

20.12.175 BOUNDARY LINE ADJUSTMENTS.

(a) Purpose. The purpose of this section is to provide ~~procedures and criteria for the review and approval of adjustments to boundary lines of existing lots of record which do legal lots or tracts in order to rectify defects in legal descriptions, to allow the enlargement of lots to improve or qualify as a building site, to achieve increased setbacks from property lines or sensitive areas, to correct situations wherein an established use is located across a lot line, or for other similar purposes.~~ A boundary line adjustment shall not be used to ~~subdivide land, i.e., it shall not create any new or additional lot, tract or parcel, consistent with the provisions of RCW 58.17.040, RCW 58.04.007 and WAC 458-61A~~ The boundary line adjustment is not for the purpose of avoiding public improvement requirements that would be associated with a replat or other new land division approval.

(b) Procedure.

(1) A request for a boundary line adjustment is processed as a Type I Director's decision pursuant to Chapter [20.02](#) BMC.

(2) ~~Boundary line adjustments may also be accomplished as part of a plat or short plat.~~

(3) ~~At the Director's discretion, a site plan review or separate permit may be required prior to the submittal of a BLA or concurrently with the BLA permit.~~

(c) Application Submittal Requirements. ~~An applicant shall submit a complete boundary line adjustment application to the City.~~ The following shall constitute accompany a complete application for the purposes of this chapter:

(1) A Boundary Line Adjustment Application form. The signatures of all affected property owners, or their authorized representatives, are required on the application indicating consent to apply for the proposal. Evidence of ownership or authorization from the property owner to apply.

(2) A scaled site plan of both the existing and proposed property line configuration that contains the following:

(i) ~~A vicinity map that clearly marks the site in relation to the nearest major streets, roads, and waterways in the area;~~

(ii) A map at a scale of not less than one (1) inch to fifty (50) feet which depicts the existing ~~proposed~~ property configuration, including all lot lines, dimensions, and lot area existing roads, easements, and structures within 10-feet of any proposed property line, with the distance between structures and the existing and proposed boundary lines.

(iii) ~~The location and dimensions of all structures/improvements existing upon the affected lots and the distance between such structures/improvements and the existing and proposed boundary lines.~~

(iv) ~~The location and dimensions of any easements within or adjacent to the affected lot(s).~~

(iiv) The location, dimensions and names of all existing or platted street rights-of-way, whether public or private, within or adjacent to the affected lots.

(iiiv) The location of all existing and proposed water, sewer and storm drainage facilities, on-site wastewater disposal systems, drainfields, and wells.

(iivii) The location of access to all affected lots.

(viii) A north arrow and bar scale.

(3) A vicinity map that clearly marks the site in relation to the nearest major streets, roads, and waterways in the area.

~~(34)~~ The original legal descriptions of all affected properties, together with new separate legal descriptions for each parcel resulting from the adjustment.

~~(45)~~ All drawings and legal descriptions are required to be prepared, stamped and dated by a licensed land surveyor as set forth in BMC [20.12.070](#). The surveyor shall confirm the following:

(i) That the boundary line adjustment does not violate any covenants, conditions and restrictions (CCRs), deed restrictions, common spaces, easements, or development agreements pertaining to the affected properties; and

(ii) All persons with interest in the properties are represented in the request.

~~(56)~~ A title report prepared not more than sixty (60) calendar days prior to application submittal and prepared by a title company licensed in the State of Washington, may be required.

~~(67)~~ If an existing on-site sewage (septic tank) disposal system and/or well will continue to be used on an affected property after the boundary line adjustment, and/or if a new on-site sewage disposal system or well is proposed for an affected property where City code does not require connection to the City's municipal sewer and/or water system, the applicant shall provide written verification from the Kitsap Public Health District that the proposed lot is adequate to accommodate an on-site sewage disposal system and/or well.

(d) Decision Criteria. The following criteria shall be used to review and approve boundary line adjustments:

(1) The boundary line adjustment shall not result in the creation of any additional lot, tract, parcel, site, or division.

(2) The boundary line adjustment shall not be approved if it avoids public improvement requirements, such as utility or right-of-way improvements, that would be associated with a land division approval.

~~(3) The lots or parcels resulting after the boundary line adjustment shall meet all dimensional requirements specified for the applicable zone as set forth in this title, and other applicable regulations.~~

~~(4) No lot, use, or structure is made nonconforming or more nonconforming than that which existed at the time of application and is subject to the provisions of Chapter [20.54](#) BMC.~~

(3) The lots or parcels resulting from the boundary line adjustment shall be in conformance with all dimensional requirements specified for the applicable zone, or similar regulations.

(i) In the case of minor property line corrections, the Director may grant relief from dimensional requirements specified by the applicable zone, if the alteration is the minimum necessary to allow the subject property the same general rights enjoyed by other property in the same area and zone; and the applicant demonstrates that other solutions or design options have been evaluated and rejected.

(54) Will not diminish or impair existing or future drainage, water supply, sanitary sewage disposal (including on-site sewage disposal) or legal.

(65) Shall not be reconfigured or adjusted which would render access for vehicles, utilities, fire protection, or existing easements impractical to serve their purpose or to allow maintenance/access.

(i) When an adjustment of boundary lines requires a modification of access, those modifications shall be approved by the City Engineer through a separate permit.

(76) Shall not violate or be inconsistent with any conditions of approval for a previously filed land use action, subdivision, short plat, or binding site plan deemed relevant by the Director.

(87) Shall not result in a lot having more than one land use designation and/or zoning; or result in being bisected by any special overlay.

(98) Shall not result in a lot, or lots, not wholly located within the City limits.

(109) Shall not involve lots that do not have a common boundary.

(110) Shall not result in a lot which would be so constrained by topography, critical areas or buffers, unusual shape, or other site conditions that a reasonable building site cannot be obtained except through a variance, reasonable use exemption from a critical areas permit, or other special exemption from the City's zoning, land use or critical area regulations.

(121) Shall not affect the boundaries of any lot, tract, parcel or division that is the subject of a current, unresolved City code enforcement action, code violation notice, or stop work notice; except as provided under circumstances where the Director, Hearing Examiner or judge deems a boundary line adjustment provides an appropriate resolution.

(1312) Any adjustment of boundary lines must be approved by the Department prior to the transfer of property ownership between adjacent legal lots.

~~(14) When an adjustment of boundary lines requires a modification of access, those modifications shall be approved by the City Engineer through a separate permit. Any adjusted lot shall contain no more than six (6) separate lot lines, which are straight lines except when an irregular line is caused by an existing right-of-way or existing lot line.~~

(e) Final Approval and Recording.

(1) Prior to recording, the applicant shall submit boundary line adjustment ~~drawing(s)~~ documents for approval by the City. All drawings and legal descriptions are required to be prepared, stamped and dated by a licensed land surveyor as set forth in BMC 20.12.070. The City will provide a decision in writing, to be provided to the Kitsap County Auditor's office. The following documents are required:

(i) Declaration of Boundary Line Adjustment. This documents shall provide the grantor, grantee, existing legal description(s), resulting legal description(s), and all assessor tax account numbers. Declaration of Boundary Line Adjustment shall include Kitsap County Auditor reference file to record-of-survey, and Kitsap County Auditor reference file to applicable deed of conveyance.

(ii) Record of Survey. Graphical depiction of the boundary line adjustment consistent with requirements of BMC 20.12.175(c)(2). Record of survey shall include Kitsap County Auditor reference file to Declaration of Boundary Line

Adjustment, and Kitsap County Auditor reference file to applicable Deed of Conveyance.

(iii) Deed of Conveyance. For boundary line adjustments that involve multiply property owners, a Deed of Conveyance is required. Deed of Conveyance shall include Kitsap County Auditor reference file to Declaration of Boundary Line Adjustment, and Kitsap County Auditor reference file to Record of Survey.

~~(2) Prior to final approval, documentation authorizing the transfer of property ownership shall be placed on the original boundary line map along with the legal descriptions of those portions of land being transferred when lots are under separate ownership. Lot lines within lots under the same ownership will be adjusted upon the recording of the boundary line adjustment.~~

(32) A boundary line adjustment does not become effective until all documents are recorded with the Kitsap County Auditor. The boundary line adjustment shall be recorded within one hundred eighty (180) days of the notice of decision date or be null and void. The applicant shall be responsible for submitting all final documents for recording. The applicant shall provide the City the Auditor file number within seven (7) days of recording, and a copy of the recorded boundary line adjustment within thirty (30) days of recording. (Ord. 5422 §3, 2021)

20.46.010 ACCESSORY DWELLING UNITS.

An accessory dwelling unit (ADU) may be permitted anywhere a new or existing single-family dwelling unit (hereafter, "principal unit") is allowed. Accessory dwelling units are exempt from the density requirements of the underlying zone and shall be subject to the following requirements:

- (a) An ADU shall comply with the development standards of the underlying zone for the principal unit including setbacks, height, and lot coverage or BMC 20.44.060, accessory structures setbacks for detached ADUs.
- (b) An ADU may be attached or detached from the principal unit.
- (c) Two (2) ADUs may be created per lot. The lot shall only contain one (1) single-family dwelling unit and a maximum of two (2) ADUs.
- (d) Manufactured homes may be allowed as an accessory dwelling unit provided it complies with the design criteria of ADUs and must comply with BMC 20.46.040, manufactured home provisions, excluding BMC 20.46.040(a)(2) and (6) regarding size and roof pitch.
- (e) The ADU shall be limited to one thousand (1,000) square feet or not more than sixty (60) percent of the principal unit's total habitable floor area, whichever is greater, with the following exception:
 - (1) To encourage the compact infill development and use of existing single-family homes, if a residence that was constructed or remodeled prior to December 31,

2020, is proposed to be divided into a principal unit and an ADU, the Director may allow equal square footage for the principal unit and the ADU if the ADU is located completely on a single floor of the existing residence. This does not apply to detached ADUs.

(f) Any ADU shall be designed so that the appearance of the building remains that of a single-family residence and should architecturally blend into the existing neighborhoods through careful design. The exterior of an ADU shall have siding and roofing which in color, material and appearance are comparable to the predominant materials of the primary dwelling unit and/or characteristics of the neighborhood.

~~(g) One ADU is not required to provide an additional off-street parking space. The second ADU shall provide one (1) off-street parking space in addition to that which is required for the principal unit. The site must comply with Chapter 20.48 BMC Off-street Parking Requirements, specifically that the required parking spaces for the principal unit shall be provided and that all driveways and areas used for loading, parking, and maneuvering vehicles on the parcel shall have a paved surface.~~

(h) When development of an ADU is for people with disabilities, the Director may allow reasonable deviation from the stated requirements to install features that facilitate accessibility such as those required by the International Building Code.

(i) An ADU shall be required to be served by City water and sewer or an approved septic system.

(j) The property owner, which shall include titleholders and contract purchasers, must abide by the following:

(1) International Property Maintenance Code Chapter 3, Section 302, concerning exterior property areas, as adopted at BMC 17.04.020(f), except those not adopted as enumerated in BMC 17.04.110, or as hereby amended; and

(2) All applicable provisions in BMC Title 6 regarding health and sanitation including maintaining nuisance vegetation, proper garbage and refuse containment, and maintaining the buildings to not qualify as an unfit dwelling, building, structure and/or premises.

(k) **Conversion of Existing Detached Structures.** To encourage the compact infill development of existing structures throughout the City, a detached ADU that does not comply with certain development standards of this chapter may be permitted provided the requirements of this section are met. The following shall apply to all development seeking to utilize this provision:

(1) The structure must have been constructed prior to December 31, 2020. The structure must either have received a City or County permit, not needed a permit at the time of construction, or be recognized as a structure per the Kitsap County Assessor records.

(2) The structure must meet, either currently or through permitted remodeling, the requirements of the building (BMC Title 17) and fire (BMC Title 18) code for habitable structures.

(3) The conversion of an existing structure to an ADU, with no expansions, may be exempt from:

(i) Compliance with the development standards for setbacks, height, and lot coverage of the underlying zone.

(ii) Compliance with the ADU provisions of this section related to size and design, except as provided at subsection (k)(4) of this section.

(4) An existing structure may be enlarged or extended, provided the following provisions are met:

(i) The enlargements do not violate underlying zone requirements. Structures that do not conform to the setback requirements may expand up to twenty (20) percent of the gross floor area, and to the building line, provided these enlargements do not further violate setback requirements.

(ii) The enlargements do not cause the entire structure to exceed the ADU size requirements of subsection (e) of this section.

