ORDINANCE NO. 007-15


WHEREAS, the City of Port Orchard has adopted development regulations applicable to the Tremont Street Corridor Overlay District in Port Orchard Municipal Code Sections 16.20.600 through 16.20.633; and

WHEREAS, upon review of these development regulations by City Staff, a recommendation has been made to the City Council that interim zoning regulations be adopted while the Tremont Street Corridor Overlay District development regulations can be studied and amended; and

WHEREAS, under RCW 35.63.200, the City may adopt an interim zoning control without first holding a public hearing, as long as the City holds a public hearing within sixty (60) days of adoption and thereafter adopts findings and conclusions in support of continued maintenance of the interim zoning controls; and

WHEREAS, under RCW 35.63.200, the interim zoning control adopted by the City may be in effect for a period of six months without a work plan, or for one year if a work plan is adopted; and

WHEREAS, the City Council considered this Ordinance during its regular Council meeting of February 24, 2015; Now, Therefore,
THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Section 16.20.600 of the Port Orchard Municipal Code is hereby amended to read as follows:

16.20.600 Tremont Street corridor overlay district (TRMT) (map designation trmt).

(1) Boundaries. The TRMT is an overlay district which shall be delineated on the city’s official zoning map.

(2) Purposes. The purpose of the Tremont Street design overlay district (TRMT) is to:

(a) Provide site development standards which establish minimum regulations for all development within the specific plan area and which contribute to a high quality of development;

(b) Create an attractive gateway to Port Orchard along the primary route that visitors would utilize to reach the downtown city center and waterfront;

Section 2. Section 16.20.601 of the Port Orchard Municipal Code is hereby amended to read as follows:

16.20.601 TRMT – Compliance with Design Standards

(1) Compliance with the TRMT standards is required for all new construction of structures and for modifications to an existing structure whereby:

(a) the interior square footage of an existing structure is increased by 50 percent or more; or,

(b) The modification exceeds 60 percent of any facade visible to the public right-of-way or public parking lot.

Section 3. Section 16.20.602 of the Port Orchard Municipal Code is hereby amended to read as follows:


The following actions are exempt from the TRMT standards:

(1) The Modification of existing single-family structures;

(2) Demolition of existing structures;

(3) Any interior building remodeling or alterations
(4) The repair of existing structure exteriors provided that exterior materials are replaced in kind or are brought into compliance with this chapter, except where the threshold in 16.20.601 (1) (b) is exceeded.

Section 4. Section 16.20.603 of the Port Orchard Municipal Code is hereby amended to read as follows:

16.20.603 TRMT – Pre Application Meetings Encouraged.

All applicants for new development within the TRMT overlay district, except for those actions which are exempt in POMC section 16.20.602, are encouraged to complete a pre-application meeting process with the City prior to submitting applications for site development activity permits and/or building permits. While pre-application meetings are encouraged, applications for building permits may be submitted at any time.

Section 5. Section 16.20.604 of the Port Orchard Municipal Code is hereby amended to read as follows:

16.20.604 TRMT – Project application requirements.

A. In order to develop property in the TRMT zone, a property owner must obtain a Clearing and Grading permit as required in the Port Orchard Development Guidelines Manual and a building permit as required by POMC Title 15. A property owner may submit these permits separately or concurrently, but a building permit will not issue prior to approval of the Clearing and Grading Permit.

B. At the time the clearing and grading permit is submitted for development in the TRMT zone, the following materials shall be submitted, in addition to those required by the Port Orchard Development Guidelines Manual to make the application complete:

    (1) A narrative of the overall project description which demonstrates how it is consistent with the TRMT design standards and any other applicable city standards, and such other information as will assist in establishing that the proposal meets the TRMT requirements and purposes.

    (2) A site development plan including:

        (a) Vicinity map with adjoining street location and names;

        (b) Property boundaries and directions;

        (c) Public and private easements;

        (d) Adjacent land uses for site context purposes;
(e) Proposed building envelopes for all structures including proposed entryway locations and building orientation to streets;

(f) A landscape plan including Plant lists by name; Quantities and size of plantings including the identification of existing significant trees (over eight feet in diameter) to be retained; and Landscape perimeter and screen.

