

ORDINANCE NO. 5458

AN ORDINANCE of the City Council of the City of Bremerton, Washington, amending the Bremerton Municipal Code Title 20 related to Cottage Housing Development, Duplex & Townhomes, Bonus Density for Affordable Housing Development, and Definition updates.

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, RCW 36.70A.545 requires jurisdictions to provide a density bonus to religious organizations that provide affordable housing; 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, on April 18, 2022 and June 27, 2022, the Planning Commission conducted a workshop on the proposed Zoning Code amendments; and

WHEREAS, July 7, 2022 proposed Zoning Code amendments were circulated to Department of Commerce and the State Agencies for the requisite review and comment period; and

WHEREAS, on July 8, 2022 for Zoning Code amendments, a State Environmental Policy Act (“SEPA”) Determination of Nonsignificance (“DNS”) was issued for the proposed action with a comment period, and no appeals were filed; and

WHEREAS, on July 8, 2022, 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 July 18, 2022, 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 September 7, 2022, 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 September 21, 2022 by the City Council; and

WHEREAS, on September 21, 2022, 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. Subsection 20.42.040(c) of the Bremerton Municipal Code entitled “Definitions ‘C’” is hereby amended to read as follows:

(c) Definitions “C”:

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

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

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

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

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

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

"City" means the City of Bremerton, Washington.

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

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

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

“Cottage Housing Development” means a lot containing more than one principal conventional dwelling unit. Units shall not be greater than 1,200 gross square feet, and shall not share any common walls, ceilings, or floors with other principal conventional dwelling units.

SECTION 4. Chapter 20.42.040(d) of the Bremerton Municipal Code entitled “Definitions ‘D’” is hereby amended to read as follows:

(d) Definitions "D":

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

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

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

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

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

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

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

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

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

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

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

"Drive-through facility" means an automobile-oriented component of a permitted use that includes both service window(s) and a stacking lane designed primarily for drive-through trade,

and which provides service and caters to patrons while in their motor vehicles. (See BMC 20.44.120.)

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

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

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

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

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

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

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

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

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

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

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

SECTION 5. Section 20.58.100 of the Bremerton Municipal Code entitled "Affordable Housing Bonus" is hereby added to read as follows:

20.58.100 **AFFORDABLE HOUSING BONUS.**

(a) Authority. This section provides an optional incentive to develop and manage affordable residential projects, while ensuring reasonable compatibility with neighborhood scale, character, and limiting negative impacts to the neighborhood. In zones with a maximum density, developments meeting the requirements of this section may increase the underlying maximum density by fifty (50) percent.

(b) Applicant. The following organizations may initiate a request for an affordable housing bonus:

- (1) Religious organizations as defined by RCW 26.04.007; and
- (2) The Bremerton Housing Authority.

(c) Procedure. Approval of an administrative Type II Conditional Use Permit (CUP) pursuant to BMC 20.58.020 is required. The Director may require a Type III nonadministrative CUP whenever the use has a significant impact beyond the immediate site, is of a neighborhood or community-wide interest, or is of a controversial nature. The proposed development shall meet the following criteria in order to be granted approval:

(d) Criteria of Approval. In addition to criteria of approval per BMC 20.58.020(d), the following shall apply:

(1) All units within the proposed development shall be affordable, as defined per RCW 84.14.010. Income levels of households occupying any residential unit within the proposed development shall not exceed the definition of low-income household as defined by RCW 84.14.010;

(2) The property owner agrees to a binding obligation that requires the development to be used exclusively for affordable housing purposes for a period of no less than fifty (50) years. A notice to title recognizing this obligation shall be approved by the City and recorded with the Kitsap County Auditor;

(3) This section applies exclusively to single-family, duplex, and multifamily housing proposals and does not include group residential, boarding house, or other similar congregate living facilities;

(4) The affordable housing development does not discriminate against any person who qualifies as a member of a low-income household based on race, creed, religion, lack of creed or religion, color, national origin, sex, gender identity, gender expression, veteran or military status, sexual orientation, or mental or physical disability; or otherwise act in violation of the federal fair housing amendments act of 1988;

(5) Applicants shall consult with Kitsap Transit to ensure appropriate transit services are provided to the affordable housing development.

SECTION 6. Subsection 20.60.020(j) of the Bremerton Municipal Code entitled “Residential Uses” is hereby amended to read as follows:

(j) Residential Uses.

