4977 §9, 2006; Ord. 4950 §8 (Exh. A) (part), 2005)

20.60.060 DEVELOPMENT STANDARDS.

- (a) Lot Standards. Lot development requirements shall be in accordance with this section and the following standards unless allowed for by law otherwise:
 - (1) Setbacks.
 - (i) Minimum front yard setback is fifteen (15) feet;
 - (ii) Minimum side yard setback is five (5) feet;
 - (iii) Minimum rear yard setback is fifteen (15) feet.
 - (2) Maximum structure height is thirty-five (35) feet.
 - ~~(3) Maximum structure height in (R-10) areas within the downtown regional center shall be pursuant to Figure 20.74(a) and shall supersede subsection (a)(2) of this section.~~
 - (34) Minimum lot width is thirty (30) feet.
 - ~~(45)~~ Maximum development coverage is sixty (60) percent.
- (b) Zero (0) Lot Line (ZLL) Development. An attached single-family dwelling and/or garage structure may have a single shared side or rear lot line, and a setback reduced to zero (0), provided the structure complies with building code fire separation requirements.
- (c) Accessory Structures. The following standards shall apply but are not limited to: garages, carports, shops, barns, covered patios, cabanas, gazebos, and incidental household storage buildings, excluding accessory dwelling units per BMC 20.46.010 and structures not requiring a building permit:
 - (1) The maximum area for all accessory structures shall be eighty (80) percent of the principal residential use not to exceed one thousand two hundred (1,200) square feet.
 - (2) Setbacks of detached accessory structures are pursuant to BMC 20.44.060.
- (d) Garages, Storage Buildings and Shops.
 - (1) Any garage, storage building or shop structure shall be designed so that the appearance of the building remains that of a single-family residence including the following:
 - (i) Constructed of similar materials as the principal unit;
 - (ii) A roof of equal or greater pitch as the principal unit;
 - (iii) A height no more than twenty-five (25) percent greater than the principal unit not to exceed thirty-five (35) feet.
 - (2) Any garage, storage building, or shop may be exempt from the accessory structure size requirements provided it is contained within the principal unit.
 - (3) Garage, Carport, and Shop Vehicle Entrance Setbacks. When the vehicle entrance faces the street, the garage, carport, or shop shall have a front yard setback of at least twenty (20) feet, except as provided in BMC 20.44.020 (Traditional front yard).

- (e) Multi-unit Structure Dwelling. In addition to the standards of this chapter, Multi-unit Structure Dwellings of 5 or more units shall be in accordance with the following standards:

- (1) Open Space. Provide fifteen (15) percent of the gross acreage of the subject property as Open Space.
- (2) Design Standards. Structures shall conform to design standards consistent with BMC 20.79.070.

~~(e) Lot Area for Parks and Schools. Parks and schools may exceed maximum lot area requirements if approved by a conditional use permit. (Ord. 5458 §8, 2022; Ord. 5364 §14, 2018; Ord. 5301 §3 (Exh. B) (part), 2016; Ord. 5008 §7, 2007; Ord. 4950 §8 (Exh. A) (part), 2005)~~

20.60.065 ALLOWABLE DENSITY AND LOT AREA.

The purpose of this section is to establish compatible levels of density within existing neighborhoods. The intent is to allow infill residential development. The following density and lot area standards are applicable to development within the zone:

- (a) Minimum Density. The minimum required density is six (6) dwellings per acre.
- (b) Maximum Density. The maximum allowed density is ten (10) dwellings per acre.
- ~~(c) Maximum Lot Area. The maximum lot area is seven thousand two hundred sixty (7,260) square feet, with the following exceptions:
 - (1) The lot area may be modified through the approval of a residential cluster development pursuant to BMC 20.58.060;
 - (2) One (1) lot within a proposal for a division of land may exceed seven thousand two hundred sixty (7,260) square feet, provided the remaining lots do not exceed the seven thousand two hundred sixty (7,260) square foot maximum lot size; and
 - (3) A flag lot that complies with the requirements in BMC 20.44.100 may exceed seven thousand two hundred sixty (7,260) square feet, provided the total area of the flag lot does not exceed ten thousand eight hundred ninety (10,890) square feet.~~
- ~~(d) Minimum Lot Area. The minimum allowed lot area is four thousand three hundred (4,300) square feet.~~
- ~~(e) Exception to Minimum Lot Areas:
 - (1) The minimum lot area may be modified through the approval of a residential cluster development pursuant to BMC 20.58.060, provided the development complies with the maximum density requirement set forth in subsection (b) of this section.
 - (2) When a new subdivision is proposed, the size of lots in land division may be reduced below the minimum lot size provided all the following are met:
 - (i) The overall average of the proposed lots does not exceed the permissible maximum density.
 - (ii) All lots that are smaller than the minimum lot size shall demonstrate that they are developable by showing code compliance with such items as required parking, lot coverage, setbacks, stormwater compliance, etc.
 - (iii) The platting documents shall include documentation of allowed uses and language that ensures maximum density is not exceeded.~~