(g) A Parking and access plan including: Parking entry location from the street; Entry construction details; Stall types delineated and dimensioned; Location of disabled parking; and Parking tabulation information including shared parking with adjoining uses (within 100 feet).

(3) Building Permit applications for development in the TRMT shall additionally include the following drawings:

(a) Building elevations;

(b) Refuse container enclosure and gate details;

(c) Wall sections and details; and

(d) The type and finished color of exterior siding, windows and roofing to be used, signs and trim to the extent known.

Section 6. Section 16.20.605 of the Port Orchard Municipal Code is hereby amended to read as follows:

16.20.605 TRMT – Review process.

The permit processing requirements for clearing and grading permit applications are described in Port Orchard Development Guidelines Manual. The permit processing requirements for building permit applications are described in POMC Title 15.

Section 7. Section 16.20.608 of the Port Orchard Municipal Code is hereby amended to read as follows:

16.20.608 TRMT – Front yard setbacks.

Front yard setbacks shall be 20 feet for all buildings. Monument signs may encroach into a front yard setback provided they are set back at least 5 feet from the front property line. No parking may encroach into the front yard setback. All front yard setbacks shall be landscaped.
Section 8. Section 16.20.609 of the Port Orchard Municipal Code is hereby amended to read as follows:

16.20.609 TRMT – Side yard setbacks.

No side yard setback is required except in the following conditions:

(1) Where adjacent to a residential district or land use a 10-foot side yard setback is required.

(2) Where the side yard is adjacent to a public street, the building setback shall be 10 feet. Parking areas and monument signs may encroach into a side yard setback provided they are set back at least 5 feet from the side property line. All side yard setback areas shall be landscaped.

Section 9. Section 16.20.610 of the Port Orchard Municipal Code is hereby amended to read as follows:

16.20.610 TRMT – Rear yard setbacks.

No rear yard setback is required except in the following conditions:

(1) Where adjacent to a residential district or land use, then a 15-foot rear yard setback is required.

(2) Parking and monument signs may encroach into a rear yard setback provided they are set back at least 5 feet from the rear property line. All rear yard setbacks shall be landscaped.

Section 10. Section 16.20.611 of the Port Orchard Municipal Code is hereby amended to read as follows:

16.20.611 TRMT – Lot coverage.

The maximum allowable lot coverage by structures shall be 100 percent for commercial/office uses less required parking area, landscaping, and setbacks. Residential and multiple-family developments shall conform to lot coverage found within their respective zone designations.

Section 11. Section 16.20.612 of the Port Orchard Municipal Code is hereby amended to read as follows:

16.20.612 TRMT – Parking Lot Location

Parking lots must be located to the side or rear of buildings and may not be located adjacent to intersections. For parking lots located to the side of a building,
no more than 50 percent of the street frontage may be occupied by parking lots and vehicle access areas.

Section 12. Section 16.20.614 of the Port Orchard Municipal Code is hereby amended to read as follows:

16.20.614 Blank Walls

(1) Blank Wall Definition. A wall (including building facades and retaining walls) is considered a blank wall if:
(a) A ground floor wall or portion of a ground floor wall over six feet in height has a horizontal length greater than 15 feet and does not include a transparent window or door; or
(b) Any portion of a ground floor wall having a surface area of 400 square feet or greater does not include a transparent window or door. Figure: Blank Wall Definition

(2) Blank Wall Standards. Untreated blank walls visible from a public street or pedestrian pathway are prohibited. Methods to treat blank walls can include:
(a) Display windows at least 16 inches of depth to allow for changeable displays. Tack on display cases shall not qualify as a blank wall treatment.
(b) Landscape planting bed at least five feet wide or a raised planter bed at least two feet high and three feet wide in front of the wall with planting materials that are sufficient to obscure or screen at least 60 percent of the wall’s surface within three years.

(c) Installing a vertical *trellis* in front of the wall with climbing vines or plant materials.

(d) Special building detailing that adds visual interest at a pedestrian scale. Such detailing must use a variety of surfaces; monotonous designs will not meet the intent of the standards. For large visible *blank walls*, a variety of treatments may be required to meet the intent of the standards.

