

**Matrix of proposed amendments to BMC 20.40 Administration (Draft Chapter follows this matrix):**

Zoning Code Chapter/Section (Bremerton Municipal Code)	Proposed Amendments Summary	Further Information
<b>20.40 Administration</b>		
20.40.170 Comprehensive Plan and Zoning Consistency and Figure 20.40(a) & (b)	(a) Deleted Figure 20.40(a) and (b) revised Figure 20.40(b). (c) Change label description in 20.40.170 to match.	(a) Deleted Figure 20.40(a) as it was unnecessary and redundant. (b) Revised Figure 20.40(b) to be consistent with amendments to Comprehensive Plan Update. (c) As stated, change Figure’s label to match.



## Chapter 20.40 ADMINISTRATION

Sections:

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### **20.40.010 TITLE.**

This title shall be known as the "City of Bremerton zoning code." This code shall consist of this text and the map entitled "City of Bremerton official zoning map."

### **20.40.020 AUTHORITY.**

This title is adopted pursuant to Chapters [35.63](#) and [36.70A](#) RCW.

### **20.40.030 INTENT AND PURPOSE.**

The intent of this title is to regulate the physical development of all lands within the City of Bremerton's jurisdiction, except federally owned properties, in order to provide for orderly development within the City. The purpose is:

- (a) To implement the City's Comprehensive Plan;
- (b) To protect the community's social and economic stability, as well as the positive qualities and unique characteristics of all areas throughout the community;
- (c) To address both natural and manmade environmental considerations as part of the land use and development permitting processes; and
- (d) To ensure the orderly and beneficial development and use of all lands by:
  - (1) Reserving an adequate supply of developable land area for each major category of land use and in the most appropriate locations;
  - (2) Preventing the encroachment of incompatible uses; and
  - (3) Providing clear, concise regulations and development guidelines that are consistent with City goals and visions.
- (e) To protect the public's health, safety and welfare as a whole and not to create a duty of protecting any person or class of persons.

#### **20.40.040 ADMINISTRATIVE AUTHORITY.**

The Director shall have the authority to make and issue orders, rules, requirements, permits, interpretations, decisions, or determinations as necessary in the administration and enforcement of the provisions of this title, except when provided for otherwise.

#### **20.40.050 DEFINING "SHALL" AND "MAY."**

The word "shall" is always mandatory; the word "may" denotes a use of discretion in making a decision.

#### **20.40.060 MINIMUM REQUIREMENTS.**

The provisions set forth in this title shall constitute the minimum requirements necessary to promote the public health, safety, morals, and general welfare.

#### **20.40.070 CONFLICTS.**

The provisions of this title shall govern when this code imposes a greater restriction than is required by other ordinances, regulations, easements, covenants, or other agreements. In the case of internal conflicts within this code, the most restrictive provision shall prevail.

#### **20.40.080 INTERPRETATIONS.**

The Director shall have the authority to make written interpretations when necessary for clarification or to resolve conflicts within these regulations. The Director's interpretations are processed as a Type I Director's decision as prescribed in Chapter [20.02](#) BMC. Any person may submit a written request for a code interpretation to the Director, or the Director may issue a code interpretation on the Director's own initiative. A request for a code interpretation shall include the following:

- (a) The provision of this title for which an interpretation is requested;
- (b) Why an interpretation of the provision is necessary;
- (c) Any reason or material in support of a proposed interpretation; and
- (d) Any fees adopted pursuant to Chapter [3.01](#) BMC by the City Council.

#### **20.40.090 ZONING DESIGNATIONS.**

Zoning is the primary implementing tool of the Comprehensive Plan. The Plan's land use designations provide the basis for the official zoning map, which breaks each of those designations into more specific zones. Each zone includes the land use standards and development requirements for development in each zone. Figure 20.40(a) lists the zones and the general category of each zone, which are included herein.

