

ORDINANCE NO. 5435

AN ORDINANCE of the City Council of the City of Bremerton, Washington, for the 2021 Comprehensive Plan Amendment docket to amend the Zoning code for consistency with the Charleston Area-wide Planning Study in the District Center Core zone.

WHEREAS, the City of Bremerton adopted a Comprehensive Plan on May 18, 2016, by Ordinance No. 5299, hereinafter referred to as the “Comprehensive Plan;” and

WHEREAS, the Washington State Growth Management Act ("GMA") requires internal consistency among comprehensive plan elements and applicable regional plans; and

WHEREAS, the City of Bremerton adopted a Zoning Code on May 18, 2016, by Ordinance No. 5301 hereinafter referred to as the “Zoning Code;” and

WHEREAS, the City of Bremerton has established a procedure and criteria for approval for amending City proposed text amendments in the Zoning Code in Title 20.18 of the BMC. This procedure supports Comprehensive Plan and Zoning Code amendments to be processed concurrently; and

WHEREAS, the Planning Commission conducted a workshop on the 2021 Comprehensive Plan amendments and associated Zoning Code changes proposal on March 15, 2021; and

WHEREAS, on July 9, 2021, the public was notified by a legal advertisement in the Kitsap Sun of the opportunity to make comment and participate in the public hearing by the Planning Commission; and

WHEREAS, on July 13, 2021, the Washington State Department of Commerce was notified of the City’s Comprehensive Plan Amendment docket for 2021; and

WHEREAS, on July 13, 2021, a SEPA Determination of Nonsignificance was issued for amendment docket items with a 14-day comment period; and

WHEREAS, on July 19, 2021, the Planning Commission conducted a public hearing on the 2021 Comprehensive Plan Amendment Docket, and the Planning Commission recommended the City Council adopt amendments as presented here in this ordinance; and

WHEREAS, on October 6, 2021, the public was notified by a legal advertisement in the Kitsap Sun of the opportunity to make comment and participate in the public hearing by the City Council; and

WHEREAS, on October 20, 2021 the City Council conducted a public hearing and considered all testimony prior to their decision; and

WHEREAS, on the October 20, 2021 the City Council adopted Ordinance No. 5434 which amended the City's Comprehensive Plan and those amendments require Zoning Code text change; and

WHEREAS, the proposal meets requirements of the GMA; and

WHEREAS, the proposal is consistent with Kitsap County Countywide Planning Policies ("KCCPP"); 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 incorporated by reference.

SECTION 2. Section 20.70.040 of the Bremerton Municipal Code entitled "Conditional Uses" is hereby added to read as follows:

20.70.040 **CONDITIONAL USES.**

The following Conditional Uses may be permitted in the Charleston District Center, provided a conditional use permit is approved pursuant to BMC 20.58.020 subject to the corresponding conditions:

(a) Mobile Vending Unit. provided:

(1) A Mobile Vending Unit is defined as any motorized or non-motorized vehicle, trailer, or other device located on private property, designed to be portable and not permanently attached to the ground from which food or other retail items are vended, served, or offered for sale.

(2) No smoke, obnoxious odors, dust, light or glare, vibration, noise exceeding levels permissible per BMC 6.32, or other environmental impacts or pollution shall be detectable off site.

(3) Weekdays between the hours of 10PM and 7AM all equipment, merchandise, food-trucks, and other materials associated with the use shall be removed from the site. Alternative proposals for leaving Mobile Vending Units over-night may be considered by the Director only in cases where Mobile Vending Units are completely self-contained, secured, and do not require disassembly for transport to another location.

(4) Mobile Vending Units are responsible for the proper disposal of waste and trash associated with the operation. At a minimum, Mobile Vending Units shall remove all generated waste and trash from their approved location at the end of each day, or as needed to maintain the public health and safety. No liquid waste or grease is to be disposed of in tree pits, storm drains, sanitary sewers, onto the sidewalks, streets or other public or private space. A written waste management plan indicating plans for waste handling, sanitation, litter collection/prevention, recycling, and daily cleanup procedures shall be submitted with the use permit application.

(5) Minimum number of parking stalls per BMC 20.48.080(l) shall be waived. Any parking provided onsite shall conform to BMC 20.48, except that Mobile Vending Units may request alternate site design proposals if accepted by the City.

(6) The Director may modify or waive design criteria per BMC 20.70.070 and landscaping criteria per BMC 20.70.090.

(7) Conditions of Approval. Conditions such as site orientation, fencing, buffering, parking location, lighting, access, hours of operation, and others may be imposed as a condition of approval if it is found they are necessary to mitigate identifiable adverse impacts and ensure compatibility with nearby uses.

(8) Application Requirements. An application shall include all components listed per BMC 20.58.080(e). The Director may modify these requirements based on the size, scope and complexity of the project.

(b) Light Industrial Uses, provided:

(1) Conditional Use eligibility is limited to existing properties fronting Cambrian Avenue, Mead Avenue, and Wycoff Avenue; any property south of 6th Street shall not be eligible.

(2) No smoke, dust, light or glare, vibration, noise exceeding levels permissible per BMC 6.32, or other environmental impacts or pollution shall be detectable off site.

(3) Indoor storage shall only be permitted as an accessory use utilized solely by the permitted onsite use. No commercial storage shall be permitted.

(4) Outdoor storage is prohibited.

(5) Marijuana production and/or processing is prohibited.

(6) Light Industrial Uses, which include residential uses as an accessory use, shall be excluded from mixed-use requirements per BMC 20.70.060(h).

SECTION 3. Section 20.70.080 of the Bremerton Municipal Code entitled “Parking Requirements” is hereby amended to read as follows:

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, 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.

(e) 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.

(f) 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 onsite parking or required landscaping is removed;

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 provision of this ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remainder of this ordinance. Provided however, that if any provision of this ordinance is held invalid or unconstitutional, then the provision in effect prior to the effective date of this ordinance shall be in full force and effect for that individual provision as if this ordinance had never been adopted.

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 20 day of October, 2021.

KEVIN GORMAN, Council President

Approved this 22nd day of October, 2021.

GREG WHEELER, Mayor

ATTEST:

APPROVED AS TO FORM:

ANGELA HOOVER, City Clerk

KYLIE FINNELL, City Attorney

PUBLISHED the 25 day of October, 2021.

EFFECTIVE the 4 day of November, 2021.

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