Figure: Blank Wall Treatment Examples

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Good and bad blank wall treatment examples. Image A illustrates that heavy landscaping can be very effective in treating a large blank wall. Image B uses a combination of planted trellises and display ads integrated with the building’s architecture along a facade facing a drive-through. Image C simply doesn’t use enough treatments and the result is a stark and unwelcome streetscape.

**Section 13.** Section 16.20.615 of the Port Orchard Municipal Code is hereby amended to read as follows:
16.20.615 TRMT – Building walls and modulation.

All buildings which contain two stories or have a building footprint of more than 10,000 square feet or which have facade length greater than 100 feet and which are visible from a public street or located within 100 feet of a residential zone shall use the following elements and features in design and construction of the building:

(1) No wall plane visible from any public right-of-way shall be wider than 2.5 times the height of the wall plane (a wall plane is a flat vertical surface on a building facade, which may include doors, windows, openings, or other incidental recessions that do not extend through to the roof line).

(2) Any wall or portion of a wall which is visible from a public street must contain 50 percent surface transparency.

(3) All building walls shall provide horizontal modulation consistent with the following standards:

(a) The maximum allowable horizontal length of a building wall between modulations is 100 feet;

(b) The minimum depth of each modulation is 10 feet; and

(c) The minimum width of each modulation is 15 feet.

(d) As an alternative treatment, horizontal modulation may be provided by installation of one stand of trees for each required modulation, located within 20 feet of that portion of the building wall requiring modulation.

Section 14. Section 16.20.616 of the Port Orchard Municipal Code is hereby amended to read as follows:

16.20.616 TRMT – Roof line modulation.

For buildings with flat, gabled, hipped, or similar roofs, with slopes of less than three feet vertical to 12 feet horizontal, the maximum length of any continuous roof line is 50 feet, without being modulated. If the continuous roof line exceeds 50 feet in length, the following methods must be used:

(1) The height of the visible roof line must change at least four feet if the adjacent roof segments are less than 50 feet in length.

(2) The height of the visible roof line must change at least eight feet if the adjacent roof segments are 50 feet or more in length.
(3) The length of a sloped or gabled roof line must be at least 20 feet, with a minimum slope of three feet vertical to 12 feet horizontal.

(4) Buildings with other roof forms, such as arched, gabled, vaulted, dormered or saw-tooth, must have a significant change in slope or roof line at least every 100 feet.

(5) The roof line at the top of the structure shall not run in a continuous plane for more than 100 feet without offsetting or jogging the roof plane.

(6) Nearly vertical roofs (A-frames) and mansard roofs used on portion of building perimeter only are prohibited. Mansard roofs, if used, shall completely wrap around the entire building perimeter.

(7) All roof equipment shall be screened from public view. Mechanical equipment should be located below the highest vertical element.

(8) The following roof materials are not acceptable: corrugated metal; high contrast or brightly colored glazed tile; highly reflective surfaces; and illuminated roofing.

(9) Dormers, whenever appropriate, are encouraged as they add character, break up building roof mass, and are an additional source of natural light.

Section 15. Section 16.20.617 of the Port Orchard Municipal Code is hereby amended to read as follows:


(1) Large, continuous expanses of glass shall provide detailing such as subdivisions by mullions, panes, or decorative millwork.

(2) Horizontal repetition of single windows over long distances is to be avoided.

(3) To maintain a distinction between upper and lower floors, the ground level facade shall have larger patterns of glass than the upper.

(4) The use of bay, bow and box windows is encouraged.

(5) Tinted glass may be used to reduce solar gain; however, deeply tinted glass which stops interior views is to be avoided. Mirrored glass or highly reflective glass is prohibited.

(6) Window frames may be constructed of materials including steel, anodized aluminum, wood, wood and metal and vinyl-covered wood; Silver, gold and other bright-colored frames should be avoided in favor of natural colors.
(7) Window awnings along a row of contiguous buildings shall be restricted to the same form and color. Awnings shall maintain an eight-foot minimum vertical clearance. Plexiglas, metal, and glossy vinyl illuminated awnings are prohibited. Canvas, treated canvas, matte finish vinyl, and fabric awnings are encouraged.