#### **20.40.100 ZONING MAP INTERPRETATIONS.**

The Director shall use the following criteria to interpret the official zoning map:

- (a) Where a zone boundary is indicated as approximately following a property line, the property line is the zone boundary.
- (b) Where a zone boundary is indicated as following a street or other right-of-way, the centerline of the street or right-of-way is the zone boundary.
- (c) Where a zone abuts or extends into a lake or into Puget Sound, the zone boundary extends into that body of water to the full limit and territorial extent of the jurisdiction and control of the City.
- (d) Where a zone boundary is not indicated to follow a property line, street, or other right-of-way, the boundary line is as drawn, based on the scale shown on the zoning map.

#### **20.40.110 COMPLIANCE WITH OTHER LAWS.**

Nothing in this title shall be construed to excuse compliance with other applicable federal, state, or local laws or regulations.

#### **20.40.120 CITY LIABILITY.**

Nothing in this title shall be construed to impose any duty upon the City or any of its officers or employees so as to subject them to liability for damages not otherwise imposed by law to protect individuals from personal injuries or property damage.

#### **20.40.130 PROPERTY OWNER/APPLICANT RESPONSIBILITY.**

(a) It is the intent of this title to place the obligation of complying with the requirements of this title and all applicable laws and regulations upon the owner, and jointly and severally upon the occupant of the land and buildings within its scope.

(b) The applicant is responsible to provide accurate and complete information and plans to comply with the requirements of this title and all applicable laws and regulations. The City is not responsible for the accuracy of information or plans provided to the City for review or approval.

#### **20.40.140 SCOPE OF UNLAWFUL ACTIVITY.**

It shall be unlawful for any person, firm or corporation to erect, construct, alter, repair, move, remove, convert, demolish, use, occupy, or maintain any structure or use of land, or any portion, in violation of the provisions of this title. The violation shall exist until the unlawful act and/or unlawful use has been remedied or abated.

#### **20.40.150 SIMILAR USE DETERMINATION.**

Whenever a proposal is not listed as a permitted, conditional or accessory use in the zone, it may be permitted in that zone if the Director determines it is a use similar to a listed use for that zone.

(a) The applicant shall make in writing requests for a similar use determination. The determination shall be processed as a Type I Director's decision as set forth in the procedures for a Type I decision in Chapter [20.02](#) BMC.

(b) The Director shall issue a decision in writing and shall consider the scale, visual impacts, traffic generation, relationship to surroundings, and other factors which influence and/or define the nature of the proposal.

(c) If the proposal is found to be similar to a listed use, the proposal shall be subject to all standards, requirements and permitting processes to which the listed use is subject.

#### **20.40.160 PROHIBITED USES.**

(a) No use that is illegal under local, state, or federal law shall be allowed in any zone within the City.

(b) Any use not listed as a permitted, conditional or accessory use by the zone; or any use not determined to be a similar use pursuant to BMC [20.40.150](#); or any use not found to be an allowable accessory use to the principle use shall be prohibited within that zone unless allowed otherwise by law.

(c) A collective garden, as defined in BMC [20.42.040](#), is prohibited in all zoning districts of the City.

(1) Any violation of this section is declared to be a public nuisance per se, and shall be abated by the City Attorney under applicable provisions of this code or State law, including, but not limited to, the provisions of Chapter [1.04](#) BMC;

(2) Nothing in this section is intended to authorize, legalize, or permit the establishment, operation, or maintenance of any business, building, or use which violates any City, State, or Federal law or statute.

#### **20.40.170 COMPREHENSIVE PLAN AND ZONING CONSISTENCY.**

Regulations used to implement the Comprehensive Plan must be consistent with the Plan. Figure 20.40([ba](#)) identifies the relationships between a Comprehensive Plan designation and establishes the zoning districts that may be approved within each Comprehensive Plan designation.