~~(iv) If the land division is submitted in phases of development, each phase submitted for approval shall meet these provisions. (Ord. 5422 §4, 2021; Ord. 5404 §2, 2020; Ord. 5301 §3 (Exh. B) (part), 2016; Ord. 5008 §8, 2007; Ord. 4972 §1, 2006; Ord. 4971 §16, 2006; Ord. 4950 §8 (Exh. A) (part), 2005)~~

20.62.060 DEVELOPMENT STANDARDS.

- (a) Lot development shall be in accordance with the following standards, unless allowed for otherwise by law:
- (1) Maximum front yard setback: ten (10) feet. At least sixty-five (65) percent of the building's front facade must 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:
 - (i) When the site includes more than one (1) street frontage;
 - (ii) To accommodate existing topography, utilities, or other physical site constraints that make compliance with the setback infeasible;
 - (iii) To accommodate phasing of infill development;
 - (iv) On sites that are significantly developed with existing legally established nonconforming uses or structures whereby strict code compliance will not facilitate effective circulation; or
 - (v) 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.
 - (2) Minimum side yard setback: zero (0) except when adjacent to the low or medium density residential zones where a ten (10) to twenty (20) foot visual screen is required pursuant to BMC 20.50.050(b).
 - (3) Minimum rear yard setback: zero (0), except when adjacent to the low or medium density residential zones where a ten (10) to twenty (20) foot visual screen is required pursuant to BMC 20.50.050(b).
 - (4) There is no maximum density for residential use, minimum density is 15 dwelling units per acre. ~~No residential density requirements; provided, that:~~
 - ~~(i) Site design provides for internal circulation connections for both pedestrians and vehicles between all portions of the site;~~
 - ~~(ii) Landscaping and/or screening adjacent to residential zones shall be provided per BMC 20.50.040(e).~~
 - (5) Maximum building coverage: fifty (50) percent unless increased per subsection (b) of this section. In no case shall maximum lot coverage exceed seventy-five (75) percent.

- (6) Maximum development coverage is seventy-five (75) percent unless increased per subsection (b) of this section. In no case shall maximum lot coverage exceed ninety-five (95) percent.
 - (7) Maximum height: ~~forty-sixty-five (45-65)~~ sixty-five (65) feet, except that structures within one hundred (100) feet of the low or medium density residential zones shall not exceed thirty-five (35) feet in height.
 - ~~(8) Maximum building heights within the downtown regional center are pursuant to the Downtown Subarea Plan and shall supersede subsection (a)(7) of this section.~~
- (b) A development that provides the following may have its maximum development and lot coverage increased by adding bonus percentages to the maximum base area percentage, provided the total does not exceed the maximum allowed above:
- (1) Commercial/residential mixed use development: twenty (20) percent bonus;
 - (2) Development containing seventy-five (75) percent of the building footprint with three (3) and four (4) story buildings: ten (10) percent bonus;
 - (3) Ten (10) percent bonus if a sidewalk ten (10) feet in width or greater is installed extending to the front of the building and continuing along the entire arterial frontage of the parcel;
 - (4) Pedestrian through-corridor that provides pedestrian access to a location approved by the Director: five (5) percent bonus;
 - (5) Fifty (50) percent of off-street parking is provided underground or within a building designed for occupancy: twenty (20) percent bonus. (Ord. 5364 §15, 2018; Ord. 5301 §3 (Exh. B) (part), 2016; Ord. 5222 §6, 2013; Ord. 5046 §7, 2008; Ord. 5008 §11, 2007; Ord. 4950 §8 (Exh. A) (part), 2005)

20.62.070 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 (a)(6)(i) or (ii) of this section, except as provided in subsection (a)(6)(iii) of this section:
 - (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 20.62.020. 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 facade 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 20.62.020.
 - (iii) Exception. For structures that abut two (2) or more public rights-of-way and contain 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 subsections (a)(6)(i) and (ii) of this section may be reduced to one (1) street frontage.
- (b) Secondary Design Features. Three (3) 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. (Ord. 5319 §11, 2017: Ord. 5301 §3 (Exh. B) (part), 2016: Ord. 5046 §8, 2008: Ord. 4950 §8 (Exh. A) (part), 2005)

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 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 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, minimum density is 30 dwelling units per acre.