(iii) Any altered or new facades shall have siding and roofing which in color, material, and appearance match or complement the predominant materials of the existing structure.

(5) A conversion of the structure to an ADU will not be approved if it conflicts with the City's plans, Capital Improvement Plan or other capital projects related to nearby expansion of utilities or infrastructure including the need for additional right-of-way. (Ord. 5416 §3, 2021; Ord. 5410 §3, 2020; Ord. 5330 §3, 2017; Ord. 5301 §3 (Exh. B) (part), 2016; Ord. 5008 §4, 2007; Ord. 4950 §8 (Exh. A) (part), 2005)

20.46.030 HOME OCCUPATIONS.

Home occupations are permitted in a residential dwelling unit subject to the following limitations:

(a) The business shall clearly be subordinate to the use of the dwelling unit for residential purposes.

(b) The business shall be wholly situated indoors.

(c) No person shall be employed in the home occupation unless a resident of the dwelling unit.

(d) There shall be no exterior display, storage or other exterior indication of the existence of the home occupation, except as allowed by the underlying zone.

~~(e) One (1) additional off-street parking space shall be provided in addition to the number of off-street parking spaces already required for the dwelling. The Director may waive this requirement if the home occupation involves internet services that do not require customers or deliveries at the residence.~~

(ef) Any sales of product shall be limited to those produced on the premises, except products produced elsewhere may be allowed, provided the business is primarily involved in the product's distribution and does not attract buyers to the property for retail or wholesale sales.

(fg) Sales and services to patrons shall be arranged through appointment so that only one (1) patron vehicle is on the premises at any given time.

(gh) Not more than fifty (50) percent of the gross floor area of the dwelling may be devoted to the home occupation use.

(hi) The garage shall not be used in the business unless the required off-street and customer parking can be adequately accommodated elsewhere on the site.

(ij) An independent taxi driver may operate as a home occupation; provided, that the business has only one (1) single driver and one (1) taxi vehicle.

(jk) Automotive painting, body, and engine repair, small engine repair services and any activity likely to produce excessive noise are prohibited as home occupations.

(kl) The home occupation business must acquire and maintain a general business license issued under Chapter 5.02 BMC.

(lm) Persons engaged in legal home occupations on the effective date of the ordinance codified in this chapter shall be considered legal, provided the operation is consistent with all of the above-listed performance standards. Any home occupation which was legally established but does not currently conform to all those standards may not expand or enlarge and shall terminate that use upon:

(1) Change of use or ownership of the property; or

(2) Written complaint of adjacent or nearby property owners after due notice and hearing is provided and if the Director determines that the home occupation is interfering with the use and enjoyment of the neighboring premises and is not compatible with the residential environment in which it is located. (Ord. 5421 §10, 2021; Ord. 5301 §3 (Exh. B) (part), 2016; Ord. 4950 §8 (Exh. A) (part), 2005)

20.46.070 ADAPTIVE REUSE OF COMMERCIAL BUILDINGS.

(a) Approval of an administrative Type II conditional use permit (CUP) pursuant to BMC 20.58.020 is required when an adaptive reuse is for a legally established commercial building located within a residential zone. However, the notice of application shall follow BMC 20.02.100(c)(1)(iv) with notification of property owners within three hundred (300) feet. The adaptive reuse shall meet the following criteria in order to be granted approval:

(1) New traffic shall be accommodated within the existing levels of service on the surrounding neighborhood streets.

~~(2) Provision for off-street parking must be evaluated and, to the greatest extent possible, meet the parking demand for change of uses. The Director or Hearing Examiner may reduce the number of off-street parking spaces if commute trip reduction methods are employed and the adaptive reuse does not generate an increase in on-street parking demand.~~

(23) The new use does not generate noise that exceeds City standards for residential zones.

(34) Adequate street trees and landscaping are incorporated in a manner that buffers the adaptive reuse from adjacent residential uses and makes it more compatible with the surrounding neighborhood.

(45) Additional conditions may be applied including, but not limited to, limiting hours of operations, density, restrictions for noise attenuation and other conditions deemed necessary to ensure compatibility with surrounding residential uses.

(b) The following uses may be approved for adaptive reuse:

- (1) Foster homes;
- (2) Day care facilities;
- (3) Group residential facilities, Class I (assisted living);
- (4) Youth, teen, senior, or community centers;
- (5) Medical and dental clinic and related services (not hospitals);
- (6) Religious worship facilities;
- (7) Libraries;
- (8) Museums and art galleries;
- (9) Consultants (architectural, engineering, planning, design and similar);
- (10) Computer assistance and training (but not repair);
- (11) Office/business assistance services, call centers, and general offices;
- (12) Social services/facilities;
- (13) Welfare and charitable services/facilities;
- (14) Public services;
- (15) Hotels and lodging places;
- (16) General retail; and
- (17) Restaurants. (Ord. 5508 §6, 2025; Ord. 5506 §4, 2024; Ord. 5301 §3 (Exh. B) (part), 2016; Ord. 4971 §7, 2006; Ord. 4950 §8 (Exh. A) (part), 2005)

20.46.090 TEMPORARY ENCAMPMENT PERMIT.

(a) Intent. The City of Bremerton desires to establish reasonable development standards for sponsors of outdoor temporary encampments. These facilities do not represent a permanent solution to homelessness but rather can provide vitally needed shelter and a first step to more permanent forms of housing. This section provides an equitable process, with reasonable conditions and an associated permit, to meet the need for temporary shelter for local homeless persons while ensuring public health, safety and welfare. Consistent with BMC 20.40.110, RCW 35.21.915 supersedes any standards found to be in conflict with this section.

(b) Definitions.

(1) "Applicant" shall mean a group or individual(s) that host, sponsor and/or manage a temporary encampment.

(2) "Property owner" shall mean the owner of the property or legal representative of the real property proposed for use as a temporary encampment.

(3) "Shelter(s)" shall mean tents, sheds, huts, cabins, tiny homes, trailers or other enclosures which are not permanently attached to the ground, may be easily erected and dismantled, and are intended for temporary occupancy.

(4) "Temporary encampment(s)" shall mean an area of a parcel(s) that hosts shelters, security, and other facilities, for housing the homeless for humanitarian purposes. Temporary encampment facilities that are established for this use shall be easily erected and dismantled and shall only be temporary.

(5) "Temporary" shall mean, for the purposes of this section, one hundred eighty-three (183) days.

(c) Siting Criteria. A temporary encampment may be placed on a property in the City that complies with the following:

(1) Location. Temporary encampments can be permitted in all zoning districts.

(2) Site Size and Encampment Size Requirements.

(i) Site Size. The minimum site size shall be one (1) acre. The one (1) acre site can include one (1) or more contiguous parcels but in no case may the parcels be separated by a right-of-way (streets, alleyways, etc.), critical area, or other means. All property owners shall jointly apply for the temporary encampment permit and shall be equally responsible for compliance with all conditions of the permit.

(ii) Encampment Size. The area of the parcel(s) dedicated to the encampment must equal one hundred fifty (150) square feet or more for each resident (not including the required setback area). This size requirement is to ensure that there is sufficient land area to support the activities of the temporary encampment without overcrowding of occupants, degradation of vegetation, eroding soils or otherwise overtaxing the land.

(3) **Perimeter Setback.** A temporary encampment shall be set back no less than twenty (20) feet from all exterior boundary lines, with an additional twenty (20) foot setback when adjacent to residential uses (for a total of forty (40) foot setback when adjacent to a residential use). This setback is intended to ensure all activities of the temporary encampment are set back from adjacent properties a sufficient distance so as not to impinge upon or otherwise unduly influence activities on said adjacent properties. The required exterior setback may be reduced or waived if the owners of such adjacent property consent in writing to support a reduction or waiver of such setback.

(4) **Screening of Activities.** All activities (shelters, toilets, cooking facilities, etc.) of the temporary encampment shall be obscured from view from adjacent properties and public right-of-way to the maximum extent feasible. This can be accomplished by a minimum six (6) foot high sight-obscuring temporary fence, existing dense vegetation, an existing topographic difference, distance from exterior property lines, or other means.

(5) **Critical Areas.** A temporary encampment may not be located within critical areas or their associated buffers. All proposed temporary encampments shall comply with the City's critical areas regulations as set forth in Chapter 20.14 BMC and the Shoreline Master Program.

(6) **Limit of Encampments.** No more than one (1) temporary encampment shall be permitted and operating at any one time in the City, or as otherwise allowed per RCW 35.21.915.

(d) **Preapplication Work.** Prior to application submittal, the applicant and property owners must address community and neighborhood impacts from the proposed temporary encampment by developing the following:

(1) **Impact Mitigation Plan.** The applicant shall identify potential adverse effects of the proposed temporary encampment on neighboring properties and the community and shall develop measures to mitigate such effects. The applicant shall develop a temporary encampment impact mitigation plan. The plan shall contain a narrative and drawing(s) that describe the measures the applicant will use to mitigate the effects of the temporary encampment. At a minimum, the plan shall specifically describe the measures that will be implemented to satisfy the approval criteria provided in this section. The impact mitigation plan shall be updated to address the comments and suggestions received at the required neighborhood meeting and review as identified in subsections (d)(3) and (4) of this section (discussions with police, fire, school, childcare, and health district). The implementation and enforcement of the plan shall be a condition of permit approval.

(2) **Security Management Plan.** The applicant shall develop a plan demonstrating security measures, site specific or otherwise, necessary to ensure the safety of the

residents of the temporary encampment and the public. At a minimum, the plan shall specify the following:

- (i) The person or entity responsible for providing security;
- (ii) The type of security to be used, e.g., private security firm, volunteers, or other means; and
- (iii) Recommendations and/or requirements provided by the Police Department.

(3) Discussions with Police, Schools, and Child Care Services. A representative of the applicant or property owner shall meet and confer with the following entities regarding the proposal and any proposed security measures for the temporary encampment: (i) the Bremerton Police Department; (ii) the administration of any public or private preschool, elementary, middle, junior high, or high school if within five hundred (500) feet of the boundaries of the proposed site; and (iii) the operators of any properly licensed child care service(s) within five hundred (500) feet of the boundaries of the proposed site.

(4) Discussions with Kitsap Public Health District. A representative of the applicant or property owner shall meet and confer with the Kitsap Public Health District regarding the proposal and the proposed plan for providing adequate drinking water, solid waste management, and the waste management (trash removal) plan for the temporary encampment.

(5) Parking Plan. The applicant shall develop a parking plan. The parking plan shall address the following:

- ~~(i) Adequate parking for the temporary encampment shall be provided so as not to reduce parking utilized by existing site uses;~~
- ~~(ii) The temporary encampment shall not displace the site's parking lot in such a way that the site no longer meets the minimum or required parking of the principal use as required by code or previous approvals;~~
- ~~(iii) An alternative parking plan may be approved by the Director if the parking plan can demonstrate how the existing use on the site and the encampment can provide off-site parking sufficient to have no off-site impact to the surrounding neighborhoods. This alternative parking plan will be not valid after the expiration of the temporary encampment;~~
- (iv) Parking vehicles shall only be allowed in existing approved parking areas and shall not be located in unapproved areas such as the grass or field; and
- (iv) A temporary encampment permit cannot permit new site development such as paving, gravel laydown, and structure installation. This work requires a separate process through the approval of a site development permit as outlined in BMC 20.58.090.

(e) **Neighborhood Meeting.** The applicant shall conduct a neighborhood meeting to inform nearby residents and the public about the proposed temporary encampment prior to submittal of an application. The following process shall be used:

(1) **Notification.** The applicant shall provide notice of the neighborhood meeting by mail, first class and postage prepaid, to all owners of property within five hundred (500) feet of the lot(s) containing the proposed temporary encampment, provided such area shall be expanded as necessary to send mailed notices to at least twenty (20) different property owners. The notice of the neighborhood meeting shall be mailed at least fifteen (15) days prior to the neighborhood meeting.

(2) **Neighborhood Meeting.** At the neighborhood meeting, a representative of the applicant or property owner shall present in writing and verbally the proposed temporary encampment location, timing, site plan, code of conduct, impact mitigation plan, accommodations concerns, and a security management plan. The presentation shall also include copies of all previously submitted comments received on the proposed temporary encampment, including comments from the Bremerton Police Department, school(s), and child care services. Copies of the agenda and the other specified comments and materials shall be provided by the applicant at the meeting. The meeting shall be conducted on the proposed temporary encampment site whenever feasible; this meeting shall be held in a location that is ADA (Americans with Disabilities) accessible.