Section 16. Section 16.20.618 of the Port Orchard Municipal Code is hereby amended to read as follows:

16.20.618 TRMT – Building design.

(1) Multiple-tenant office buildings shall be clustered and designed with common materials, colors and styles across their entire facades so as to create cohesive building designs. However, they can be characterized by variation in the application of said materials and colors and also in fenestration details. For example, siding materials or colors may be alternated between building sections; provided, that no single section be of a material or color that is not found on other portions or elements of the facade design. Accent siding materials and prominent siding materials may also be reversed to create interest. Tenant-specific motifs are prohibited if they do not reflect the style, colors and materials that characterize the overall facade design. For purposes of this section, a single building is defined as any structure that is not completely separated from another structure by at least a 10-foot distance.

(2) Common materials, colors and styles are encouraged for multiple buildings on a single site; however, each building shall be unique in terms of its general massing design and fenestration design. Variety in design may be achieved by variation in each building’s footprint, roof lines, facade modulation, and window arrangement. Color and materials may also be varied.

(3) Buildings greater than 40,000 square feet in area shall use one or more of the following elements in an effort to reduce the appearance of excess bulk in large buildings:

(a) Variety in surface planes of exterior walls in depth or direction;

(b) Variety of the height of the building so it appears to be divided into separate distinct sections;

(c) Articulation in different parts of the building’s facade by use of color, change in materials, and arrangement of elements;

(d) Use of landscape and pavement materials at ground level to encourage the transition from building to parking areas;

(e) Use of building trellises, wall articulation, change in materials, arcades, or other features.
(4) To enhance the pedestrian scale of any new development or redevelopment, buildings must:

(a) Provide project-appropriate details including window patterns, structural bays, roof overhangs, siding, awnings, moldings, fixtures, and other details.

(b) Show a relationship to adjacent pedestrian areas (i.e., plazas, courtyards, street sidewalks) and other buildings.

(c) Create transitions in bulk and scale between large buildings and adjacent smaller buildings through the use of appropriately scaled landscaping, fencing, art or other structures.

(d) Provide overhead weather protection and interior lot pedestrian oriented lighting.

(e) Public sidewalks shall be separated from the public roadway through use of landscape planting strips, parking bulb-outs and street furnishings where appropriate.

(f) Pedestrian walkways internal to the site shall be a minimum of 10 feet in width.

In addition, no building shall be required to have more than 2 entrances. A corner entrance shall count as 2 entrances when it faces 2 public street frontages. Directly linking pedestrian access shall be provided between the street right-of-way and each building entrance.

Section 17. Section 16.20.619 of the Port Orchard Municipal Code is hereby amended to read as follows:


(1) Acceptable siding materials include brick, stone, split-face cement block, shingles, and horizontal lap siding. Other materials may also be used if:

(a) They are used as accent materials in conjunction with acceptable siding materials; or

(b) Singular materials are characterized by details or variations in the finish that create a regular pattern of shapes, indentations, or spaces that are accented or highlighted with contrasting shades of color.

(2) All building sides that are painted shall use what is commonly known as “earth tone colors.” “Earth tone” colors include, but are not limited to, the following palette: almond, bluegrass, brick, cedar beige, chamois, cobblestone,
cordovan, cream, driftwood gray, gray, Monterey pine, rose quartz, silver gray beige and topaz.

**Section 18.** Section 16.20.620 of the Port Orchard Municipal Code is hereby amended to read as follows:

**16.20.620 TRMT – Landscape standards.**

The general landscape standards set forth in Chapter 16.50 POMC shall apply unless a more restrictive provision is set forth in the TRMT specific landscape standards set forth in POMC 16.50.230 through 16.50.239.

**Section 19.** Section 16.20.627 of the Port Orchard Municipal Code is hereby amended to read as follows:

**16.20.627 TRMT – Utilities.**

Underground utilities shall be installed for all new development.

**Section 20.** 16.20.628 of the Port Orchard Municipal Code shall be hereby amended to read as follows:

**16.20.628 TRMT – Parking and circulation standards.**

The general parking standards set forth in Chapter 16.45 POMC shall apply unless a more restrictive provision is set forth in the TRMT specific parking standards set forth in POMC 16.45.200 through 16.45.240.

**Section 21.** Section 16.20.633 of the Port Orchard Municipal Code shall be hereby amended to read as follows:

**16.20.633 TRMT – Signs.**

All signs within the Tremont Street corridor overlay district shall be of monument type; pole signs are prohibited. All other applicable conditions of Chapter 16.65 POMC shall govern the placement of signs within the TRMT.

