ORDINANCE NO. 024-13

AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, ADOPTING ADDITIONAL CHAPTERS AND AMENDING CERTAIN PROVISIONS OF THE PORT ORCHARD MUNICIPAL CODE TO ALLOW FOR THE DEVELOPMENT OF ELECTRIC VEHICLE INFRASTRUCTURE

WHEREAS, during the 2009 session the Washington State Legislature passed House Bill 1481 (HB 1481), an Act relating to electric vehicles. The Bill addressed electric vehicle infrastructure including the structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations; and

WHEREAS, the purpose of HB 1481 is to encourage the transition to electric vehicle use and to expedite the establishment of a convenient and cost-effective electric vehicle infrastructure that such a transition necessitates. The Legislature agreed that the development of a convenient infrastructure to recharge electric vehicles is essential to increase consumer acceptance of these vehicles. The State’s success in encouraging this transition will serve as an economic stimulus to the creation of short-term and long-term jobs as the entire automobile industry and its associated direct and indirect jobs transform over time from combustion to electric vehicles; and

WHEREAS, greenhouse gas emissions related to transportation constitute more than fifty percent of all greenhouse gas emissions in the State of Washington; and

WHEREAS, the use of electricity from the Northwest as a transportation fuel instead of petroleum fuels results in significant reductions in the emissions of pollutants, including greenhouse gases, and reduces the reliance of the state on imported sources of energy for transportation; and

WHEREAS, with the potential emerging market for plug-in electric vehicles, new industry standards have been adopted to ensure universal compatibility between vehicle manufacturers. Broad-based installation of new universally compatible charging
stations is intended to ensure that plug-in electric vehicles will be a viable alternative to gasoline-powered vehicles; and

WHEREAS, the City Council finds that the environment, public health, safety and welfare will be served by allowing for the installation and operation of electric vehicle infrastructure; now, therefore,

THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Port Orchard Municipal Code Title 10 is amended by adding a new Chapter 10.78 “Electric Vehicle Charging Stations,” to read as follows:

Chapter 10.78
Electric Vehicle Charging Stations.

10.78.010 Definitions.
(1) “Electric vehicle” means any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for motive purpose. “Electric vehicle” includes: (1) a battery electric vehicle; (2) a plug-in hybrid electric vehicle; (3) a neighborhood electric vehicle; and (4) a medium-speed electric vehicle.

(2) “Electric vehicle charging station” means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

(3) “Electric vehicle parking space” means any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

(4) “Non-Electric Vehicle” means any motor vehicle that does not meet the definition of “electric vehicle.”

10.78.020 Electric Vehicle Charging Stations — Generally.
(1) Electric vehicle charging stations are reserved for parking and charging electric vehicles only.

(2) Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that would apply to any other vehicle that would park in that space.
10.78.030 Prohibitions.
(1) Pursuant to POMC 10.78.050, when a sign authorized under POMC 10.78.040 provides notice that a space is a designated electric vehicle charging station, no person shall park or stand any non-electric vehicle in a designated electric vehicle charging station space. Any non-electric vehicle is subject to fine or removal.

(2) Pursuant to POMC 10.78.050, any electric vehicle in any designated electric vehicle charging station space and not electrically charging or parked beyond the days and hours designated on regulatory signs posted at or near the space, shall be subject to a fine and/or removal. For purposes of this subsection, "charging" means an electric vehicle is parked at an electric vehicle charging station and is connected to the charging station equipment.

10.78.040 Noticing of Electric Vehicle Charging Stations.
The City engineer shall cause appropriate signs and marking to be placed in and around electric vehicle charging station spaces, indicating prominently thereon the parking regulations. The signs shall define time limits and hours of operation, as applicable, shall state that the parking space is reserved for charging electric vehicles, that an electric vehicle may only park in the space for charging purposes, and that violators are subject to a fine and/or removal of their vehicle.

10.78.050 Violations-Penalties.
(1) Violations of this chapter shall be punishable as infractions. Punishment shall be by a fine in accordance with 10.12 POMC. Each day such violation is committed shall constitute a separate offense and shall be punishable as such.

(2) In addition to a fine, a person who has parked or left a vehicle standing upon a street, alley, or City parking lot or garage in violation of this chapter is subject to having the vehicle removed from the street, alley, or City parking lot or garage by any member of the police department authorized by the police chief or designated law official in the manner and subject to the requirements of 10.12 POMC.

Section 2. Port Orchard Municipal Code Title 12 is amended by adding a new Chapter 12.20 "On-Street Electric Vehicle Charging Stations," to read as follows:

Chapter 12.20
On-Street Electric Vehicle Charging Stations
12.20.010 Purpose.
Curbside electric vehicle charging stations adjacent to on-street parking spaces are to be reserved for charging electric vehicles.

12.20.010 Definitions.
(1) “Electric vehicle” means any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for motive purpose. “Electric vehicle” includes: (1) a battery electric vehicle; (2) a plug-in hybrid electric vehicle; (3) a neighborhood electric vehicle; and (4) a medium-speed electric vehicle.

(2) “Electric vehicle charging station” means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

(3) “Electric vehicle parking space” means any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

12.20.030 Size.
A standard size parking space may be used as an electric vehicle charging station.

12.20.040 Location and Design Criteria.
(1) Where provided, parking for electric vehicle charging purposes is required to include the following:

(a) Signage. Each charging station space shall be posted with signage indicating the space is only for electric vehicle charging purposes. Days and hours of operations shall be included if time limits or tow away provisions are to be enforced.