(f) **Performance Criteria.** Temporary encampments shall be operated in such a manner as to ensure the health and safety of occupants of the encampment and surrounding properties. Accordingly, all temporary encampments shall comply with the list below. Demonstration of compliance with this section is a requirement of the temporary encampment permit. Any proposed mitigation or actions from this section shall be identified in the impact mitigation plan.

(1) **Health Regulations.** All applicable City, county and state regulations pertaining to public health shall be met.

(2) **Fire Safety.** Inspections of the site by the City for fire safety purposes may be conducted at any time and without prior notice. Adequate access, as determined by the Fire Marshal, shall be maintained within and around the temporary encampment at all times to ensure that emergency vehicles can ingress/egress the site.

(3) **Building Code Inspections.** Inspections of the temporary encampment by the City to ensure the public health and safety may be conducted at any time and without prior notice.

(4) **Drinking Water and Solid Waste.** An adequate supply of potable water and adequate toilet facilities shall be available on site at all times. All City, county and state regulations pertaining to drinking water connections and solid waste disposal shall be met.

- (5) Trash. Adequate facilities for dealing with trash shall be provided on site. A regular trash patrol or other method of regular maintenance in the immediate vicinity of the site shall be provided.
- (6) Noise. Any temporary encampment shall comply with City noise regulations as set forth in Chapter 6.32 BMC.
- (7) Light and Glare. Any temporary encampment shall comply with City light and glare regulations as set forth in BMC 20.44.110.
- (8) Security. Any temporary encampment shall provide all required legal access to public areas of the site by the City of Bremerton Police Department and any other relevant law enforcement agency at all times.
- (9) Codes of Conduct. The applicant shall enforce a written code of conduct which mitigates impacts to neighbors and the community. Said code shall be incorporated into the conditions of approval. The code shall contain the following as a minimum:
 - (i) Prohibit possession or use of firearms and/or illegal drugs;
 - (ii) No violence;
 - (iii) No open flames;
 - (iv) No loitering in the surrounding neighborhood; and
 - (v) Quiet hours (at a minimum between the hours of 10:00 p.m. and 7:00 a.m.).

(g) Process and Permit. Notwithstanding any other provision in the Bremerton Municipal Code, the following procedures shall apply in accepting, noticing, reviewing, and otherwise processing temporary encampment permit applications. A City-issued temporary encampment permit is required prior to the commencement of such a use.

(1) A temporary encampment permit is a Type I action and shall be processed accordingly, as set forth in Chapter 20.02 BMC, Project Permits. The prospective temporary encampment applicant and property owner(s) shall jointly apply for the temporary encampment permit and shall be equally responsible for compliance with all conditions of the permit. A complete application for a temporary encampment permit shall be submitted a minimum of thirty (30) days prior to the anticipated start of the encampment.

(2) The following documentation is required for a complete application:

- (i) Application;
- (ii) The date that the temporary encampments will commence;
- (iii) The maximum duration requested of said temporary encampment;
- (iv) The number of residents to be accommodated on the site;
- (v) The host location;

Ord 5513, Exhibit B

- (vi) The names of the managing agency and host, with contact information;
- (vii) Impact mitigation plan;
- (viii) Security management plan;
- (ix) Code of conduct;
- (x) Documentation of Actions Taken Prior to Application Submittal. This document shall include a summary of the neighborhood meeting, including who was notified of the meeting (mailing list and map of mailed property owners), who attended the meeting, summary of the items discussed at the neighborhood meeting, and summary of discussion and any request for mitigations of the temporary encampment from the health district, police, fire, school district(s) and child care services;
- (xi) Vicinity map including buildings and uses on properties surrounding the proposed temporary encampment, and the distance the proposed accommodations would be set back from the property lines; and
- (xii) Site plan showing at least the following:
 - (A) Existing buildings and parking and vehicle maneuvering area;
 - (B) Location of where encampment will be located including overall dimensions;
 - (C) Location of on-site parking for primary use of the site and number of vehicles associated with the encampment (parking plan); and
 - (D) Access routes for emergency vehicles.
- (xiii) Encampment layout showing at least the following:
 - (A) Layout of all encampment facilities, including, but not limited to, food and security facilities, arrangement of shelters, etc.;
 - (B) Method and location of potable water;
 - (C) Method and location of waste receptacles;
 - (D) Method and location of required screening; and
 - (E) Location of required sanitary stations including toilets and hand washing facility; and
- (xiv) Application fee.

(3) Decisions May Be Appealed. Appeals of a Type I decision shall be heard and decided by the Hearing Examiner in accordance with the procedures set forth in BMC 20.02.140.

(4) Emergencies. The Director may waive the requirements of this section when a natural or manmade disaster necessitates the immediate establishment of temporary encampments.

(h) Duration and Site Restoration.

(1) Duration.

(i) A proposed temporary encampment may be allowed as a Type I Director's approval at one (1) property for up to one hundred eighty-three (183) days, either consecutively or cumulatively, during any twenty-four (24) month period, except that where the one-hundred-eighty-third day falls on Friday through Sunday, an additional two (2) days shall be allowed to dismantle and remove the accommodation over the immediately following weekend. The applicant and/or property owner shall store, out of sight from adjacent properties, the residents' personal belongings that are left on site after the dismantling of the site.

(ii) A proposed temporary encampment may be allowed as a Type II conditional use permit for a period of three (3) years if the following additional approval criteria are met:

(A) The site is located within the district center core, general commercial, freeway corridor, industrial zone, and Puget Sound Industrial Center; and

(B) Social services are provided, such as access to healthcare, counseling, substance abuse treatment, and job training programs; and

(C) On-site temporary shelters shall be composed of durable/rigid materials; and

(D) All other criteria per this section are met, except that parcel size limitations per subsection (c)(2)(i) of this section may be reduced to no less than one-half (0.5) acre.

(E) Applications for a three (3) year extension may be applied for after the first two (2) years of active permit approval are complete. Applications for extension must be received six (6) months prior to permit expiration. Only one (1) extension may be approved at a time.

(2) Restoration of Site. Upon cessation of the temporary encampment, the site shall be restored, as near as possible, to its original condition. The applicant shall replant areas in which vegetation had been removed or destroyed.

(i) Revocation and Indemnification.

(1) Failure to Comply. If a temporary encampment permit has been issued, and the Director determines that the applicant has violated any condition of that permit, the Director shall issue a notice of violation and require compliance in accordance with

the procedures set forth in Chapter 1.04 BMC, Code Enforcement. The City may revoke a temporary encampment permit for any violation of this section or the temporary encampment permit where such a violation is:

- (i) Not cured following notice from the City and an opportunity to cure such violations;
- (ii) Intentionally or knowingly committed by the applicant or property owner; or
- (iii) So severe as to substantially threaten public health and safety.

(2) Upon revocation of the temporary encampment permit, all residents of the encampment must vacate the premises within seventy-two (72) hours of revocation. The applicant or property owner shall be required to remove all physical evidence of the use and to restore or replant any required vegetation within one (1) week of revocation. The applicant and/or property owner shall store, out of sight from adjacent properties, the residents' personal belongings that are left on site after the seventy-two (72) hours.

(3) Indemnification. The applicant, except for religious facilities per RCW 35.21.915, shall defend, indemnify, and hold the City, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits of any nature, including attorney fees, due to the acts or omissions of the applicant in connection with the operation of the temporary encampment.

(4) Liability Insurance. Except for religious facilities, the applicant shall procure and maintain in full force, through the duration of the temporary encampment, comprehensive general liability insurance with a minimum coverage of one million dollars (\$1,000,000) per occurrence/aggregate for personal injury and property damage. (Ord. 5506 §6, 2024; Ord. 5494 §3, 2024; Ord. 5393 § 3, 2019)

20.46.170 COTTAGE HOUSING.

(a) Cottage housing developments may be approved in accordance with the following:

(1) Orientation. Lot orientation shall be in accordance with the following standards:

- (i) All units with primary street frontage shall first be oriented towards the street, otherwise the common open space shall act as the street front and all units shall be oriented towards the common open space.
- (ii) Dwellings within a cottage housing development should be broken up into groups of no more than twelve (12) dwellings arranged around a common open space. The applicant shall demonstrate all efforts have been made to link housing clusters by ADA accessible paths and shared parking.

(2) Open Space. The following open space requirements apply to all proposals regardless of number of units:

(i) A minimum of four hundred (400) square feet of common open space is required per dwelling unit.

(ii) Parking areas, setbacks, spaces between buildings of ten (10) feet or less in width and driveways shall not count as common open space.

(3) Parking. Off-street parking shall be provided in accordance with the requirements set forth in Chapter 20.48 BMC, and the following criteria:

~~(i) One and one-half (1.5) parking spaces are required for each dwelling unit.~~

(iii) All parking areas and vehicle circulation shall be consolidated to the degree feasible.

(iiii) Parking areas serving more than one (1) dwelling unit shall not be located on a primary street frontage and should be located off an alley or a secondary street.

(iiiv) Garages and carports shall be oriented so that vehicle entrances are located off an alley or private parking area. All efforts shall be made to not orient vehicle entrances toward a primary frontage.

(4) Design Standards.

(i) Nonresidential Structures. Accessory structures and attached garages shall meet design standards per BMC 20.60.060(d), and the combined gross square feet of all accessory structures shall not exceed eighty (80) percent of the combined footprint of all on-site residential structures.

(ii) All dwellings shall include a covered front porch that is integrated with the structure's architecture. The minimum porch depth shall be six (6) feet, with a minimum width of ten (10) feet. This area shall not be included in dwelling gross square feet, but may be included in required open space area.

(5) Nonconformities. An existing detached single-family residential structure, which may be nonconforming with respect to the standards of this section, shall be permitted to remain, but the extent of the nonconformity may not be increased. Such nonconforming dwelling units shall be included in the maximum permitted cottage density. (Ord. 5506 §8, 2024)

20.46.180 GROUP RESIDENTIAL CLASS I.

(a) Group Residential Class I is permitted in any zone that permits residential uses, provided the following criteria are met:

(1) All state licensing requirements are satisfied;

(2) Minimum setbacks, height and lot coverage of the underlying zone shall apply;

~~(3) Off-street parking shall be at a minimum of one (1) space per each employee during the peak shift, plus one (1) space per two (2) residents the facility will provide service to;~~

~~(4) If counseling services are provided to nonresidents, additional parking spaces are required at one (1) per three hundred (300) square feet of gross floor area used for counseling services;~~

~~(5) The number of required off-street parking spaces may be reduced, provided the applicant can demonstrate that parking will not spill over into nearby residential properties and any streets; and~~

(36) Landscaping is provided meeting the minimum requirements for nonresidential uses prescribed in Chapter 20.50 BMC. Additional landscaping for screening purposes may be required if it is found necessary to mitigate any impacts to adjoining residential properties. (Ord. 5506 §9, 2024)

20.46.190 SENIOR HOUSING COMPLEX.

(a) Senior housing complex is permitted in any zone that permits residential uses, provided the following criteria are met:

(1) Minimum site area shall be no less than two (2) acres;

(2) Minimum setbacks, density, height and lot coverage of the underlying zone shall apply;

~~(3) Off-street parking shall be a minimum one (1) space per dwelling;~~

(34) Except for a community building/clubhouse for the exclusive use of complex residents, all accessory uses shall be located within a structure containing residential units;

(45) Attached or detached structure types are permitted and dwelling units may be owned by individuals or occupied as rentals;

(56) Access to alternative transportation such as public transit or on-site shuttle services to access daily goods or services shall be provided; and

(67) A management agreement or covenants on individual properties to maintain the complex as a senior citizen complex shall be recorded with the Kitsap County Auditor's office. (Ord. 5506 §10, 2024)

20.46.200 MANUFACTURED HOME PARK.

(a) A manufactured home park is permitted in any zone that permits residential uses, provided the following criteria are met:

(1) It is exempt pursuant to RCW 58.17.040 from requirements for property segregation;

(2) The minimum site size shall be five (5) acres;

(3) Density shall meet the underlying zone;

(4) Adequate water, sewer, and utility services are available to all building sites;

(5) A fire protection system meeting the requirements of the City Fire Marshal is provided;

(6) Interior circulation shall meet the City Engineer road standards plus the following standards:

- (i) All interior circulation routes shall be constructed within a tract or easement;
- (ii) Roads and driveways shall be paved;
- (iii) The City Fire Marshal and City Engineer shall approve all fire turnarounds;