**Section 22.** Findings to Support Interim Zoning Ordinance. The Council adopts the following as findings to support the adoption of this interim zoning ordinance for a six month period after the effective date:

A. The purpose of this interim zoning ordinance is to establish development regulations applicable to the Tremont Street Corridor Overlay District (TRMT) while the City studies the need for new regulations, and follows the appropriate procedures to adopt those regulations.
B. The City plans to take the following steps immediately after the adoption of this Interim Zoning Ordinance:

1. Review the development regulations in this Ordinance and determine whether additional changes need to be made to address the purposes of the TRMT overlay district.

2. Draft a “permanent” zoning ordinance to address the TRMT overlay district.

3. Perform SEPA on the draft zoning ordinance.

4. Send a copy of the draft zoning ordinance to the Department of Commerce.

5. Schedule a public hearing before the Planning Commission on the draft zoning ordinance, obtain public input on the zoning ordinance and allow the Planning Commission to make a recommendation to the City Council on the zoning ordinance.


Section 23. District Boundaries. The Tremont Overlay District boundary, an area that generally follows the parcels along Tremont Ave between SR-16 and Sidney and along Pottery Ave between Tremont and SR-16, is depicted on Exhibit A and is hereby adopted pursuant to Section 1 of this Ordinance (POMC 16.20.600 (1)).

Section 24. Effect of Interim Zoning Ordinance. All applications for development in the TRMT overlay district shall conform to this Interim Zoning Ordinance.

Section 25. Duration of Interim Zoning Ordinance. This interim zoning ordinance shall commence on the effective date set forth in Section 27 herein. As long as the City holds a public hearing on the interim zoning ordinance within sixty days and adopts findings and conclusions in support of the interim zoning ordinance, this interim zoning ordinance shall not terminate until six months after the date of adoption.

Section 26. Public Hearing on Interim Zoning Ordinance. Pursuant to RCW 36.70A.380 and RCW 35.63.200, the City Council shall hold a public hearing on this interim zoning ordinance within sixty (6) days after its adoption. During the Council meeting immediately following the public hearing, the City Council shall adopt findings of fact and either justify its continued imposition or repeal this ordinance.
Section 27. Declaration of Emergency. The City Council hereby declares that an emergency exists necessitating that this interim zoning ordinance take effect immediately upon passage by a majority vote plus one of the whole membership of the Council, and that the same is not subject to a referendum. If this interim zoning ordinance is not adopted immediately, applications for development in the Tremont Street Corridor Overly District could be submitted to the City and arguably become vested, leading to development that could be incompatible with the regulations eventually adopted by the City (after the City follows the procedure set forth herein to adopt “permanent” zoning regulations). Therefore, this interim zoning ordinance must be adopted immediately as an emergency measure to protect the public health, safety and welfare, and to prevent the submission of applications to the City in an attempt to vest rights for an indefinite period of time.

Section 28. EFFECTIVE DATE. The changes to the Port Orchard Municipal Code described in Section 1 above, shall be effective immediately (as long as there is a vote of a majority plus one of the entire Council).

Section 29. SEVERABILITY. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 30. PUBLICATION. A summary of this Ordinance may be published in lieu of the entire ordinance, as authorized by State Law.

PASSED by the City Council of the City of Port Orchard. APPROVED, by the Mayor and attested by the Clerk in authentication of such passage this 24th day of February, 2015.

Timothy C. Matthes, Mayor

ATTEST:

Brandy Rinearson, CMC, City Clerk

APPROVED AS TO FORM: Sponsored by:

Carol Morris, Interim City Attorney

John Clauson, Councilmember

[Seal]
NOTICE OF CITY OF PORT ORCHARD
ORDINANCE

The following is a summary of an Ordinance approved by the Port Orchard City Council at their regular Council meeting held February 24, 2015.

ORDINANCE NO. 007-15


Copies of Ordinance No. 007-15 are available for review at the office of the City Clerk of the City of Port Orchard. Upon written request a statement of the full text of the Ordinance will be mailed to any interested person without charge. Thirty days after publication, copies of Ordinance No. 007-15 will be provided at a nominal charge.

City of Port Orchard

Brandy Rinearson
City Clerk