**20.40.180 ENFORCEMENT.**

- (a) It is the duty of the Director to enforce the provisions of this title. Enforcement actions may include one or more of the following:
  - (1) Withhold or revoke land use permits or approvals;
  - (2) Withhold or revoke building permits for construction or alteration of a structure, abatement of structures;
  - (3) Revocation of use permits and variances;
  - (4) Enforcement through Chapter [1.04](#) BMC;
  - (5) Filing a court action in a court of competent jurisdiction.
- (b) Land Use/Permit Revocation. A permit or land use approval may be revoked if:
  - (1) The work is not authorized by a valid permit or approval;
  - (2) Inaccurate or incorrect information was used to obtain the permit or approval or the permit or approval was issued in error;
  - (3) The permittee is not complying with the terms of the permit or approved plans;
  - (4) The permittee is in violation of the requirements of this chapter or of any land use ordinance, statute, or regulation; or
  - (5) The work is, in the Director’s judgment, a hazard to property or public safety, is adversely affecting or about to adversely affect adjacent property or rights-of-way, a drainage way, watercourse, sensitive areas or storm water facility, or is otherwise adversely affecting the public health, safety, or welfare.
- (c) Revocation of a permit or land use approval shall be made by:
  - (1) The Director for Type I and Type II permits subject to the right of appeal as set forth in BMC [20.02.140](#).
  - (2) The Administrative Hearing Examiner for a Type III permit subject to the right of appeal as set forth in BMC [20.02.140](#) and Chapter [36.70C](#) RCW.
  - (3) The Council for a Type IV permit as set forth in BMC [20.02.140](#) and Chapter [36.70C](#) RCW provided by law.

**20.40.190 PROHIBITION OF FURTHER PERMITS OR APPROVALS.**

The City shall not accept, process, or approve any application for a subdivision or any other land use permit or approval, or issue a certificate of occupancy for property on which a violation of this title has occurred until the violation is cured by restoration or other means accepted by the Director and by payment of any penalty imposed for the violation.

**20.40.200 VIOLATION - PENALTY.**

- (a) Any violation of any provision of this title constitutes a civil violation under Chapter [1.04](#) BMC for which a monetary penalty may be assessed and abatement may be required as provided therein.
- (b) In addition to, or as an alternative to, any other penalty provided in this chapter or by law, any person who violates any provision of this title shall be guilty of a misdemeanor pursuant to BMC [1.12.020](#)(2).

**Figure 20.40(a)**

The following figure lists the zones in BMC Title 20, Land Use, by major category of residential, commercial, industrial, centers and special districts.

**Figure 20.40(a) ZONING DESIGNATIONS**

Category	Zoning District	Chapter
Residential	Low Density Residential (R-10)	20-60

	<del>Multiple Residential (MR)</del>	<del>20.77</del>
	<del>City Core Residential (CGR)</del>	<del>20.78</del>
Commercial	<del>Commercial Corridor (CC)</del>	<del>20.62</del>
	<del>Wheaton Way Redevelopment Corridor (WWRC)</del>	<del>20.64</del>
	<del>Neighborhood Business (NB)</del>	<del>20.82</del>
	<del>Limited Commercial (LC)</del>	<del>20.84</del>
	<del>Freeway Corridor (FC)</del>	<del>20.86</del>
Industrial	<del>Marine Industrial (MI)</del>	<del>20.88</del>
	<del>Industrial Park (IP)</del>	<del>20.90</del>
	<del>Industrial (I)</del>	<del>20.94</del>
Downtown Center and Centers	<del>Neighborhood Center Core (NCC)</del>	<del>20.66</del>
	<del>District Center Core (DCC)</del>	<del>20.70</del>
	<del>Business Core (BC)</del>	<del>20.74</del>
	<del>Downtown Core (DC)</del>	<del>20.75</del>
	<del>Downtown Waterfront (DW)</del>	<del>20.76</del>
	<del>Employment Center (EC)</del>	<del>20.92</del>
	<del>Master Development (MD)</del>	<del>20.80</del>
Special Districts	<del>City Utility Lands (CUL)</del>	<del>20.96</del>
	<del>Watershed (WS)</del>	<del>20.97</del>
	<del>Institutional (INST)</del>	<del>20.98</del>

**Figure 20.40(ba)**

The following figure lists the Bremerton Comprehensive Plan Land Use Map designations with corresponding BMC Title 20, Land Use, implementing zoning districts.