(7) The following setbacks shall apply to manufactured homes or mobile homes, together with their additions and appurtenant structures, accessory structures, and other structures on the site (excluding fences), excluding any hitch or towing fixture:

- (i) From interior roads, at least fifteen (15) feet from centerline of the tract or easement, but in no case shall the setback be less than five (5) feet from the paved surfaced edge;
- (ii) Structures near the perimeter lot lines of the property shall comply with the setbacks of the underlying zone;
- (iii) A minimum of ten (10) foot separation between all manufactured homes;

(8) Off-street parking spaces shall comply with BMC 20.48. ~~be provided in the following manner:~~

- ~~(i) One (1) parking space per home site; plus~~
- ~~(ii) One (1) parking space for each five (5) home sites for guest parking; plus~~
- ~~(iii) Additional parking spaces to provide for the parking needs of offices, community buildings, recreational facilities, or other uses within the park that may be used by park residents or others;~~

(9) Outside storage of vessels (boats), household items and equipment is prohibited, except a common central storage area may be provided for residents of the park. The storage area shall be screened by a minimum five (5) foot high by five (5) foot wide sight-obscuring barrier consisting of landscaping and fencing or wall, and shall meet minimum setbacks of the underlying zone;

(10) Ten (10) percent of the site shall be maintained as common recreational open space for the use of residents and:

- (i) May include community areas and facilities such as playgrounds, swimming pools, and hobby and craft shops;
- (ii) However, it shall not include required landscaping areas, perimeter setback areas, parking areas, storage areas, building separation areas or

other areas deemed impractical by the Director for the recreational enjoyment of the residents;

(11) Trees meeting the standards set forth in Chapter 20.50 BMC shall be provided along all property lines abutting a residential zone and public streets. Exceptions for trees may be allowed when a property line abuts an alley or is obstructed by a building or other structure;

(12) Adequate lighting to illuminate streets, driveways, and walkways for the safe movement of pedestrians and vehicles is required; and

(13) All water, sewer, electrical, and communication service lines shall be underground. (Ord. 5506 §11, 2024)

20.46.220 FAMILY DAY CARE PROVIDER.

Consistent with RCW 36.70A.450, a Family Day Care Provider is a permitted use in all residential and mixed use zones. A Family Day Care Provider means a child care provider who regularly provides early childhood education and early learning services for not more than 12 children at any given time in the provider's home in the family living quarters except as provided in RCW 43.216.692. A Family Day Care Provider shall be processed as a Type I Permit. A Family Day Care Provider shall meet the following criteria:

- (a) Conforms with all applicable landscaping, development, design, and signage standards of the underlying zone;
- (b) Is certified by the Department of Children, Youth, and Families licenser as providing a safe passenger loading area;
- (c) Evidence is submitted demonstrating that written notification has been provided to immediately adjoining property owners, stating the intent to locate and maintain such a facility.

20.46.220 CO-LIVING HOUSING.

Co-living housing is a residential development with sleeping units that are independently rented and provide living and sleeping space, in which residents share kitchen facilities with residents of other units in the building. Co-living Housing shall be processed as a Type I Permit. Consistent with RCW 36.70A, Co-living Housing shall meet the following criteria:

- (a) Use. Co-living Housing meeting the following criteria shall be considered a permitted use:
 - (1) Lot Size. The maximum density of the underlying zone allows at least six multifamily residential units;
 - (2) Zone. The site is located in a residential or mixed-use zone;
- (b) Conforms with all applicable landscaping, development, design, and signage standards of the underlying zone;
- (c) Developed Density. Density requirements of the underlying zone shall apply, except that a sleeping unit in co-living housing shall count as one-quarter of a dwelling unit. This is a separate calculation than that used to determine a permitted use per BMC 20.46.220(a).

20.48.010 INTENT.

~~The intent of this chapter is to require off-street parking and loading facilities in proportion to the parking and loading demand of land uses while minimizing the amount of impervious surface where possible. The purpose of the regulations and design standards are~~ this chapter is to ensure the usefulness of parking and loading facilities, to protect the public safety, to mitigate adverse land use impacts and to protect the visual, water and air quality of the community. (Ord. 5301 §3 (Exh. B) (part), 2016: Ord. 4950 §8 (Exh. A) (part), 2005)

20.48.020 APPLICABILITY.

(a) General. The provisions of this chapter shall be applied at the time of erection of any building or structure, or at the time any principal building or structure is enlarged or increased in capacity unless provided for otherwise by law. Off-street parking refers to any parking, loading, motorcycle, bicycle, or other required by this chapter. This chapter shall be used in conjunction with specific off-street parking requirements set forth in this title. In cases of conflict, the most stringent requirement shall apply.

(b) Remodeled, Improved, or a Change of Use. When an existing structure is remodeled, improved, or a change of use or tenancy occurs on a legally established site, it shall be exempt from providing additional off-street parking conformance with this chapter; provided, that:

(1) The structure is not enlarged, extended, or structurally altered outside the existing building envelope in a manner that would require additional parking pursuant to this chapter. In the case of a structure expanding, the number of additional spaces shall be computed only to the extent of the enlargement, regardless of whether or not the number of previous existing spaces satisfies the requirements of this chapter.

~~(2) In residential structures, a~~ Alterations do not increase the number of dwelling units.

~~(3) Re-striping of existing parking may be required as a condition of permit approval. The number of off street parking spaces is not decreased, except in cases where the resulting decrease in parking conforms to the minimum number required by this chapter.~~

~~(4) This does not apply to adaptive reuses per BMC [20.46.070](#).~~

(c) Movement of Building. If a building is moved to a new lot, off-street parking spaces shall be provided in accordance with the requirements of this chapter. (Ord. 5301 §3 (Exh. B) (part), 2016: Ord. 4950 §8 (Exh. A) (part), 2005)

20.48.030 NONCONFORMITIES.

Any use which, on the effective date of the ordinance codified in this chapter or any amendments hereto, is nonconforming in terms of required off-street parking facilities may continue in the same manner as if they were conforming unless any of the provisions set forth in BMC [20.48.020](#) would apply. When new development occurs, a maximum of six legally established nonconforming gravel surfacing parking spaces shall be permitted to

remain in place; new development is not exempt from driveway standards per this Chapter or provisions per BMC 11.12. However, in no case shall nonconforming parking have its existing number of off-street parking spaces reduced. (Ord. 5301 §3 (Exh. B) (part), 2016; Ord. 4950 §8 (Exh. A) (part), 2005)

20.48.040 GENERAL REQUIREMENTS.

The following requirements are applicable to all zoning districts:

- (a) Occupancy. No building or structure shall be approved for occupancy unless adequate off-street parking facilities are provided consistent with the requirements of this chapter.
- (b) Availability. All required off-street parking spaces shall be made available and continuously maintained for the parking of residents, customers, patrons and employees of the related land uses and shall not be rented, leased or otherwise assigned to any person or organization not related to the principal or accessory land use.
- (c) Plans Required. No building permit shall be issued until the applicant has submitted satisfactory plans to the City showing how the off-street parking ~~and loading~~ facilities required by this chapter will be provided and maintained. Development of a parking lot without a building or other structure does not require a building permit, but does require ~~site plan review~~ a Site Development Permit in accordance with BMC 20.58.0890.
- (d) Maintenance. It shall be the responsibility of the property owner to ensure that parking areas and driveways are continually maintained in good condition and free of refuse and debris. All required landscaping shall be kept in a healthy condition and properly maintained.
- (e) Nonparking Activities. No business, temporary or permanent display, or other nonparking activity shall occur on any ~~required off-street parking area space~~ unless otherwise approved by the Department of Community Development.
- (f) Parking Prohibited. Parking is prohibited on landscaped or other areas not designed and approved for parking.
- (g) Unobstructed Access and Circulation.
 - (1) Unobstructed vehicular access to and from public or private streets shall be provided for all off-street parking spaces. Vehicular access drives shall be designed to ensure the safety of persons using such access or traveling on the public street.
 - (2) Required parking and all maneuver areas shall remain free of all obstructions.
 - (3) No parking space may block access to another parking space unless the City has approved a tandem parking design and valet parking with a tenant is made available during hours of operation.
 - (4) Except for single-family and duplex structures on individual lots, parking spaces shall be designed to prevent the backing of vehicles onto a public right-of-way, or a private street other than an alley.

(h) Shared Driveways. Shared driveways are encouraged for abutting lots whenever practical. Approval shall include easements granting access to all property owners using the shared driveway. (Ord. 5301 §3 (Exh. B) (part), 2016; Ord. 4950 §8 (Exh. A) (part), 2005)

20.48.050 MODIFICATIONS TO PARKING DEVELOPMENT STANDARDS.

The parking development standards included in BMC [20.48.060](#) and [20.48.080](#) are base standards. Individual zone chapters may provide additional parking standards, or departures from these base standards. In cases of conflict, parking development standards in individual zone chapters shall supersede. ~~Further reductions from base parking standards may be allowable per BMC [20.48.100](#).~~ (Ord. 5301 §3 (Exh. B) (part), 2016; Ord. 4950 §8 (Exh. A) (part), 2005)

20.48.060 RESIDENTIAL PARKING DEVELOPMENT STANDARDS.

The following provisions apply to off-street parking spaces for all single-family, duplex, and accessory dwelling unit residential development:

- (a) Surface. Driveways and areas used for loading, parking and maneuvering motorized vehicles shall have a paved surface.
- (b) Gravel Surface Driveway. A gravel surface driveway may be allowed for a single-family residence for that portion of the driveway that is more than one hundred (100) feet from the lot line where access is provided. Any driveway approved for a gravel surface shall include a paved apron in front of the garage automobile door entrance extending a minimum depth of eighteen (18) feet and at least the width of the garage door.
- (c) Side Yard Setback. Minimum three (3) feet. When parking is located in an approved driveway, the setback for parking may be reduced to zero (0) feet.
- (d) Rear Yard Setback. Minimum three (3) feet. When parking is located in an approved driveway, the setback for parking may be reduced to zero (0) feet.
- (e) Alley Setback. Zero (0) feet.
- (f) Front Yard Setback. No parking shall be located within the front yard setback area of the zone, except within paved driveways, unless allowed otherwise by law.
- (g) Stall Dimensions.
 - (1) Parking stalls for ~~a single-family dwelling development~~ subject to BMC [20.48.060](#) shall have a minimum width of eight (8) feet and depth of eighteen (18) feet.
 - (2) ~~Structures containing Parking facilities for two (2)~~ three (3) or more dwellings shall comply with the design standards prescribed in BMC [20.48.080](#). ~~These design standards may be modified to allow stacked parking spaces for a residential structure containing up to four (4) dwellings, provided the parking spaces comply with setbacks.~~
- (h) Driveways.

(1) A driveway may be located within any setback area for a residential use, provided it complies with all applicable city street and engineering standards established in BMC Title [11](#).

(2) The driveway shall not be less than eight (8) feet in width and not more than twenty (20) feet in width within the front yard setback. The Director may approve exceptions to the maximum driveway width when necessary for compliance with the Americans with Disabilities Act (ADA) standards.