- (1) Single-unit dwelling unit, detached;
- (2) Single-unit dwelling unit, attached (zero (0) lot lines) per BMC 20.60.060(b);
- (3) Duplex ~~that meets BMC 20.60.060(f);~~
- (4) Townhouse ~~that meets BMC 20.60.060(f);~~
- (5) Cottage Housing Development of three (3) or less dwelling units (meeting the provisions of BMC 20.60.040(n), except that no conditional use permit is required);

SECTION 7. Section 20.60.040 of the Bremerton Municipal Code entitled “Conditional Uses” is hereby amended to read as follows:

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;
- (6) Rooms shall not be made available to guests for more than fourteen (14) days during any thirty (30) day period;
- (7) No commercial receptions, parties, or other public gatherings, or serving of meals to nonresident guests for compensation, are allowed; and
- (8) 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) Group residential facilities - Class I, provided:

- (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
- (6) 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) Senior housing complex, provided the following conditions are satisfied:

- (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;
- (4) 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;
- (5) Attached or detached structure types are permitted and dwelling units may be owned by individuals or occupied as rentals;

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

(7) 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.

(d) 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

(6) 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.

(e) 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;

(5) 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

(6) 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.

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

(g) Manufactured home park or expansion of existing parks, provided:

(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 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.

(h) 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.

(i) 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.

(j) 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.

(k) 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.

(l) 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.

(m) Mineral resource extraction per BMC 20.46.080, provided:

(1) The site is located within a mineral resource overlay.

(n) Cottage Housing Development consisting of four (4) or more dwellings 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-a-half (1.5) parking spaces are required for each dwelling unit.

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

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

(iv) 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 onsite 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.

SECTION 8. Section 20.60.060 of the Bremerton Municipal Code entitled "Development Standards" is hereby amended to read as follows:

20.60.060 DEVELOPMENT STANDARDS.

(a) Lot Standards. Lot development requirements shall be in accordance with this section and the following standards unless allowed for by law otherwise:

(1) Setbacks.

(i) Minimum front yard setback is fifteen (15) feet;

(ii) Minimum side yard setback is five (5) feet;

(iii) Minimum rear yard setback is fifteen (15) feet.

(2) Maximum structure height is thirty-five (35) feet.

(3) Maximum structure height in (R-10) areas within the downtown regional center shall be pursuant to Figure 20.74(a) and shall supersede subsection (a)(2) of this section.

(4) Minimum lot width is thirty (30) feet.

(5) Maximum development coverage is sixty (60) percent.

(b) Zero (0) Lot Line (ZLL) Development. An attached single-family dwelling and/or garage structure may have a single shared side or rear lot line, and a setback reduced to zero (0), provided the structure complies with building code fire separation requirements.

(c) Accessory Structures. The following standards shall apply but are not limited to: garages, carports, shops, barns, covered patios, cabanas, gazebos, and incidental household storage buildings, excluding accessory dwelling units per BMC 20.46.010 and structures not requiring a building permit:

(1) The maximum area for all accessory structures shall be eighty (80) percent of the principal residential use not to exceed one thousand two hundred (1,200) square feet.

(2) Setbacks of detached accessory structures are pursuant to BMC 20.44.060.

(d) Garages, Storage Buildings and Shops.

(1) Any garage, storage building or shop structure shall be designed so that the appearance of the building remains that of a single-family residence including the following:

(i) Constructed of similar materials as the principal unit;

(ii) A roof of equal or greater pitch as the principal unit;
(iii) A height no more than twenty-five (25) percent greater than the principal unit not to exceed thirty-five (35) feet.

(2) Any garage, storage building, or shop may be exempt from the accessory structure size requirements provided it is contained within the principal unit.

(3) Garage, Carport, and Shop Vehicle Entrance Setbacks. When the vehicle entrance faces the street, the garage, carport, or shop shall have a front yard setback of at least twenty (20) feet, except as provided in BMC 20.44.020 (Traditional front yard).

(e) Lot Area for Parks and Schools. Parks and schools may exceed maximum lot area requirements if approved by a conditional use permit.