**Figure 20.40(ba) COMPREHENSIVE PLAN/ZONING CONSISTENCY**

COMPREHENSIVE PLAN DESIGNATION	IMPLEMENTING ZONING DISTRICTS
Low Density Residential (LDR) <del>Open Space (OS)</del>	Low Density Residential (R-10)
<u>Medium Density Residential (MDR)</u>	<u>Low Density Residential (R-10)</u> <u>Medium Density Residential (R-10M)</u>
<u>Multifamily Residential (MR)</u>	<u>Low Density Residential (R-10)</u>

	<u>Medium Density Residential (R-10M)</u> <u>Multifamily Residential (R-20)</u>
<del>Core Centers Supporting Residential (CCSR)</del>	<del>City Core Residential (CCR)</del>
<del>Neighborhood Centers (NC)</del>	<del>Low Density Residential (R-10)</del> <del>Neighborhood Center Core (NCC)</del>
District Centers (DC)	<del>Low Density Residential (R-10)</del> <u>Multifamily Residential (R-10M)</u> District Center Core (DCC)
Employment Center (EC)	Employment Center (EC) <del>Master Development (MD)</del> <del>Institutional (INST)</del> <del>Low Density Residential (R-10)</del>
Downtown Regional Center (DRC)	<del>Commercial Corridor (CC)</del> Business Core (BC) Downtown Core (DC) Downtown Waterfront (DW) <u>Multiple Multifamily Residential (MR)</u> Neighborhood Business (NB) <del>Limited Commercial (LC)</del> <del>Low Density Residential (R-10)</del>
Manufacturing and Industrial Center (MIC)	<u>Puget Sound Industrial Center-Bremerton (PSIC-Bremerton)</u> Industrial (I)
<del>Commercial Corridor (CC)</del> <u>General Commercial (GC)</u>	<del>Commercial Corridor (CC)</del> <u>General Commercial (GC)</u>
<del>Wheaton Way Redevelopment Corridor (WWRC)</del>	<del>Wheaton Way Redevelopment Corridor (WWRC)</del>
Freeway Corridor (FC)	Freeway Corridor (FC)
Neighborhood Business (NB)	Neighborhood Business (NB)
<del>Limited Commercial (LG)</del>	<del>Limited Commercial (LG)</del>
Industrial (I)	Industrial (I) <del>Industrial Park (IP)</del> City Utility Land (CUL)
<del>Industrial Park (IP)</del>	<del>Industrial Park (IP)</del>
<del>Marine Industrial (MI)</del>	<del>Marine Industrial (MI)</del>
Higher Education (HE)	Institutional (INST)



<del>Public Sector Redevelopment Site (PSRS)</del>	<del>Low Density Residential (R-10) Master Development (MD) Institutional (INST)</del>
<del>Transportation, Utilities and Public Facilities (TUPF)</del>	<del>Industrial Park (IP) City Utility Lands (CUL)</del>
City Utility Lands (CUL)	City Utility Lands (CUL) <u>Watershed Lands (WS)</u>
Watershed Lands (WS)	Watershed Lands (WS)
<del>Reserve Center (RC) (Overlay)</del>	<del>Per the implementing zones of the underlying Comprehensive Plan designation</del>
<del>Homeport -- PSNS Industrial Support -- PSNS <u>Naval Base Kitsap</u></del>	<del>PSNS <u>Naval Base Kitsap</u></del>