(i) Required Parking Spaces. Development is exempt from providing automobile off-street parking spaces, except as otherwise required for conformance with the Federal Americans with Disabilities Act (ADA) or the State of Washington. The number of off-street parking spaces shall be provided in accordance with the use and the following corresponding standards, except as modified per BMC [20.48.050](#):

Type of Use	Number of Bedrooms	Minimum Number of Parking Spaces
(1) ADU	-	See BMC 20.46.010
(2) Single-unit residential	Att	2.0 per dwelling
(3) Two-unit residential	Att	2.0 per dwelling
(4) Multi-unit residential	1 or less	1.5 per dwelling
(5) Multi-unit residential	2	1.75 per dwelling
(6) Multi-unit residential	3 or more	2.0 per dwelling
(7) Multi-unit residential located within a center	Att	1.0 per dwelling
(8) Group residential facility, Class I	-	2.0 plus 1.0 for each bedroom beyond the first 4 plus 1.0 for each 300 square feet of gross floor area used for counseling
- Group residential home	-	
- Adult family home	-	
(9) Senior housing complex	3 or more	1.0 per dwelling, plus access to alternative transportation such as public transit or on-site shuttle services to access daily goods and services shall be provided

(Ord. 5301 §3 (Exh. B) (part), 2016: Ord. 5118 §2, 2010: Ord. 4950 §8 (Exh. A) (part), 2005)

20.48.080 NONRESIDENTIAL PARKING DEVELOPMENT STANDARDS.

The following provisions apply to off-street parking spaces for all nonresidential developments, other uses not addressed per BMC 20.48.060, and parking lots:

- (a) Surface. Driveways and areas used for loading, parking and maneuvering motorized vehicles shall have a paved surface.
- (b) Side and Rear Yard Setbacks. Parking spaces shall be set back a minimum of five (5) feet from the side and rear lot lines unless adjacent to the low density residential zone in which case a minimum of ten (10) feet of visual screening is required pursuant to BMC 20.50.050. Projects which are not adjacent to low density residential may reduce setbacks to zero (0) if the following are incorporated into the design of the parking area:
 - (1) A solid fence or wall is provided; and
 - (2) Landscaped islands at least forty-five (45) square feet of area are provided in a manner that breaks up parking spaces adjacent to the lot line into groups of not more than six (6) spaces each.
- (c) Front Yard Setbacks. Surface Parking spaces shall be set back a minimum of ten (10) feet from the front lot line, or the front yard setback depth established in the zone, whichever is greater.
- (d) Parking Setbacks in Structures. When parking is incorporated within a structure, the parking shall comply with the setbacks of the zone applicable to the structure.
- (e) Stall and Aisle Requirements. Parking facilities for required parking shall meet the minimum stall and aisle dimensions set forth in Figure 20.48(a).
- (f) Modifications to Parking Stall Requirements. The standards set forth in subsection (e) of this section may be modified to allow for a vehicle overhang of up to two and one-half (2.5) feet, provided:
 - (1) Wheel stops are attached to the ground or pavement if curbs are not provided;
 - (2) The vehicle overhang would not extend beyond the lot line or into front yard setback areas;
 - (3) Walkways maintain a minimum three (3) foot wide (four (4) feet for handicap access routes) unimpeded passage for pedestrian passage beyond the two and one-half (2.5) foot overhang.
- (g) Driveways. The width of nonresidential driveways shall be based on the location, intended usage, and other factors and shall be in accordance with state and City engineering standards.
- (h) Internal Parking Lot Design. Parking facilities shall incorporate the following features to provide safe and efficient circulation for vehicles and pedestrians:
 - (1) Standard traffic control signs and devices to direct traffic;

- (2) Signs, crosswalks, raised pedestrian walkways and night lighting to provide for safe pedestrian movement;
- (3) Landscaped islands, raised curbs, and striping to define parking lot entrances, end of parking aisles and the patterns of internal circulation; and
- (4) Overall design coordination and adherence to all applicable design standards.

(i) Landscaping. Landscaping shall be provided in accordance with the requirements prescribed in Chapter [20.50](#) BMC.

(j) Lighting. Parking areas shall be lighted for the safety of pedestrians and vehicle circulation on the site in the following manner:

- (1) Lights are hooded or beamed, consistent with BMC 20.44.110, so that there is no undesirable glare directed onto any adjacent streets or property; and
- ~~(2) Lighting shall be designed adequately to illuminate the parking area while preventing the direct illumination of adjacent properties.~~

(k) Signage and Striping. Directional signs and pavement markings shall be used to control vehicular movement within parking areas and to mark spaces.

- (1) The locations of parking spaces shall be clearly indicated by curb markings, wheel stops, bollards, or other means.
- (2) Incidental signs within parking lots shall be limited to two (2) square feet in size.
- (3) No signs other than those indicating entrances, exits, name of the lot or the establishment to which the lot is accessory, conditions of use, or identification of disabled parking spaces shall be erected.
- (4) Signage for handicap spaces shall comply with the requirements prescribed in RCW [70.92.120](#).

(l) Required Parking Spaces. Development is exempt from providing automobile off-street parking spaces, except as otherwise required for conformance with the Federal Americans with Disabilities Act (ADA) or the State of Washington. The number of off-street parking spaces shall be provided in accordance with the use and following corresponding standards except as modified per BMC [20.48.050](#):

Category of Land Use	Minimum Number of Parking Spaces
BUSINESS/COMMERCIAL:	-
(1) Barber shop/beauty salon	1 per 75 sq. ft. gross floor area (g.f.a.)
(2) Bank/financial	1 per 350 sq. ft. g.f.a.
(3) Laundry (self-service)	1 per 4 washing machines, with a minimum of 5 required
(4) Office	1 per 300 sq. ft. g.f.a.
(5) Retail store less than 15,000 sq. ft.	1 per 300 sq. ft. g.f.a.

Ord 5513, Exhibit B

Category of Land Use	Minimum Number of Parking Spaces
(6) Retail store 15,000 sq. ft. or larger	1 per 250 sq. ft. g.f.a.
(7) Personal service shop (tanning, shoe repair, dry cleaner)	1 per 250 sq. ft. g.f.a., with a minimum of 2 required
(8) Plumbing, heating, electrical and building supplies	1 per 600 sq. ft. g.f.a.
(9) Convenience market/food store (retail)/market and supermarket	1 per 250 sq. ft. g.f.a., with a minimum of 6 required
(10) Shopping center*	4.0 per 1,000 square feet of leaseable g.f.a.

*—A shopping center is a contiguous collection of retail businesses under one ownership or common management located in a building or set of buildings.

EATING/DRINKING ESTABLISHMENTS: -

- | | |
|--|---|
| (1) Restaurant/cocktail lounge/tavern less than 4,000 sq. ft. | 1 per 150 sq. ft. g.f.a. |
| (2) Restaurant/cocktail lounge/tavern 4,000 sq. ft. or greater | 20 plus 1 per 100 sq. ft. g.f.a. greater than 4,000 sq. ft. |

ENTERTAINMENT: -

- | | |
|-----------------------|--|
| (1) Bowling alley | 5 per lane |
| (2) Club, lodge | 1 per 4 fixed seats, plus 1 per 50 sq. ft. gross floor area of assembly area without fixed seating |
| (3) Dance hall | 1 per 100 sq. ft. g.f.a. |
| (4) Pool hall | 1 per 100 sq. ft. g.f.a. |
| (5) Theater | 1 per 4 fixed seats |
| (6) Video game arcade | 15 per 1,000 sq. ft. g.f.a. |

INDUSTRIAL: -

- | | |
|--|--|
| (1) Industrial establishment/research and development | 1 per 600 sq. ft. g.f.a. |
| (2) Mini-warehouse | 1 per 3,000 sq. ft. g.f.a., plus 1 loading space per 10,000 sq. ft. g.f.a., plus 1 per 300 sq. ft. g.f.a. for office area |
| (3) Wholesale establishment/warehouse, trucking and freight terminal | 1 per 2,000 sq. ft. g.f.a. up to 20,000 sq. ft. (3 space minimum), plus 1 per 2,500 sq. ft. g.f.a. 20,001 to 100,000 sq. ft. (10 space minimum), plus 1 per 3,000 sq. ft. greater than 100,000 sq. ft. (40 spaces minimum) |

Ord 5513, Exhibit B

Category of Land Use	Minimum Number of Parking Spaces
LODGING:	-
(1) Bed and breakfast	1 per guest room plus 1 for the resident household
(2) Hotel	1 per 2 guest rooms, plus 1 per 200 sq. ft. g.f.a. of common areas
(3) Motel	1 per 2 guest rooms, plus 1 per 200 sq. ft. g.f.a. of common area plus 1 for manager
(4) Travel trailer park/tourist court	1 per trailer site, plus 1 per 10 sites located in a secure storage area, plus 1 per 5 sites for guest parking, plus other parking for office or community buildings
MEDICAL/DENTAL:	-
(1) Medical/dental office	1 per 150 sq. ft. g.f.a.
(2) Hospital/medical centers	1.8 per overnight bed based on state license
(3) Nursing home/health institution/convalescent home	1 per 600 sq. ft. g.f.a.
(4) Veterinarian/animal hospital	1 per 200 sq. ft. g.f.a.
RECREATIONAL:	-
(1) Health club/figure salon/physical fitness center	10 per 1,000 sq. ft. g.f.a.
(2) Parks/playground	Based on anticipated parking demand
(3) Racquet/handball	2 per each court
(4) Swimming facility	5, plus 1 per 75 sq. ft. of gross surface water area
PUBLIC:	-
(1) Library/museum	1 per 400 sq. ft. g.f.a.
(2) Places of assembly (arenas, churches, auditoriums, stadiums, sports arenas, etc.)	1 per 4 fixed seats (20 inches of a bench or pew = 1 seat), plus 1 per 50 sq. ft. g.f.a. of assembly without seats
EDUCATIONAL:	-
(1) Nursery school/day care	1 per 5 children, plus 2 loading/unloading spaces (12 or fewer children are exempt from the loading/unloading)
(2) School, business and trade	6 per classroom, and/or 1 per 200 sq. ft. g.f.a. of administrative office, and/or teaching lab or shop

Category of Land Use	Minimum Number of Parking Spaces
(3) School, college or university	2 per 1,000 sq. ft. g.f.a. used for academics, plus 1 per each 4 student rooming units, plus additional space as required for nonacademics
(4) School, K through 9th grade	2 per classroom, plus 1 per 200 sq. ft. g.f.a. of administrative office
(5) School, 10th through 12th grade	1 per each 10 students for which building is designed, plus 1 per classroom, plus 1 per 200 sq. ft. g.f.a. of administrative office

AUTOMOBILE:

(1) Automobile service	1 per 200 sq. ft. g.f.a., plus 1 per service bay (bay itself is not a space), with a minimum of 5 required
(2) Motor vehicle/vessel sales lots	1 per 3,000 square feet of retail indoor or outdoor sales area in addition to parking requirements for the building or structure
(3) Motorcycle/small engine repair	1 per 400 sq. ft. g.f.a.
(4) Shop/store for sales and service of machinery	1 per 600 sq. ft. g.f.a.

OTHERS:

(1) Garden nursery	1 per 400 sq. ft. g.f.a. of retail area, plus 1 per 500 sq. ft. g.f.a. of building and outside display area (wholesale)
(2) Marina and moorage facility	1 per 600 sq. ft. g.f.a.
(3) Mortuary/funeral home	1 per 75 sq. ft. of assembly area
(4) Uncovered storage area	1 per 2,000 sq. ft., plus 1 per each vehicle anticipated to be parked overnight on a regular basis, plus 1 per 300 sq. ft. g.f.a. for office

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

20.48.100-PARKING REDUCTION REPEALED.

Modifications to the requirements of this chapter may be granted for the following:

(a) For a modification to the number of off-street parking spaces required by this title, a decrease in the required number of spaces may be granted if the number of spaces proposed is documented by an adequate and thorough parking demand and utilization study to sufficiently serve the use with appropriate off-street parking. The study shall be prepared by a licensed transportation engineer or other qualified professional with parking demand expertise, and shall analyze the operational characteristics of the proposed use

which justify a parking reduction. Approval of a parking reduction shall be solely at the discretion of the City. The following reductions do not require the above mentioned report:

(1) ~~Covered Bicycle Storage.~~ If covered and secured bicycle storage is provided on-site, a credit towards parking requirements at a ratio of one (1) less parking stall per six (6) bicycle spaces will be granted. The Director may increase credits according to size of development and anticipated pedestrian and bicycle activity and proximity to transit facilities. A maximum reduction of five (5) percent of required parking stalls may be granted. If a reduction of five (5) or more stalls is granted, then changing facilities including showers and lockers shall be required.

(2) ~~Transit Improvements.~~ For new residential development consisting of ten (10) or more dwelling units, or commercial projects consisting of fifty (50) or more employees, and located within one thousand five hundred (1,500) feet of an existing or planned transit facility, a reduction in parking may be requested for up to fifteen (15) percent of required spaces if improvements to the local transit system are made by the applicant. Any such plan requires the approval of Kitsap Transit and the City.

