

**ORDINANCE NO. 5410**

**AN ORDINANCE** of the City Council of the City of Bremerton, Washington, amending the Bremerton Municipal Code Section 20.46.010 entitled Accessory Dwelling Units.

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

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

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

WHEREAS, the Washington State Legislature passed House Bill 1923, which provides incentivized recommendations for jurisdictions to amend local zoning codes relating to housing, with one recommendation concerning ADU standards; and

WHEREAS, the City has received grant funding under the provisions of House Bill 1923 to pursue these zoning code amendments; and

WHEREAS, on May 18, 2020, the Planning Commission conducted a workshop on the proposed amendments; and

WHEREAS, on May 29, 2020, and October 2, 2020 a State Environmental Policy Act (“SEPA”) Determination of Nonsignificance (“DNS”) was issued for the proposed action and no appeals were filed; and

WHEREAS, on June 1, 2020, and October 2, 2020 the proposed Zoning Code amendments were circulated to the State Agencies for the requisite review and comment period; and

WHEREAS, on October 2, 2020, the public was notified by a legal advertisement in the Kitsap Sun of the opportunity to make comment and participate in the public hearing held by the Planning Commission; and

WHEREAS, on October 19, 2020, the Planning Commission conducted a public hearing on the Zoning Code amendments and formulated a recommendation to forward the amendments for City Council consideration; and

WHEREAS, on December 2, 2020, the public was notified by a legal advertisement in the Kitsap Sun of the opportunity to make comment and participate in the public hearing on December 16, 2020 by the City Council; and

WHEREAS, on December 16, 2020, the City Council conducted a public hearing and considered all testimony prior to their decision; NOW THEREFORE,

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

**SECTION 1.** *Findings and Recitals Incorporated.* The findings and recitals set forth above are hereby adopted and incorporated herein by this reference.

**SECTION 2.** *Planning Commission Findings.* The findings and conclusions adopted by the Planning Commission attached hereto as **Exhibit A** are adopted and incorporated as if set forth herein in full.

**SECTION 3.** Chapter 20.46 of the Bremerton Municipal Code entitled "Special Development Standards" is hereby amended by amending Section 20.46.010 to read as follows:

**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) Only one (1) ADU may be created per lot. The lot shall only contain one (1) single-family dwelling unit and one (1) ADU.

(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) ~~An ADU shall be subordinate to the principal unit.~~ The ADU shall be limited to 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 ~~January 1, 2017~~ 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. ~~Unless the ADU is limited to only interior remodeling of an existing single-family dwelling, a proposed ADU shall meet the following design standards:~~

~~(1) Exterior Finish. 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.~~

~~(i) Roofing. A roof of equal or greater pitch as the principal unit.~~

~~(ii) Eaves. The minimum projection is twelve (12) inches.~~

~~(2) Detailed Design. All ADUs shall provide detailed design using at least four (4) of the following architectural features:~~

~~(i) Trim to denote all building's roof lines, porches, windows and doors that is at least three (3) inches wide;~~

~~(ii) Dormers;~~

~~(iii) Gables;~~

~~(iv) Recessed entries;~~

~~(v) Covered porch entries;~~

~~(vi) Offsets in building face or roof (minimum sixteen (16) inches);~~

~~(vii) Bay windows;~~

~~(viii) Decorative cornices and roof lines;~~

~~(ix) Shutters;~~

~~(x) Brickwork, masonry or stucco;~~

~~(xi) Any alternative feature providing visual relief similar to the options listed above provided it must be approved by the Director.~~

~~(g) The entrance to an attached ADU shall not be on the same facade of the structure as an entrance to the principal unit. Exterior stairway shall not be constructed on the street-frontage side of the principal dwelling unit.~~

~~(h g) An Accessory dwelling units shall provide one (1) off-street parking space in addition to that which is required for the principal unit. When adding an ADU, all driveways and areas used for loading, parking, and maneuvering vehicles on the parcel shall have a paved surface. is not required to provide an additional off-street parking space. The site must comply with BMC 20.48, 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.~~

~~(f 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.~~

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

~~(k j) The property owner, which shall include titleholders and contract purchasers, must abide by the following: ~~occupy either the principal unit or the ADU as their permanent residence for all twelve (12) months of the year.~~~~

~~(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 Chapter 6 of the BMC 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 premise.~~

~~(l) — An ADU shall have a deed restriction recorded with the Kitsap County Auditor to indicate the presence of the ADU, the requirement of owner occupancy, and other standards for maintaining the unit as described above.~~

(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 (20.46.010) 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 20.46.010 related to size and design, except as provided at BMC 20.46.010(k)(4).