- (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). (Ord. 5364 §7, 2018; Ord. 5351 §3, 2018; Ord. 5301 §3 (Exh. B) (part), 2016; Ord. 5251 §6, 2014; Ord. 5222 §14, 2013; Ord. 5046 §15, 2008; Ord. 5008 §16, 2007; Ord. 4950 §8 (Exh. A) (part), 2005)

~~CHAPTER 20.74 BUSINESS CORE (BC)~~

~~Chapter 20.74~~

~~BUSINESS CORE (BC)~~

~~Sections:~~

~~20.74.010 INTENT.~~

~~20.74.020 OUTRIGHT PERMITTED USES.~~

~~20.74.080 PARKING REQUIREMENTS.~~

~~20.74.090 LANDSCAPING STANDARDS.~~

~~20.74.100 SIGN STANDARDS.~~

~~20.74.010 INTENT.~~

The intent of this zone is detailed in the adopted Downtown Regional Center Subarea Plan. This chapter supplements the adopted plan. (Ord. 5301 §3 (Exh. B) (part), 2016; Ord. 5046 §17 (part), 2008)

~~20.74.020 OUTRIGHT PERMITTED USES.~~

The following uses are permitted:

- ~~(a) Bed and breakfast;~~
- ~~(b) Co location of wireless communications facility per BMC 20.46.140;~~
- ~~(c) Communication/broadcasting facility;~~
- ~~(d) Community facility;~~
- ~~(e) Day care facility;~~
- ~~(f) Detoxification center;~~
- ~~(g) Finance, insurance and real estate;~~
- ~~(h) General office and business services;~~
- ~~(i) General retail;~~
- ~~(j) Group residential facilities—Class I;~~
- ~~(k) Hotel and lodging place;~~
- ~~(l) Indoor automobile sales, service, repair, or car wash;~~
- ~~(m) Indoor entertainment use;~~
- ~~(n) Indoor recreational facility;~~
- ~~(o) Hospital, medical office and clinic;~~
- ~~(p) Motion picture theater;~~
- ~~(q) Museum and gallery;~~
- ~~(r) Parking structure;~~
- ~~(s) Personal services business;~~
- ~~(t) Physical fitness and health club;~~
- ~~(u) Park, playground or open space;~~
- ~~(v) Public administration;~~
- ~~(w) Public facility;~~
- ~~(x) Residential use of all types;~~
- ~~(y) Restaurant and drinking place;~~
- ~~(z) School and education use;~~
- ~~(aa) Social services facility;~~
- ~~(bb) Transportation facility;~~
- ~~(cc) Veterinary clinic;~~
- ~~(dd) Welfare and charitable services and facility;~~
- ~~(ee) Worship and religious facility. (Ord. 5301 §3 (Exh. B) (part), 2016; Ord. 5046 §17 (part), 2008)~~

~~20.74.080 PARKING REQUIREMENTS.~~

~~In addition to the off-street parking requirements set forth in Chapter 20.48 BMC, the automobile off-street parking spaces shall be provided in accordance with the Downtown Subarea Plan. (Ord. 5301 §3 (Exh. B) (part), 2016; Ord. 5046 §17 (part), 2008)~~

~~20.74.090 LANDSCAPING STANDARDS.~~

~~Landscaping shall meet the standards of Chapter 20.50 BMC. (Ord. 5301 §3 (Exh. B) (part), 2016; Ord. 5046 §17 (part), 2008)~~

~~20.74.100 SIGN STANDARDS.~~

~~Signage shall meet the standards of Chapter 20.52 BMC. For freestanding signs, the maximum size and height standards of Figure 20.52(a) shall apply. (Ord. 5301 §3 (Exh. B) (part), 2016; Ord. 5046 §17 (part), 2008)~~