(3) ~~Designated Land Use Centers.~~ If a change of use occurs on a property within a center zone designation, resulting in a significant increase in the parking requirement, the Director may reduce the minimum number of required parking spaces by up to ten (10), provided:

(i) ~~Sites containing multiple buildings and/or uses shall have the reduction applied to the entire site and not to individual uses;~~

(ii) ~~The number of existing off-street parking spaces is not reduced.~~

(4) ~~Group Residential Facility - Class I, Adult Family Home, and Group Residential Home.~~ The Director may authorize a reduction in the number of required parking spaces for a group residential facility - Class I, adult family home, or group residential home if there is a clear indication that the requirements of this chapter are excessive due to such factors as the resident's age, ability to drive, or mental or physical abilities and disabilities. (Ord. 5301 §3 (Exh. B) (part), 2016; Ord. 4950 §8 (Exh. A) (part), 2005)

20.48.120 UNLISTED USES REPEALED.

Land uses not specifically listed in BMC ~~20.48.060~~(i) and ~~20.48.080~~(l) shall have their off-street parking requirements determined in the following manner:

(a) ~~A comparison is made of the unlisted use to a listed use and the Director determines that the parking demand between the two (2) uses is similar. (Ord. 5301 §3 (Exh. B) (part), 2016; Ord. 4950 §8 (Exh. A) (part), 2005)~~

20.48.140 ACCESSIBLE PARKING.

Where parking is provided, accessible parking spaces shall be provided that comply with the requirements in Chapter [17.04](#) BMC, City Building Code (IBC Chapter 11). Accessible parking spaces shall be located on the shortest accessible route of travel from adjacent parking to an accessible building entrance. (Ord. 5301 §3 (Exh. B) (part), 2016; Ord. 4950 §8 (Exh. A) (part), 2005)

20.48.150 ELECTRIC VEHICLE CHARGING STATIONS.

For uses in allowed zones and where parking is provided, electric vehicle charging stations are encouraged and shall comply with the City Building Code and Washington State Electrical Code (Chapter [296-46B](#) WAC). (Ord. 5301 §3 (Exh. B) (part), 2016; Ord. 5249 §5, 2014)

20.48.160 ~~LOADING/UNLOADING SPACES REPEALED.~~

~~(a) Standards. Off-street loading spaces shall be provided in accordance with the following standards for all new nonresidential construction or additions having a floor area greater than one thousand (1,000) square feet of gross floor area that is engaged in retail, manufacturing, wholesale or storage activities, but excluding self-service storage facilities, which requires the delivery of merchandise or materials by trucks:~~

Total Gross Floor Area	Number of Loading Spaces Required
(1) 1,000 to 20,000 square feet	1
(2) 20,001 to 50,000 square feet	2
(3) 50,001 to 100,000 square feet	3
(4) Greater than 100,000 square feet	4

~~(b) Standards. Off-street loading spaces shall be provided in accordance with the following standards for all new nonresidential construction or additions having a floor area greater than ten thousand (10,000) square feet of gross floor area that is engaged in hotel, office, restaurant or similar use in accordance, which requires the delivery of merchandise or materials by trucks:~~

Total Gross Floor Area	Number of Loading Spaces Required
(1) 10,000 to 50,000 square feet	1
(2) 50,001 to 100,000 square feet	2
(3) Greater than 100,000 square feet	3

~~(c) Loading/Unloading Zone Development Standards:~~

~~(1) Design. Off-street loading spaces shall be at least ten (10) feet in width and have a total area of not less than two hundred fifty (250) square feet.~~

~~(2) Accessibility. With the exception of gates and security fencing, loading spaces shall be accessible at all times from a street, alley, or driveway and shall not be obstructed by other loading spaces, trash receptacles, outdoor storage, or other obstacles.~~

~~(3) Obstructions. Loading functions shall not interfere with any emergency access, fire exit, or required vehicle parking spaces.~~

~~(d) Modifications:~~

~~(1) If the applicant can demonstrate that deliveries are only made during nighttime or other hours when customers are not present, the loading function may be accommodated in combination with required customer/employee parking.~~

~~(2) If the applicant can demonstrate that all deliveries are made by trucks with a gross weight of twenty-six thousand (26,000) pounds or less, the number of required loading/unloading spaces may be reduced by one (1) if a load/unload zone located within the public right-of-way fronting the property is approved by the Public Works Department. (Ord. 5301 §3 (Exh. B) (part), 2016; Ord. 4950 §8 (Exh. A) (part), 2005)~~

20.48.180 BICYCLE FACILITIES OTHER REQUIRED PARKING SPACES.

All ~~uses subject to BMC 20.48.080 nonresidential uses and residential developments of six (6) or more dwellings shall provide parking spaces for the following:~~

(1) Residential uses shall provide 1 bicycle parking space for each residential unit. All residential bicycle parking required by this section shall be provided within a secured building. Bicycle parking may be located within a shared bicycle storage room, indoor secured bike cage, within individual residential units, or other configuration approved by the Director.

(2) Nonresidential uses shall provide 1 bicycle parking space per 4,000 square feet of gross floor area. Bicycle parking for nonresidential uses may be located exterior to the building.

(3) Bicycle parking stalls shall provide adequate space for maneuvering and storage. Examples of dimensional standards are below:

i. The standard required bicycle space is 2-feet wide, 6-feet long, and 3-feet 4-inches tall.

ii. There must be at least 5-feet space adjacent to all bicycle parking spaces to allow room for bicycle maneuvering.

iii. A wall clearance of 2-feet 6-inches must be provided.

iv. Alternative bicycle parking configurations may be approved by the Director approval, provided the applicant demonstrates dimensions listed in this section are not feasible.

~~(a) Motorcycle Spaces. Motorcycle spaces shall be provided at one (1) per twenty-five (25) of the required automobile spaces with at least one (1) motorcycle space provided.~~

~~(1) Automobile parking requirements may be reduced one (1) space for every three (3) motorcycle spaces provided, up to a maximum five (5) percent of the total required automobile spaces.~~

~~(2) Each motorcycle space shall be no smaller than four (4) feet in width and eight (8) feet in depth.~~

~~(3) Motorcycle spaces shall be located according to the same criteria and standards that are applicable to automobile parking spaces.~~

~~(4) The Director may exempt those nonresidential uses that would not normally have motorcycle-riding clientele (such as warehouses, storage facilities, automobile services, etc.) from motorcycle parking requirements.~~

~~(b) Bicycle Facilities. Bicycle parking spaces shall be provided at ten (10) percent of the required automobile spaces.~~

~~(1) The minimum number of required bicycle spaces for schools of all types except higher education institutions shall be calculated at the rate of one (1) space per twenty (20) students, based on the facility's designed capacity.~~

~~(2) The Director may exempt those nonresidential uses that would not normally have bicycle-riding clientele (such as self-service businesses, automobile services, gas stations, etc.) from the bicycle parking requirements.~~

~~(3) Bicycle facilities shall be firmly attached to the ground, located near the building entrance, and designed to allow both the frame and wheels to be securely locked to the structure. (Ord. 5301 §3 (Exh. B) (part), 2016; Ord. 4950 §8 (Exh. A) (part), 2005)~~

20.48.200 RENT OF RESIDENTIAL PARKING.

(a) The rental, lease or other use of automobile parking spaces for commercial parking purposes within a residential zone is prohibited.

(b) The rental, lease or other use of parking spaces associated with a residential use for commercial parking, whether they are required spaces or not, is prohibited. (Ord. 5301 §3 (Exh. B) (part), 2016; Ord. 4950 §8 (Exh. A) (part), 2005)

20.48.220 SATELLITE PARKING REPEALED.

Off-street parking requirements may be partially or completely satisfied with the approval of a satellite parking facility. A satellite parking facility is approved by site plan review as prescribed in BMC ~~20.58.080~~. A satellite parking facility may be approved, provided:

(a) The bicycle parking facility is located within four hundred (400) feet of the property containing the associated use or building.

(b) The parking facility is not located on property zoned for low density residential. The Director may waive the zone restriction for a religious worship facility, public school or public use if:

(1) The parking facility is located on a lot abutting the principal use; or

(2) The parking facility is located within one hundred (100) feet on a lot where a street (public or private) or alley would separate it from the principal use.

- (c) ~~A notice to title, approved by the City Attorney and executed by affected parties to set forth clearly the terms of the parking agreement, shall be recorded with the County Auditor. A copy of the recorded agreement shall be submitted to the Department.~~
- (d) ~~The satellite parking facility shall meet the requirements of this chapter.~~
- (e) ~~A limit on the time of day that the satellite parking facility is used may be placed as a condition of its approval if deemed necessary by the Director for the protection of adjoining areas.~~

20.48.240 JOINT USE OF PARKING FACILITIES REPEALED.

Joint use parking facilities provide for the sharing of parking facilities between different uses may be granted under the following conditions:

- (a) ~~The principal building or use shall be located within a radius of eight hundred (800) feet of the joint parking facilities.~~
- (b) ~~The principal building or use shall not be separated from its parking by an arterial street unless it is within one (1) block of a signalized intersection.~~
- (c) ~~The applicant shall demonstrate there will be no substantial conflict between the two (2) uses regarding hours of operation for which joint use of parking facilities is proposed.~~
- (d) ~~A notice to title, approved by the City Attorney and executed by affected parties to set forth clearly the terms of the parking agreement, shall be recorded with the County Auditor. A copy of the recorded agreement shall be submitted to the Department.~~
- (e) ~~The right to occupy the primary premises shall terminate if the joint use parking facilities that are necessary and were approved cease to be available. (Ord. 5301 §3 (Exh. B) (part), 2016; Ord. 4950 §8 (Exh. A) (part), 2005)~~

20.48.260 DRIVE-THROUGH STACKING REQUIREMENTS.

Drive-through stacking requirements can be found in BMC [20.44.120](#). (Ord. 5301 §3 (Exh. B) (part), 2016; Ord. 5222 §5, 2013; Ord. 4971 §10, 2006; Ord. 4950 §8 (Exh. A) (part), 2005)

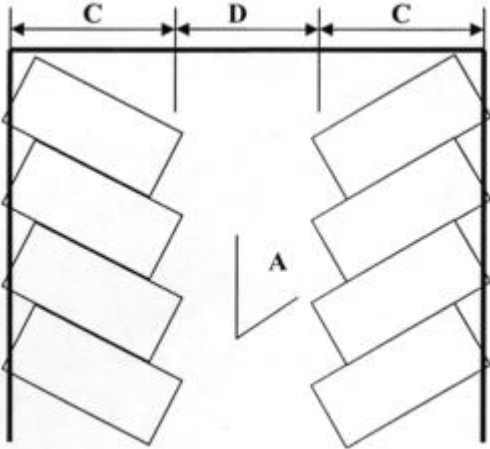
Figure 20.48(a)

Parking Minimum Design Requirements

Parking Angle	Standards			
	Minimum Stall Width	Minimum Stall Depth	Minimum Aisle Width	
			One-way	Two-way
0°	22'0"	8'0"	10'0"	18'0"
30°	8'6"	17'0"	12'0"	20'0"
45°	8'6"	17'4"	12'3"	20'0"
50°	8'6"	18'0"	12'9"	20'0"
55°	8'6"	18'6"	13'3"	20'0"
60°	8'6"	18'10"	14'4"	20'0"
65°	8'6"	19'0"	15'2"	21'0"

Parking Minimum Design Requirements

Parking Angle	Standards			
	Minimum Stall Width	Minimum Stall Depth	Minimum Aisle Width	
			One-way	Two-way
70°	8'6"	19'2"	16'0"	21'6"
75°	8'6"	19'0"	17'6"	22'0"
90°	8'6"	17'11"	22'6"	22'6"
A	B	C	D	D



(Ord. 5301 §3 (Exh. B) (part), 2016: Ord. 4950 §8 (Exh. A) (part), 2005)

CHAPTER 20.54 NONCONFORMING PROVISIONS

20.54.060 NONCONFORMING USES.

- (a) Continuation. Any legally established nonconforming use may be continued until such time that it is discontinued as prescribed in subsection (d) or (e) of this section.
- (b) Change of Use. A structure or property containing a nonconforming use may be changed to the following:
 - (1) A use that conforms to the requirements of the zone; or
 - (2) Another nonconforming use; provided, that:
 - (i) A conditional use permit is approved pursuant to BMC 20.58.020;
 - (ii) The existing nonconforming use was not discontinued as prescribed in subsection (d) or (e) of this section;
 - (iii) The new use is clearly a reduction in the nonconformity and intensity of the existing nonconforming use; and

- (iv) The applicant demonstrates that there is a demand for the use in the neighborhood that provides a public benefit.
- (c) Expansion. A nonconforming use may not be expanded or enlarged, except under one (1) of following circumstances:
 - (1) Alterations are permitted, provided it is within the existing physical space of the building or use.
 - (2) Residential dwellings may have the building area expanded if the number of dwelling units is not increased above or below the requirements of the zone in which it is located; ~~there is no decrease in the number of off-street parking spaces below the minimum requirements~~ and the addition complies with all zoning requirements.
 - (3) The acquisition of additional accessory off-street parking is not an expansion of a nonconforming use.
- (d) Discontinuation. A nonconforming use that is discontinued shall have its legal nonconforming status terminated and any subsequent use of the property or building shall be that of a use that conforms to the requirements of the zone. A nonconforming use is determined to be discontinued if any of the following circumstances apply:
 - (1) The nonconforming use is changed to a conforming use;
 - (2) Another nonconforming use is approved pursuant to subsection (b)(2) of this section; or
 - (3) The nonconforming use has ceased for a period of more than one (1) year.
- (e) Damage or Destruction. If a structure containing a nonconforming use experiences substantial destruction, it shall constitute a discontinuation of the nonconforming use, except the nonconforming use may be allowed to continue under any of the following circumstances:
 - (1) The structure has suffered substantial destruction as a result of fire or other casualty not intentionally caused by the owner or tenant and a complete building permit application is filed within one (1) year of such fire or other casualty.
- (f) Repair and Maintenance. A building or structure containing a nonconforming use may be repaired and maintained if the work does not restore it from substantial destruction. (Amended during 6/17 update; Ord. 5301 §3 (Exh. B) (part), 2016: Ord. 4950 §8 (Exh. A) (part), 2005)

20.54.080 NONCONFORMING LANDSCAPING.

Uses which were lawfully established which do not conform to landscaping requirements need not provide additional landscaping, except:

- (a) Expansion of a Structure. If an existing structure or use is expanded, additional landscaping shall be provided in accordance with the requirements of Chapter 20.50 BMC. The amount of additional landscaping shall be computed only to the extent of the expansion regardless of whether existing landscaping complies with the requirements.