(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 20% 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 20.46.010(e).

(iii) Any altered or new facades shall have siding and roofing which in color, material, and appearance, match or compliment 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.

**SECTION 4. Corrections.** The City Clerk and codifiers of this ordinance are authorized to make necessary corrections to this ordinance, including but not limited to, the correction of scrivener, clerical, typographical, and spelling errors, references, ordinance numbering, section/subsection numbers and any references thereto.

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

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

PASSED by the City Council the 16 day of December, 2020.

  
ERIC YOUNGER, Council President

Approved this 21<sup>ST</sup> day of December, 2020.

  
GREGORY WHEELER, Mayor

ATTEST:

APPROVED AS TO FORM:

  
ANGELA HOOVER, City Clerk

  
ROGER A. LUBOVICH, City Attorney

PUBLISHED the 22nd day of December, 2020.

EFFECTIVE the 1<sup>ST</sup> day of January, 2020. 21

ORDINANCE NO. 5410

**FINDINGS AND CONCLUSIONS  
OF THE CITY OF BREMERTON PLANNING COMMISSION**

**Summary:**

Proposed amendments to the Bremerton Municipal Code related to Accessory Dwelling Units.

**I. FINDINGS OF FACT**

**1. Project Description:**

The proposed amendment includes revisions to Bremerton Municipal Code 20.46.010, Accessory Dwelling Units, as follows:

- A. Increasing the ADU minimum size.
- B. Increasing the maximum number of ADUs per lot from one (1) to two (2).
- B. Removing parking requirements for the first ADU.
- C. Removing owner occupancy and ownership requirements.
- D. Changing the design standards.
- E. Adding standards for nonconforming detached structures to become ADUs.

**2. Procedural History:**

- 2.1 Planning Commission Workshops: May 18, 2020
- 2.2 Washington State Department of Commerce Notice: June 1, 2020 AND October 2, 2020
- 2.3 SEPA Threshold Determination DNS: May 29, 2020 and October 2 2020
- 2.4 Notice of Public Hearing: October 2, 2020
- 2.5 Planning Commission Public Hearing: October 19, 2020

**3. Public and Agency Comment:**

- 3.1 At the workshop held on March 19, 2018, two public comments were received:
  - 3.1.01 A. Marcus expressed support.
  - 3.1.02 Russ Shiplet, representing the Kitsap Building Association, expressed support.
- 3.2 Written comments are summarized below:
  - 3.2.01 Comment 01: R. Runyon submitted a potential code amendment.
  - 3.2.02 Comment 02: L. King is supportive of ADU amendments.
- 3.3 At the Planning Commission Public Hearing on October 19, 2020, the following people testified:
  - R. Runyon
  - R. Shiplet for the Kitsap Building Association
  - S. Plahn
  - J. Vogt

**4. SEPA Determination:**

A Determination of Non-Significance (DNS) was issued on May 29, 2020, to date no comments or appeals have been filed. A subsequent DNS was issued on October 2, 2020 as additional code revisions were requested by the public for the City to consider.

**5. Consistency:**

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

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

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

The amendment continues to uphold the objectives, goals and policies of the Comprehensive Plan such as:

- Policy LU1(B): Coordinate Bremerton's growth consistent with the Kitsap Countywide Planning Policies and the Puget Sound Regional Council's Vision 2040, and state requirements.
- Policy LU4(C): Provide land use regulations that give opportunities for the community to have fair access to livelihood, education, and resources.
- Policy LU4(D): On an annual basis review and provide amendments, if necessary, to the goals and policies and the Land Use Map to address changing circumstances and/or emergencies.
- Housing Vision: To encourage the growth of Bremerton by strategically locating a wide variety of housing types throughout the City in a way that protects the environment and fosters community health.
- Housing Goal H2: Encourage the development of a variety of new housing options and densities to meet the changing needs of Bremerton's residents.
- Policy H2(C): Supporting infill development and increased densities and the use of Low Impact Development (LID) techniques and Best Management Practices (BMPs) to ensure efficient and cost-effective utilization of existing public utilities.
- Housing Goal H3: Support access to quality and affordable housing for all Bremerton residents.
- Policy H3(A): Provide opportunities for the production of new housing for all incomes, ages, and family types through infill by stimulating growth of non-traditional housing types such as townhomes, carriage units, accessory dwelling units, and duplexes in locations where they will seamlessly infill into the fabric of the existing neighborhoods.
- Policy H3(E): Eliminate unnecessary regulatory impediments to the development of affordable housing.
- Goal H4: Implement and coordinate strategies that promote public and private efforts to facilitate improvements to the housing stock.
- Policy H4(F): Promote increased housing density to provide a broader customer base for more affordable public services including utilities.

