

ORDINANCE NO. 5404

AN ORDINANCE of the City Council of the City of Bremerton, Washington, for the 2020 Comprehensive Plan Amendment docket to amend the Zoning code to establish a citywide minimum density of 6 dwelling units per acre

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 adopted an area-wide land use classification and zoning for the Comprehensive Plan: Land Use (Ord. No. 5299) and Zoning Code (Ord. No. 5301) on May 18, 2016; and

WHEREAS, the zoning code and maps must be consistent with the Comprehensive Plan; 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 2020 Comprehensive Plan amendments and associated Zoning Code changes proposal on January 27, 2020; and

WHEREAS, on June 5, 2020, the Washington State Department of Commerce was notified of the City’s Comprehensive Plan Amendment docket for 2020; and

WHEREAS, on June 5, 2020, a SEPA Determination of Nonsignificance was issued for amendment docket items with a 14-day comment period; and

WHEREAS, on September 11, 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 by the Planning Commission; and

WHEREAS, on September 21, 2020, the Planning Commission conducted a public hearing on the 2020 Comprehensive Plan Amendment Docket, and the Planning Commission recommended the City Council adopt amendments as presented here in this

ordinance; and

WHEREAS, on October 14, 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 by the City Council; and

WHEREAS, on October 21, 2020 the City Council conducted a public hearing and considered all testimony prior to their decision; and

WHEREAS, on the October 21, 2020 the City Council adopted Ordinance No. 5403 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. Amend Chapter 20.60 of the Bremerton Municipal Code entitled "Low Density Residential (R-10)" by amending Subsection 20.60.065 as follows:

20.60.065 ALLOWABLE DENSITY AND LOT AREA.

The purpose of this section is to establish compatible levels of density within existing neighborhoods. The intent is to allow infill residential development. The following density and lot area standards are applicable to development within the zone:

(a) Minimum Density. The minimum required density is ~~five (5)~~ six (6) dwellings per acre.

(b) Maximum Density. The maximum allowed density is ten (10) dwellings per acre.

(c) Maximum Lot Area. The maximum lot area is ~~eight thousand seven hundred twelve (8,712)~~ seven thousand two hundred sixty (7,260) square feet, with the following exceptions:

(1) The lot area may be modified through the approval of a residential cluster development pursuant to BMC 20.58.060;

(2) One (1) lot within a proposal for a division of land may exceed ~~eight thousand seven hundred twelve (8,712)~~ seven thousand two hundred sixty (7,260) square feet, provided the remaining lots do not exceed the ~~eight thousand seven hundred twelve (8,712)~~ seven thousand two hundred sixty (7,260) square foot maximum lot size; and

(3) A flag lot that complies with the requirements in BMC 20.44.100 may exceed ~~eight thousand seven hundred twelve (8,712)~~ seven thousand two hundred sixty (7,260)

square feet, provided the total area of the flag lot does not exceed ~~thirteen thousand sixty eight (13,068)~~ ten thousand eight hundred ninety (10,890) square feet.

(d) Minimum Lot Area. The minimum allowed lot area is four thousand three hundred (4,300) square feet.

(e) Exception to Minimum Lot Areas.

(1) The minimum lot area may be modified through the approval of a residential cluster development pursuant to BMC 20.58.060, provided the development complies with the maximum density requirement set forth in subsection (b) of this section.

SECTION 3. Amend Chapter 20.78 of the Bremerton Municipal Code entitled “Medium Density Residential (R-18)” by amending Subsection 20.78.065 as follows:

20.78.065 ALLOWABLE DENSITY AND LOT AREA.

The purpose of this section is to establish compatible levels of density within existing neighborhoods. The intent is to allow infill residential development. The following density and lot area standards are applicable to development within the zone:

(a) Minimum Density. The minimum required density is ~~five (5)~~ six (6) dwellings per acre.

(b) Maximum Density. The maximum allowed density is eighteen (18) dwellings per acre.

(c) Maximum Lot Area. The maximum lot area is ~~eight thousand seven hundred twelve (8,712)~~ seven thousand two hundred sixty (7,260) square feet, with the following exceptions:

(1) The lot area may be modified through the approval of a residential cluster development pursuant to BMC 20.58.060;

(2) One (1) lot within a proposal for a division of land may exceed ~~eight thousand seven hundred twelve (8,712)~~ seven thousand two hundred sixty (7,260) square feet, provided the remaining lots do not exceed the ~~eight thousand seven hundred twelve (8,712)~~ seven thousand two hundred sixty (7,260) square foot maximum lot size; and

(3) A flag lot that complies with the requirements in BMC 20.44.100 may exceed ~~eight thousand seven hundred twelve (8,712)~~ seven thousand two hundred sixty (7,260) square feet, provided the total area of the flag lot does not exceed ~~thirteen thousand sixty eight (13,068)~~ ten thousand eight hundred ninety (10,890) square feet.

(d) Minimum Lot Area. The minimum allowed lot area is two thousand five hundred (2,500) square feet.

(e) Exception to Minimum Lot Areas.

(1) The minimum lot area may be modified through the approval of a residential cluster development pursuant to BMC 20.58.060, provided the development complies with the maximum density requirement set forth in subsection (b) of this section.

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 21st day of October, 2020.


ERIC YOUNGER, Council President

Approved this 27th day of October, 2020.


GREG WHEELER, Mayor

ATTEST:

APPROVED AS TO FORM:


ANGELA HOOVER, City Clerk


ROGER A. LUBOVICH, City Attorney

PUBLISHED the 23rd day of October, 2020.
EFFECTIVE the 2nd day of November, 2020.
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