~~20.75.110 CHANGE OF USE OR REHABILITATION OF EXISTING BUILDING.~~

~~When an existing building or structure is remodeled, improved or a change in use or tenancy occurs, it shall be exempt from off-street parking and landscaping requirements; provided, that:~~

- ~~(a) The structure is not enlarged, extended or structurally altered outside the existing building envelope in a manner that would require additional parking pursuant to Chapter 20.48 BMC. (Ord. 5301 §3 (Exh. B) (part), 2016)~~

20.78.020 OUTRIGHT PERMITTED USES.

The following uses are permitted outright:

- (a) Cemetery;
- (b) Co-location of wireless communications per BMC 20.46.140;
- (c) Community facilities of twenty thousand (20,000) square feet gross floor area or less;
- (d) Day care facility of twelve (12) or fewer persons receiving care;
- (e) Education and schools (K-12) of twelve (12) or fewer students;
- (f) Foster home;
- (g) Group residential home;
- (h) Manufactured home per BMC 20.46.040;
- (i) Parks, playgrounds and open space equal or less than one-half (1/2) acre (twenty-one thousand seven hundred eighty (21,780) square feet);
- (j) Residential Uses.
 - (1) Single-unit dwelling unit, detached;
 - (2) Single-unit dwelling unit, attached (zero (0) lot lines) per BMC 20.78.060(b);
 - (3) Duplexes (meeting underlying zoning density);
 - (4) Townhouse (meeting underlying zoning density);
 - (5) Cottage housing meeting the provisions of BMC 20.46.170;
 - (6) Group residential facilities Class I per BMC 20.46.180;
 - (7) Middle Housing per BMC 20.46.210
 - (8) Multi-unit Structure Dwelling;
 - ~~(9)(7)~~—Senior housing complex per BMC 20.46.190;
 - ~~(10)(8)~~—Manufactured home park per BMC 20.46.200;
- (k) Worship and religious facilities of twenty thousand (20,000) square feet gross floor area or less;
- (l) Incubator for business associated with a worship and religious facility or community facility, provided the following conditions are met:

- (1) The incubated business is a use that is permitted outright in the neighborhood business zone, BMC 20.82.020;
- (2) Landscaping and signage requirements of the neighborhood business zone, Chapter 20.82 BMC, shall be met; and
- (3) The parcel upon which the incubated business is situated shall have frontage on an arterial street. (Ord. 5508 §7, 2025; Ord. 5506 §19, 2024; Ord. 5458 §9, 2022; Ord. 5301 §3 (Exh. B) (part), 2016)

20.78.060 DEVELOPMENT STANDARDS.

- (a) Lot Standards. Lot development requirements shall be in accordance with this section and the following standards unless allowed for by law otherwise:
 - (1) Setbacks.
 - (i) Minimum front yard setback is fifteen (15) feet;
 - (ii) Minimum side yard setback is five (5) feet;
 - (iii) Minimum rear yard setback is fifteen (15) feet.
 - (2) Maximum structure height is ~~thirty~~ forty-five (35-45) feet.
 - ~~(3) Maximum structure height in R-10 areas within the downtown regional center shall be pursuant to Figure 20.74(a) and shall supersede subsection (a)(2) of this section.~~
 - (4) Minimum lot width is twenty-five (25) feet.
 - (5) Maximum development coverage is sixty (60) percent.
- (b) Zero (0) Lot Line (ZLL) Development. An attached single-family dwelling and/or garage structure may have a single shared side or rear lot line, and a setback reduced to zero (0), provided the structure complies with building code fire separation requirements.
- (c) Accessory Structures. The following standards shall apply but are not limited to: garages, carports, shops, barns, covered patios, cabanas, gazebos, and incidental household storage buildings, excluding accessory dwelling units per BMC 20.46.010 and structures not requiring a building permit:
 - (1) The maximum area for all accessory structures shall be eighty (80) percent of the principal residential use not to exceed one thousand two hundred (1,200) square feet.
 - (2) Setbacks of detached accessory structures are pursuant to BMC 20.44.060.
- (d) Garages, Storage Buildings and Shops.
 - (1) Any garage, storage building or shop structure shall be designed so that the appearance of the building remains that of a single-family residence including the following:
 - (i) Constructed of similar materials as the principal unit;
 - (ii) A roof of equal or greater pitch as the principal unit;
 - (iii) A height no more than twenty-five (25) percent greater than the principal unit not to exceed thirty-five (35) feet.
 - (2) Any garage, storage building, or shop may be exempt from the accessory structure size requirements provided it is contained within the principal unit.