(b) ~~Change of Use. A change to a use that requires greater amounts of landscaping than the former use shall provide landscaping in accordance with the requirements of Chapter 20.50 BMC. The Director may modify the amount of landscaping required if providing the required landscaping would result in a reduction of the parking below the minimum required by Chapter 20.48 BMC.~~

(c) ~~Parking Lot. When an existing unpaved parking area is paved, it shall be landscaped in accordance with the requirements of Chapter 20.50 BMC. The Director may modify the amount of landscaping required if the landscaping would result in a reduction of the parking below the minimum required by Chapter 20.48 BMC. (Ord. 5301 §3 (Exh. B) (part), 2016; Ord. 4950 §8 (Exh. A) (part), 2005)~~

20.54.120 NEW HOUSING IN NONCONFORMING BUILDINGS.

The following provisions are intended to comply with State of Washington requirements per RCW 35.21.990, to allow additional housing units within existing buildings. For the purpose of this section, "existing building" means a building that received a certificate of occupancy at least three years prior to the permit application to add housing units. Nothing in this section requires a city to approve a building permit application in cases in which the building cannot satisfy life safety standards. Consistent with RCW 35.21.990, the following shall apply:

(a) Nonconformities. Development shall comply with all City regulatory criteria, except as otherwise exempt from Building Code requirements per RCW 35.21.990(g), existing nonconformities per RCW 35.21.990(h), and transportation concurrency studies RCW 35.21.990(i).

(b) Density. When constructed entirely within an existing building envelope, in a building located within a zone that permits multifamily housing, a 50 percent density increase is permitted above that designated in the underlying zone. To ensure community health and safety, densities per BMC 20.54.120(b) do not apply in any of the following instances:

(1) When Building Code standards, Fire Code standards, or other life safety standards cannot be met;

(2) When a building is located on portions of a lot, parcel, or tract designated with critical areas under RCW 36.70A.170, or their buffers as required by RCW 36.70A.170, or within the Shoreline Jurisdiction.

(c) Ground Floor Commercial. In zones requiring mixed uses, housing units shall not occupy the ground floor area, except as otherwise permitted by the underlying zone.

20.58.060 RESIDENTIAL CLUSTER DEVELOPMENT.

(a) Intent. The intent of the residential cluster development (RCD) is to accommodate urban densities of the underlying zoning district while allowing residential development to utilize less land area. These provisions aim to allow greater flexibility in the design of subdivisions to ensure development is in harmony with the natural characteristics onsite

and to preserve features such as critical areas, open space, recreation areas, or scenic vistas.

(b) Applicability. A RCD may be applied to all subdivisions as permitted in Chapter 20.12 BMC, Land Division.

(c) Procedures.

(1) A RCD shall be processed in coordination with a subdivision application and will follow the permitting procedures established in Chapter 20.12 BMC, Land Division.

(2) In addition to the notification requirements prescribed in BMC 20.02.100, the notice of application shall be mailed to all property owners within three hundred (300) feet of the property.

(d) Development Standards. Modification may be allowed to the underlying zone for which a RCD applies as follows:

(1) Density. The minimum and maximum density of the underlying zone shall apply, however, unbuildable critical areas as defined in Chapter 20.14 BMC may be included in the area for calculating density; however, land used for right-of-way may not.

~~(2) Minimum Lot Size. Lot size may be reduced to two thousand five hundred (2,500) square feet, provided all lots are buildable.~~

~~(i) Reductions below two thousand five hundred (2,500) square feet will only be permitted if the applicant provides an additional ten (10) percent of permanently protected open space as required by subsection (d)(8) of this section.~~

~~(23) Setbacks.~~

~~(i) For the purposes of this section perimeter setbacks shall be defined as the exterior boundary of the entire property to be subdivided. Structures and parking areas shall be set back a minimum of ten (10) feet from all perimeter property lines.~~

~~(ii) All other setbacks may be modified to encourage innovative site design.~~

~~(34) Lot Width. Deviations are permitted.~~

(45) Development Coverage. The development coverage is limited to fifty (50) percent of the total site area including open space.

~~(56) Parking. Two parking spaces are required for each primary residence. All deviations from the standard parking requirements shall be accompanied by a detailed analysis showing how alternative parking will provide better site design and will provide clear benefits to the residents. Deviations are permitted as follows:~~

~~(i) Setbacks may be modified;~~

~~(ii) Parking may be applied to the entire site rather than to individual lots;~~

~~(iii) Parking tracts shall be placed in easily accessible locations;~~

~~(iv) Designated parking spaces should be clearly marked.~~

(67) Housing Type. Attached and detached single-family homes and townhomes are allowed as primary residential structures. Accessory dwelling units are permitted pursuant to BMC 20.46.010.

(78) Open Space Designation and Preservation.

(i) Each RCD shall provide not less than ~~fifteen~~ ~~twenty~~ (1520) percent of the gross site area for common open space which shall be primarily concentrated in large areas. When these areas are designated as critical areas they should be designed to provide connectivity for habitat functions;

(ii) Open space areas shall be located on separate tract(s), and shall be developed for passive or active recreational uses or set aside to preserve critical areas as defined in the critical area regulations in Chapter 20.14 BMC;

(iii) Parking areas, rights-of-way, driveways, and yards within individual lots shall not be included in common open space;

(iv) Facilities and other improvements that enhance recreational use(s) may be located in an open space area (provided they are not prohibited by other sections of the BMC). Such facilities can include, but are not limited to, fields, picnic areas, playgrounds, and athletic courts.

(v) Open space areas shall be restricted in perpetuity from further subdivision and/or land development. This restriction shall be noted on the face of the plat.

(vi) 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. Open space requirements established in the critical areas regulations (Chapter 20.14 BMC) shall be met for all designated critical areas. All open space areas excluding critical areas shall comply with the following:

(A) Identify all proposed improvements such as public facilities, proposed vegetation, and existing vegetation to remain; and

(B) The plan must comply with the requirements of the landscaping chapter, found in Chapter 20.50 BMC; and

(C) The plan shall outline maintenance responsibilities in a format acceptable to the Director; and

(D) 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.

(e) Criteria for Approval. The decision-making authority may grant a RCD only if it is found that:

(1) A RCD shall be approved with the approval of a subdivision. The RCD shall follow the same approvals and timelines as the concurrent subdivision application pursuant to Chapter 20.12 BMC, Land Division. (Ord. 5506 §14, 2024; Ord. 5301 §3 (Ex. B) (part), 2016; Ord. 5063 §3, 2008; Ord. 4977 §8, 2006; Ord. 4950 §8 (Ex. A) (part), 2005)

20.60.040 CONDITIONAL USES.

The following uses may be permitted, provided a conditional use permit is approved pursuant to BMC 20.58.020 subject to the corresponding conditions:

(a) Bed and breakfast, provided:

- (1) The operators of the business shall occupy the house as their primary residence;
- (2) No more than one (1) full-time equivalent (FTE) employee who is not a resident of the dwelling may be employed;
- (3) No more than six (6) bedrooms are made available for rent to guests and all guest rooms are contained within the principal structure;
- ~~(4) Two (2) off-street parking spaces, plus one (1) off-street parking space per each guest bedroom, are required;~~
- ~~(5) Off-street parking spaces may be reduced, provided the applicant can demonstrate parking will not spill over into nearby residential properties and any streets;~~
- (46) Rooms shall not be made available to guests for more than fourteen (14) days during any thirty (30) day period;
- ~~(57) No commercial receptions, parties, or other public gatherings, or serving of meals to nonresident guests for compensation, are allowed; and~~
- ~~(68) Any remodeling of the residential structure shall maintain the residential nature of the structure and not alter the structure in such a manner that would prevent it from being used as a residence in the future.~~

(b) Nursing/convalescent homes, provided:

- (1) All state licensing requirements are satisfied;
- (2) Minimum site area shall be no less than one (1) acre;
- (3) Minimum setbacks, height and lot coverage of the underlying zone shall apply;
- ~~(4) Off-street parking shall be a minimum of one (1) space per six hundred (600) square feet of gross floor area;~~
- ~~(5) The number of required off-street parking spaces may be reduced, provided the applicant can demonstrate that parking will not spill over into nearby residential properties and any streets; and~~
- (46) Landscaping is provided meeting the minimum requirements for nonresidential uses prescribed in Chapter 20.50 BMC. Additional landscaping for screening purposes may be required if it is found necessary to mitigate any impacts to adjoining residential properties.

(c) Day care facilities (thirteen (13) or more persons receiving care), provided:

- (1) All state licensing requirements are satisfied;
- ~~(2) Off-street parking shall be a minimum one (1) space per each five (5) children based on the state license maximum occupancy load;~~
- ~~(3) One (1) loading/unloading space without backup is required for the first twenty (20) children and one (1) additional space for up to each additional twenty (20) children;~~

Ord 5513, Exhibit B

~~(4) The number of required off-street parking spaces may be reduced, provided the applicant can demonstrate that parking will not spill over into nearby residential properties and any streets;~~

(25) Landscaping is provided meeting the minimum requirements for nonresidential uses prescribed in Chapter 20.50 BMC. Additional landscaping for screening purposes may be required if it is found necessary to mitigate any impacts to adjoining residential properties; and

(36) The maximum height of a fence or wall within a front yard setback may be increased up to six (6) feet, provided it enhances safety and security of an outdoor play area.

(d) Adaptive reuse of commercial buildings, provided the conditions set forth in BMC 20.46.070 are satisfied.

(e) Worship, religious, and community facilities greater than twenty thousand (20,000) square feet, provided:

(1) The site area shall be one (1) acre or more; and

(2) Landscaping is provided meeting the minimum requirements for nonresidential uses prescribed in Chapter 20.50 BMC. Additional landscaping for screening purposes may be required if it is found necessary to mitigate any impacts to adjoining residential properties.

(f) Golf course, provided:

(1) A site plan review and a site development permit are approved pursuant to Chapter 20.58 BMC;

(2) Through the conditional use permit, modifications to parking and landscaping may be allowed in order to facilitate good design;

(3) Other conditions are applied as deemed necessary to mitigate impacts to nearby residential properties and ensure compatibility with the neighborhood.