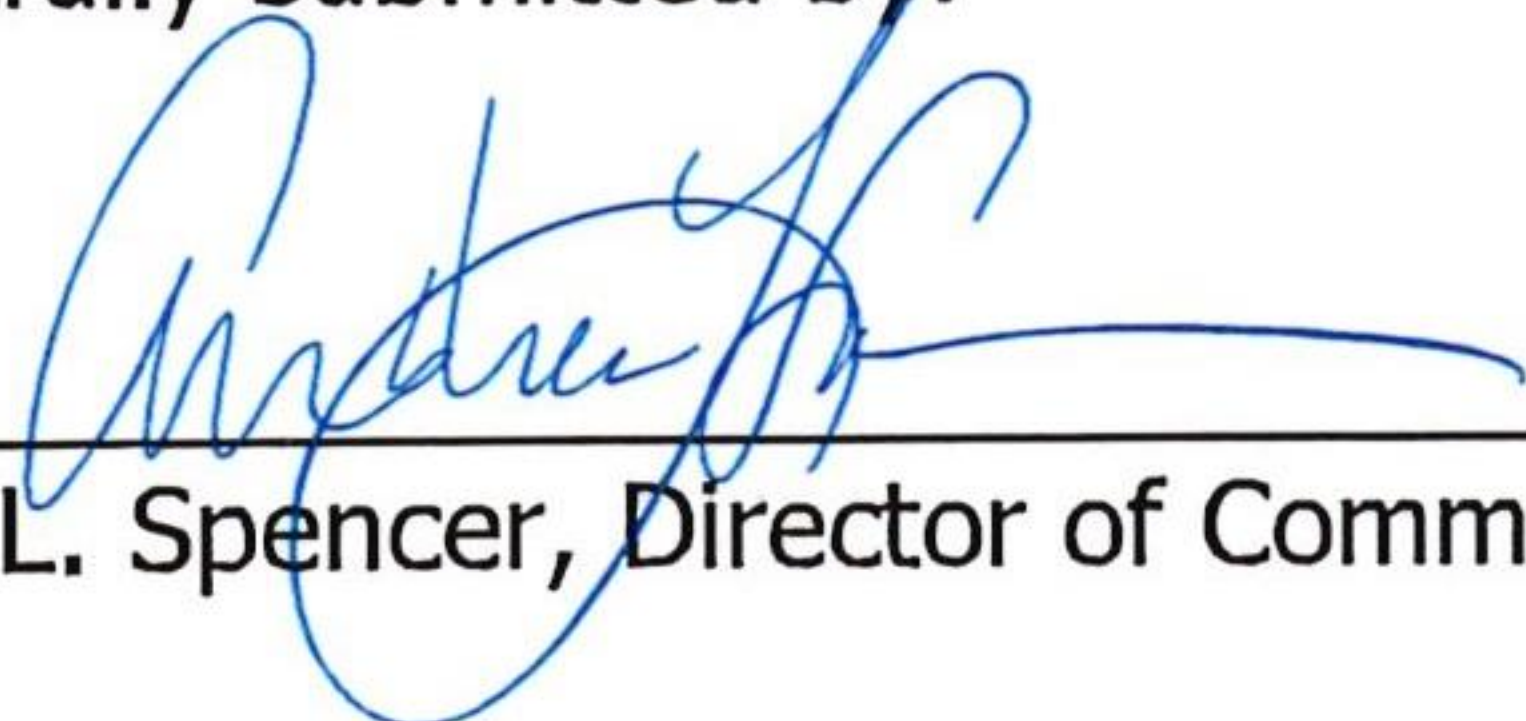
(2) It does not conflict with other City, state and federal codes, regulations and ordinances.

*Analysis:* The proposed amendments do not conflict with any other regulations.

## **II. CONCLUSIONS & RECOMMENDATION**

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

Respectfully submitted by:



Andrea L. Spencer, Director of Community Development



Nick Wofford, Planning Commission Chair

**Note:**

The City Council conducted a public hearing on December 16, 2020. The Council considered written and verbal testimony, deliberated and determined to accept most of the recommendations of the Planning Commission contained in these findings. The Council determined that they would not immediately adopt the recommendation related to two ADUs per residence, and will be considering this portion of these findings at a future date.