- (3) Garage, Carport, and Shop Vehicle Entrance Setbacks. When the vehicle entrance faces the street, the garage, carport, or shop shall have a front yard setback of at least twenty (20) feet, except as provided in BMC 20.44.020 (Traditional front yard).
- ~~(e) Lot Area for Parks and Schools. Parks and schools may exceed maximum lot area requirements if approved by a conditional use permit. (Ord. 5364 §2, 2018; Ord. 5301 §3 (Exh. B) (part), 2016)~~
- (e) Multi-unit Structure Dwellings. In addition to the standards of this chapter, Multi-unit Structure Dwellings of 5 or more units shall be in accordance with the following standards:
 - (1) Open Space. Provide fifteen (15) percent of the gross acreage of the subject property as Open Space.
 - (2) Design Standards. Structures shall conform to design standards consistent with BMC 20.79.070.

20.78.065 ALLOWABLE DENSITY AND LOT AREA.

The purpose of this section is to establish compatible levels of density within existing neighborhoods. The intent is to allow infill residential development. The following density and lot area standards are applicable to development within the zone:

- (a) Minimum Density. The minimum required density is six (6) dwellings per acre.
- (b) Maximum Density. The maximum allowed density is eighteen (18) dwellings per acre.
- ~~(c) Maximum Lot Area. The maximum lot area is seven thousand two hundred sixty (7,260) square feet, with the following exceptions:
 - (1) The lot area may be modified through the approval of a residential cluster development pursuant to BMC 20.58.060;
 - (2) One (1) lot within a proposal for a division of land may exceed seven thousand two hundred sixty (7,260) square feet, provided the remaining lots do not exceed the seven thousand two hundred sixty (7,260) square foot maximum lot size; and
 - (3) A flag lot that complies with the requirements in BMC 20.44.100 may exceed seven thousand two hundred sixty (7,260) square feet, provided the total area of the flag lot does not exceed ten thousand eight hundred ninety (10,890) square feet.~~
- ~~(d) Minimum Lot Area. The minimum allowed lot area is two thousand five hundred (2,500) square feet.~~
- ~~(e) Exception to Minimum Lot Areas:
 - (1) The minimum lot area may be modified through the approval of a residential cluster development pursuant to BMC 20.58.060, provided the development complies with the maximum density requirement set forth in subsection (b) of this section.
 - (2) When a new subdivision is proposed, the size of lots in land division may be reduced below the minimum lot size provided all the following are met:
 - (i) The overall average of the proposed lots do not exceed the permissible maximum density.
 - (ii) All lots that are smaller than the minimum lot size shall demonstrate that they are developable by showing code compliance with such items as required parking, lot coverage, setbacks, stormwater compliance, etc.~~

- ~~(iii) The platting documents shall include documentation of allowed uses and language that ensures maximum density is not exceeded.~~
- ~~(iv) If the land division is submitted in phases of development, each phase submitted for approval shall meet these provisions. (Ord. 5422 §5, 2021; Ord. 5404 §3, 2020; Ord. 5364 §3, 2018; Ord. 5301 §3 (Exh. B) (part), 2016)~~