~~(f) A duplex or townhouse may only be permitted as follows:~~

~~(1) The underlying density of the zone is met; and~~

~~(2) Within five hundred (500) feet of a commercial district or center.~~

SECTION 9. Section 20.78.020 of the Bremerton Municipal Code entitled “Outright Permitted Uses” is hereby amended to read as follows:

20.78.020 OUTRIGHT PERMITTED USES.

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

The following uses are permitted outright:

- (a) Cemetery;
- (b) Co-location of wireless communications per BMC 20.46.140;
- (c) Community facilities of twenty thousand (20,000) square feet gross floor area or less;
- (d) Day care facility of twelve (12) or fewer persons receiving care;
- (e) Education and schools (K-12) of twelve (12) or fewer students;
- (f) Foster home;
- (g) Group residential home;
- (h) Manufactured home per BMC 20.46.040;
- (i) Parks, playgrounds and open space equal or less than one-half (1/2) acre (twenty-one thousand seven hundred eighty (21,780) square feet);
- (j) Residential Uses.
 - (1) Single-unit dwelling unit, detached;
 - (2) Single-unit dwelling unit, attached (zero (0) lot lines) per BMC 20.78.060(b);
 - (3) Duplexes (meeting underlying zoning density);
 - (4) Townhouse (meeting underlying zoning density);
 - (5) Cottage Housing (meeting the provisions of BMC 20.60.040(n), except that no conditional use permit is required)
- (k) Worship and religious facilities of twenty thousand (20,000) square feet gross floor area or less;
- (l) Incubator for business associated with a worship and religious facility or community facility, provided the following conditions are met:

- (1) The incubated business is a use that is permitted outright in the neighborhood business zone, BMC 20.82.020;
- (2) Landscaping and signage requirements of the neighborhood business zone, Chapter 20.82 BMC, shall be met; and
- (3) The parcel upon which the incubated business is situated shall have frontage on an arterial street.

SECTION 10. 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 11. 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 12. 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 21st day of September, 2022.

DocuSigned by:

 MICHAEL GOODNOW, Council President

Approved this 21st day of September, 2022.

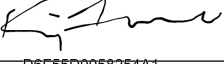
DocuSigned by:

 GREG WHEELER, Mayor

ATTEST:

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 ANGELA HOOVER, City Clerk

APPROVED AS TO FORM:

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 KYLIE FINNELL, City Attorney

PUBLISHED the 26th day of September, 2022.
 EFFECTIVE the 6th day of October, 2022.
 ORDINANCE NO. 5458

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

Summary:

Amendments to Bremerton Municipal Code Title 20 related to (1) Cottage Housing, (2) Duplexes & Townhomes, (3) Definition updates, and (4) Updates related to State required density bonuses for religious institutions and the Bremerton Housing Authority.

I. FINDINGS OF FACT

1. Project Description:

The proposed amendment includes revisions to Bremerton Municipal Code as follows:

- A. In the Low Density Residential Zone, remove requirement that duplex and townhome uses be within 500 feet of a commercial district; BMC 20.60.
- B. Add Cottage Housing Development as a permitted (or conditionally permitted) use in the Low Density Residential (R-10) and Medium Density (R-18) Zones; BMC 20.60 & BMC 20.78.
- C. Add density bonus for religious organizations and the Bremerton Housing Authority; BMC 20.58.
- D. Add definition for Cottage Housing Development and revise definition for Maximum Density; BMC 20.42.

2. Procedural History:

- 2.1 Planning Commission Workshops: April 18, 2022 & June 27, 2022
- 2.2 Washington State Department of Commerce Notice: July 7, 2022
- 2.3 SEPA Threshold Determination DNS: July 8, 2022
- 2.4 Notice of Public Hearing: July 8, 2022
- 2.5 Planning Commission Public Hearing: July 18, 2022

3. Public and Agency Comment:

- 3.1 At workshops held on April 18 & June 27, 2022, no comments were received:
- 3.2 In advance of the July 18, 2022 Public Hearing, written comments were received by the Bremerton Housing Authority in support of the proposed density bonus; BMC 20.58.
- 3.3 At the Planning Commission Public Hearing on July 18, 2022, the following people testified:None
 - ~~1. _____~~
 - ~~2. _____~~

4. SEPA Determination:

A Determination of Non-Significance (DNS) was issued on July 8, 2022, to date no comments or appeals have been filed.

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 amendments 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.
- 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



 Rick Tift, Planning Commission Chair