(g) Schools, parks and associated uses may be approved in accordance with the following:

(1) The following uses are permitted through approval of a conditional use permit:

(i) All public schools and associated gymnasiums and auditoriums;

(ii) Private schools (K-12) with thirteen (13) or more students;

(iii) Parks and playgrounds greater than one-half (1/2) acre;

(iv) Outdoor athletic fields;

(v) Boat launching and related facilities;

(vi) Maintenance and service yards;

(vii) Bus and other vehicle and equipment maintenance and storage facilities;

(viii) Administrative office related to the facilities greater than two thousand (2,000) square feet gross floor area;

(ix) Buildings and structures for nonprofit groups on public lands;

(2) Uses permitted pursuant to subsection (g)(1) of this section shall be subject to complying with the following conditions:

- (i) Front, side and rear yard setbacks of structures and outdoor storage areas shall be at least thirty (30) feet;
 - (ii) Setbacks may be reduced for those portions of a structure fronting interior streets;
 - (iii) The maximum height for any new construction may be increased to match the architecture of existing buildings; provided, that it is set back an additional foot from any property line for each additional foot of allowed height, and in no case shall the new construction exceed forty-five (45) feet;
 - (iv) Landscaping is provided meeting the minimum requirements for nonresidential uses prescribed in Chapter 20.50 BMC. Additional landscaping for screening purposes may be required if it is found necessary to mitigate any impacts to adjoining residential properties;
 - (v) Additional measures may be required if deemed necessary to mitigate any noise impacts to adjacent residential uses; and
 - (vi) The maximum height of a fence or wall within a front yard setback may be increased to six (6) feet, provided it enhances safety and security around an outdoor play area.
- (h) Public utility facilities located above ground, provided:
- (1) Landscaping is provided meeting the minimum requirements for nonresidential uses prescribed in Chapter 20.50 BMC. Additional landscaping for screening purposes may be required if it is found necessary to mitigate any impacts to adjoining residential properties;
 - (2) The maximum height of a fence or wall may be increased within a front yard setback that will provide screening from adjacent uses and enhance safety and security around the facility; and
 - (3) Exceptions to setbacks may be allowed if the applicant can demonstrate that the public interest is better served by allowing the modification.
- (i) Law enforcement and fire facilities, provided:
- (1) Landscaping is provided meeting the minimum requirements for nonresidential uses prescribed in Chapter 20.50 BMC. Additional landscaping for screening purposes may be required if it is found necessary to mitigate any impacts to adjoining residential properties.
 - (2) The maximum height of a fence or wall may be increased within a front yard setback that will provide screening from adjacent uses and enhance safety and security around the facility.
- (j) Mineral resource extraction per BMC 20.46.080, provided:
- (1) The site is located within a mineral resource overlay. (Ord. 5506 §18, 2024; Ord. 5458 §7, 2022; Ord. 5301 §3 (Exh. B) (part), 2016; Ord. 5111 §3, 2010; Ord. 4977 §10, 2006; Ord. 4971 §15, 2006; 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:

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(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.

(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).

20.70.080 PARKING REQUIREMENTS.

Parking shall meet the standards of Chapter 20.48 BMC and the following requirements: ~~For legally established existing buildings that comply with BMC 20.48.020(b) the parking will be exempt from the following requirements:~~

~~(a) For nonresidential uses, the minimum parking requirement is one (1) space per employee.~~

~~(b) On-site parking for nonresidential uses shall not exceed four (4) spaces per one thousand (1,000) square feet of floor area.~~

~~(c)~~ On-site parking shall be to the rear or side of buildings and shall not occupy more than fifty (50) percent of the site frontage facing the arterial street(s). The site frontage includes the area between the right-of-way and front building wall which applies to the entire length of the property regardless of building width. Corner lots have two (2) site frontages as they are positioned on two (2) street frontages.

~~(d)~~ All efforts shall be taken to avoid placing parking on street corners. Parking located between the building frontage and street corners shall be fully screened as follows:

(1) A four (4) foot tall decorative wall within the front yard landscaping area that fully screens the parking areas. The wall shall be located such that it blocks views of the parking from the right-of-way. For long spans of frontage (one hundred (100) feet or more), the wall shall include modular articulation to add architectural variety.

(i) Alternate architectural features or shrubs may be substituted for the wall, provided it is demonstrated that the shrubs/alternative will provide equal to or better visual screening than the wall. Shrubs shall be a minimum of three (3) feet tall at time of installation and shall be additional to the landscaping required in Chapter 20.50 BMC.

(ii) Openings and architectural features may be required within a wall section in order to tie the wall feature into the architecture of the building and to provide pedestrian access. The entry shall be the minimum necessary to accommodate a sidewalk that is a minimum of five (5) feet in width, clearly marked, and distinguished from driving surfaces by using decorative paving, stamped/stained concrete, or raised walkways with alternative materials (such as brick, cobblestone, decorative pavers). Paint striping does not meet this requirement.

~~(ce)~~ Access to parking shall be provided per the following priority:

- (1) First, from an alley if available; if an alley is not available, then from local street;
- (2) If neither is available, then from a nonprincipal arterial street;
- (3) If none of the above are available then from a principal arterial street.

~~(df)~~ Driveways providing access to parking shall be well marked.

~~(g)~~ Existing nonresidential structures adding no more than ten (10) residential units, and/or existing nonresidential structures expanding up to twenty-five (25) percent of the gross square footage of the building for any permitted use, shall be exempt from providing additional off-street parking, and exempt from substantial destruction requirements per BMC 20.54.070, provided:

- ~~(1)~~ Projects shall be located within the Charleston district center;
- ~~(2)~~ Mixed-use requirements per BMC 20.70.060(h) are maintained;
- ~~(3)~~ No existing on-site parking or required landscaping is removed.

(Ord. 5435 §3, 2021; Ord. 5301 §3 (Exh. B) (part), 2016; Ord. 5222 §16, 2013; Ord. 4950 §8 (Exh. A) (part), 2005)

20.78.040 CONDITIONAL USES.

The following uses may be permitted, provided a conditional use permit is approved pursuant to BMC 20.58.020 subject to the corresponding conditions:

(a) Bed and breakfast, provided:

- (1) The operators of the business shall occupy the house as their primary residence;
- (2) No more than one (1) full-time equivalent (FTE) employee who is not a resident of the dwelling may be employed;
- (3) No more than six (6) bedrooms are made available for rent to guests and all guest rooms are contained within the principal structure;
- ~~(4)~~ Two (2) off-street parking spaces, plus one (1) off-street parking space per each guest bedroom, are required;
- ~~(5)~~ Off-street parking spaces may be reduced, provided the applicant can demonstrate parking will not spill over into nearby residential properties and any streets;

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- (46) Rooms shall not be made available to guests for more than fourteen (14) days during any thirty (30) day period;
- (57) No commercial receptions, parties, or other public gatherings, or serving of meals to nonresident guests for compensation, are allowed; and
- (68) Any remodeling of the residential structure shall maintain the residential nature of the structure and not alter the structure in such a manner that would prevent it from being used as a residence in the future.
- (b) Nursing/convalescent homes, provided:
- (1) All state licensing requirements are satisfied;
 - (2) Minimum site area shall be no less than one (1) acre;
 - (3) Minimum setbacks, height and lot coverage of the underlying zone shall apply;
 - (4) ~~Off-street parking shall be a minimum of one (1) space per six hundred (600) square feet of gross floor area;~~
 - (5) ~~The number of required off-street parking spaces may be reduced, provided the applicant can demonstrate that parking will not spill over into nearby residential properties and any streets; and~~
 - (46) Landscaping is provided meeting the minimum requirements for nonresidential uses prescribed in Chapter 20.50 BMC. Additional landscaping for screening purposes may be required if it is found necessary to mitigate any impacts to adjoining residential properties.
- (c) Day care facilities (thirteen (13) or more persons receiving care), provided:
- (1) All state licensing requirements are satisfied;
 - (2) ~~Off-street parking shall be a minimum one (1) space per each five (5) children based on the state license maximum occupancy load;~~
 - (3) ~~One (1) loading/unloading space without backup is required for the first twenty (20) children and one (1) additional space for up to each additional twenty (20) children;~~
 - (4) ~~The number of required off-street parking spaces may be reduced, provided the applicant can demonstrate that parking will not spill over into nearby residential properties and any streets;~~
 - (25) Landscaping is provided meeting the minimum requirements for nonresidential uses prescribed in Chapter 20.50 BMC. Additional landscaping for screening purposes may be required if it is found necessary to mitigate any impacts to adjoining residential properties; and
 - (36) The maximum height of a fence or wall within a front yard setback may be increased up to six (6) feet, provided it enhances safety and security of an outdoor play area.
- (d) Adaptive reuse of commercial buildings, provided the conditions set forth in BMC 20.46.070 are satisfied.
- (e) Worship, religious, and community facilities greater than twenty thousand (20,000) square feet, provided:
- (1) The site area shall be one (1) acre or more; and

(2) Landscaping is provided meeting the minimum requirements for nonresidential uses prescribed in Chapter 20.50 BMC. Additional landscaping for screening purposes may be required if it is found necessary to mitigate any impacts to adjoining residential properties.

(f) Golf course, provided:

(1) A site plan review and a site development permit are approved pursuant to Chapter 20.58 BMC;

(2) Through the conditional use permit, modifications to parking and landscaping may be allowed in order to facilitate good design;

(3) Other conditions are applied as deemed necessary to mitigate impacts to nearby residential properties and ensure compatibility with the neighborhood.

(g) Schools, parks and associated uses may be approved in accordance with the following:

(1) The following uses are permitted through approval of a conditional use permit:

(i) All public schools and associated gymnasiums and auditoriums;

(ii) Private schools (K-12) with thirteen (13) or more students;

(iii) Parks and playgrounds greater than one-half (1/2) acre;

(iv) Outdoor athletic fields;

(v) Boat launching and related facilities;

(vi) Maintenance and service yards;

(vii) Bus and other vehicle and equipment maintenance and storage facilities;

(viii) Administrative office related to the facilities greater than two thousand (2,000) square feet gross floor area;

(ix) Buildings and structures for nonprofit groups on public lands;

(2) Uses permitted pursuant to subsection (j)(1) of this section shall be subject to complying with the following conditions:

(i) Front, side and rear yard setbacks of structures and outdoor storage areas shall be at least thirty (30) feet;

(ii) Setbacks may be reduced for those portions of a structure fronting interior streets;

(iii) The maximum height for any new construction may be increased to match the architecture of existing buildings; provided, that it is set back an additional foot from any property line for each additional foot of allowed height, and in no case shall the new construction exceed forty-five (45) feet;

(iv) Landscaping is provided meeting the minimum requirements for nonresidential uses prescribed in Chapter 20.50 BMC. Additional landscaping for screening purposes may be required if it is found necessary to mitigate any impacts to adjoining residential properties;

(v) Additional measures may be required if deemed necessary to mitigate any noise impacts to adjacent residential uses; and

(vi) The maximum height of a fence or wall within a front yard setback may be increased to six (6) feet, provided it enhances safety and security around an outdoor play area.

(h) Public utility facilities located above ground, provided:

(1) Landscaping is provided meeting the minimum requirements for nonresidential uses prescribed in Chapter 20.50 BMC. Additional landscaping for screening purposes may be required if it is found necessary to mitigate any impacts to adjoining residential properties;

(2) The maximum height of a fence or wall may be increased within a front yard setback that will provide screening from adjacent uses and enhance safety and security around the facility; and

(3) Exceptions to setbacks may be allowed if the applicant can demonstrate that the public interest is better served by allowing the modification.

(i) Law enforcement and fire facilities, provided:

(1) Landscaping is provided meeting the minimum requirements for nonresidential uses prescribed in Chapter 20.50 BMC. Additional landscaping for screening purposes may be required if it is found necessary to mitigate any impacts to adjoining residential properties.

(2) The maximum height of a fence or wall may be increased within a front yard setback that will provide screening from adjacent uses and enhance safety and security around the facility. (Ord. 5506 §20, 2024; Ord. 5301 §3 (Exh. B) (part), 2016)

20.79.080 PARKING REQUIREMENTS.

Off-street parking shall be provided in accordance with the requirements set forth in Chapter 20.48 BMC. ~~In addition to the off-street parking requirements set forth in Chapter 20.48 BMC, the automobile off-street parking spaces located within the downtown regional center shall be provided in accordance to the Downtown Subarea Plan.~~

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.

20.96.080 PARKING REQUIREMENTS.

Parking shall meet the standards of Chapter 20.48 BMC, and the following requirements:

- ~~(a) Parking may not exceed two (2) stalls per residential dwelling unit;~~
- ~~(b) On-site parking requirements for a permitted or a conditional use may be reduced by up to forty (40) percent, provided it can be demonstrated through a parking analysis that~~

~~the reduction would decrease impervious surface area, and the reduction would not cause parking to spill over into adjacent areas.~~

20.97.080 PARKING REQUIREMENTS.

~~Parking shall meet the standards of Chapter 20.48 BMC, except required parking may be reduced or waived by the Director in the watershed (WS) zone in order to reduce impervious surface area.~~