20.79.060 DEVELOPMENT STANDARDS.

- ~~(a) For properties located within the downtown regional center, the Downtown Subarea Plan will regulate development standards. The following development standards listed are for all other locations where the R-40 zone is located.~~
- ~~(a)~~ Lot Standards. Lot development requirements shall be in accordance with this section and the following standards unless allowed for by law otherwise:
 - (1) Setbacks.
 - (i) Minimum front yard setback is fifteen (15) feet;
 - (ii) Minimum side yard setback is five (5) feet;
 - (iii) Minimum rear yard setback is fifteen (15) feet.
 - (2) The maximum height of the structure shall meet the following:
 - (i) Maximum structure height is ~~forty-sixty-five (45-65) feet, except that conditionally allowed uses per BMC 20.79.040 may be sixty (60) feet unless otherwise noted;~~ and
 - (ii) For properties that are adjacent to low density residential (R-10) zone, buildings taller than thirty-five (35) feet shall increase the setback by one (1) foot from the R-10 zone property line for every one (1) foot building height increase over thirty-five (35) feet.
 - (3) Maximum development coverage is seventy-five (75) percent.
- (be) Zero (0) Lot Line (ZLL) Development. An attached dwelling and/or garage structure may have shared side or rear lot line, and setback reduced to zero (0), provided the structure complies with building code fire separation requirements.
- ~~(c)~~ Garages, Storage Buildings and Shops.
 - (1) Garage, Carport, and Shop Vehicle Entrance Setbacks. When the vehicle entrance faces the street, the garage, carport, or shop shall have a front yard setback of at least twenty (20) feet, except as provided in BMC 20.44.020 (Traditional front yard).
- ~~(d)~~ Minimum density: ~~eighteen (18)~~ fifteen (15) dwelling units per acre.
- ~~(e)~~ Maximum density: forty (40) dwelling units per acre.
- ~~(f)~~ Open Space. For projects of twenty-five (25) units or more, a minimum of fifteen (15) percent of the net site area shall be set aside and utilized as open space for use and enjoyment of future residents either as passive and/or active space. Designated critical areas pursuant to Chapter 20.14 BMC shall not be used for the open space. Such open spaces shall at a minimum meet the following standards:
 - (1) Passive and Active Open Spaces. All open spaces must include facilities for active and/or passive recreation. Passive spaces could include facilities such as trails, benches, shelters, public plazas, and year-round water features. Active spaces can include children’s play equipment, paved hard court (basketball or tennis court), flat, open lawn for ballfield and other such facilities.

- (2) Open Space Plan. For all designated open space areas the proposal shall include an open space plan. This plan is to ensure the open space is maintained and preserved in perpetuity. All open space areas shall comply with the following:
 - (i) Identify all proposed improvements such as public facilities, proposed vegetation, and existing vegetation to remain; and
 - (ii) The plan must comply with the requirements of the landscaping chapter, found in Chapter 20.50 BMC; and
 - (iii) The plan shall outline maintenance responsibilities; and
 - (iv) The plan shall include a notice to title approved by the City and recorded with the County Auditor. This notice shall include provisions for the designation and retention of open space, and provisions for permanent maintenance of the open space and/or commonly owned facilities. (Ord. 5390 §8, 2019; Ord. 5301 §3 (Exh. B) (part), 2016)

20.82.060 DEVELOPMENT STANDARDS.

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

- (a) Maximum front yard setback: ten (10) feet. At least sixty-five (65) percent of a building's front facade must 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, and improved pedestrian connections;
- (b) Side yard setback: zero (0) except when adjacent to a residential zone 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 a residential zone where a ten (10) to twenty (20) foot visual screen is required pursuant to BMC 20.50.050(b);
- (d) Maximum building size: nonresidential uses may not exceed a footprint of fifteen thousand (15,000) gross square feet;

- (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: twenty (20) percent bonus;
 - (2) Projects within a two (2) or three (3) story building: ten (10) 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, a 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: ten (10) 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 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: thirty-five (35) feet;
- (h) There is no maximum density for residential as a secondary use, minimum density is 15 dwelling units per acre. (Ord. 5319 §14, 2017; Ord. 5301 §3 (Exh. B) (part), 2016; Ord. 5222 §17, 2013; Ord. 5046 §22, 2008; Ord. 4977 §13, 2006; Ord. 4950 §8 (Exh. A) (part), 2005)

20.98.060 DEVELOPMENT STANDARDS.

Development shall be in accord with the following standards:

- (a) Minimum front yard setback: zero (0), except ten (10) feet where adjacent to any lot not within the institutional zone;
- (b) Minimum side yard setback: zero (0), except when adjacent to a residential zone where a ten (10) to twenty (20) foot visual screen is required pursuant to BMC 20.50.050(b);
- (c) Minimum rear yard setback: zero (0), except when adjacent to a residential zone where a ten (10) to twenty (20) foot visual screen is required pursuant to BMC 20.50.050(b);
- (d) Maximum height: eighty-five (85) feet, provided all upper level setback requirements are met;
- (e) Upper level setbacks: where adjacent to any lot not within the institutional (INST) zone, structures shall be set back one (1) additional foot for each additional foot of height above thirty-five (35) feet.

(f) Density: There is no maximum density for residential use, minimum density is 15 dwelling units per acre.

(Ord. 5301 §3 (Exh. B) (part), 2016; Ord. 5046 §36, 2008; Ord. 4950 §8 (Exh. A) (part), 2005)