(b) Maintenance. Charging station equipment shall be maintained in all respects, including the functioning of the charging equipment. A phone number or other contact information shall be provided on the charging station equipment for reporting when the equipment is not functioning or other problems are encountered.

(c) Accessibility. Charging station equipment located within a sidewalk shall not interfere with accessibility requirements of WAC 51-50-005.

(d) Clearance. Charging station equipment mounted on pedestals, light
posts, bollards or other devices shall be a minimum of 24 inches clear from the face of curb.

(e) Lighting. Where charging station equipment is installed, adequate site lighting shall exist, unless charging is for daytime purposes only.

(f) Charging Station Equipment. Charging station outlets and connector devices shall be no less than 36 inches or no higher than 48 inches from the top of surface where mounted, and shall contain a retraction device and/or a place to hang permanent cords and connectors sufficiently above the ground or paved surface.

(g) Charging Station Equipment Protection. When the electric vehicle charging station space is perpendicular or at an angle to curb face and charging equipment, adequate equipment protection, such as wheel stops or concrete-filled steel bollards shall be used. Appropriate signage indicating if backing in is allowed or not shall be posted.

(2) Parking for electric vehicles should also consider the following:

(a) Notification. Information on the charging station identifying voltage and amperage levels and any time of use, fees, or safety information.

(b) Signage. Installation of directional signs at appropriate decision points to effectively guide motorists to the charging station space(s).

(c) Location. Placement of a single electric vehicle charging station is preferred at the beginning or end stall on a block face.

12.20.050 Data Collection.
To allow for maintenance and notification, the local permitting agency will require the owners of any private new electric vehicle infrastructure station that will be publicly available to provide information on the station's geographic location, date of installation, equipment type and model, and owner contact information.

Section 3. Chapter 14.04 of the Port Orchard Municipal Code is hereby amended by amending Section 14.04.020 to read as follows:

The city adopts RCW 43.21C.410, and the following sections of Chapter 197-11 WAC, as now existing or hereinafter amended, by reference:
WAC

197-11-040 Definitions.
197-11-050 Lead agency.
197-11-055 Timing of SEPA process.
197-11-060 Content of environmental review.
197-11-070 Limitations on actions during SEPA process.
197-11-080 Incomplete or unavailable information.
197-11-090 Supporting documents.
197-11-100 Information required of applicants.
197-11-158 GMA project review – Reliance on existing plans, laws, and regulations.
197-11-164 Planned actions – Definition and criteria.
197-11-168 Ordinances or resolutions designating planned actions – Procedures for adoption.
197-11-172 Planned actions – Project review.
197-11-210 SEPA/GMA integration.
197-11-220 SEPA/GMA definitions.
197-11-228 Overall integration procedures.
197-11-230 Timing of an integrated GMA/SEPA process.
197-11-232 Integration procedures for preliminary planning, environmental analysis and expanded scoping.
197-11-235 Integrating documents.
197-11-259 Determination of nonsignificance for MTCA remedial action.
197-11-300 Purpose of this part.
197-11-305 Categorical exemptions.

Section 4. Title 16 of the Port Orchard Municipal Code is hereby amended by amending Chapter 16.08 “Definitions” as set forth in the attached Exhibit A.

Section 5. Chapter 16.30 of the Port Orchard Municipal Code is hereby amended by amending Table 16.30.030 “Government/business services land uses” as set forth in the attached Exhibit B.

Section 6. Chapter 16.30 of the Port Orchard Municipal Code is hereby amended by amending Table 16.30.080 “Residential land uses” as set forth in the attached Exhibit C.
Section 7. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 8. This ordinance shall be in full force and effect five (5) days after posting and publication as required by law. 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 26th day of November, 2013.

[Signature]
Timothy C. Matthes, Mayor

ATTEST:

[Signature]
Brandy Rinearson, CMC, City Clerk

APPROVED AS TO FORM:

[Signature]
Gregory A. Jacoby, City Attorney

Sponsored by:

[Signature]
John Clauson, Councilmember
EXHIBIT A

16.08 Definitions
16.08.064 Battery charging station. (new section)
16.08.065 Batter electric vehicle (BEV). (new section)
16.08.066 Battery exchange station. (new section)
16.08.123 Charging levels. (new section)
16.08.257 Electric scooters and motorcycles. (new section)
16.08.258 Electric vehicle. (new section)
16.08.259 Electric vehicle charging station. (new section)
16.08.260 Electric vehicle charging station — restricted. (new section)
16.08.261 Electric vehicle charging station — public. (new section)
16.08.262 Electric vehicle infrastructure. (new section)
16.08.263 Electric vehicle parking space. (new section)
16.08.463 Medium-speed Electric Vehicle. (new section)
16.08.497 Neighborhood Electric Vehicle. (new section)
16.08.505 Non-Electric Vehicle. (new section)
16.08.581 Plug-in hybrid electric vehicle (PHEV). (new section)
16.08.623 Rapid charging station. (new section)

Chapter 16.08
DEFINITIONS

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16.08.064 16.08.063 Basal area.
"Basal area" shall mean the total area of the horizontal cross-section of a tree as measured at a specified height above grade.

16.08.064 Battery charging station.
"Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

16.08.065 Batter electric vehicle (BEV).
"Battery electric vehicle (BEV)" means any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle's batteries, and produces zero tailpipe emissions or pollution when stationary or operating.

16.08.066 Battery exchange station.
"Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds
any standards, codes, and regulations set forth by chapter 19.27 RCW and consistent with rules adopted under RCW 19.27.540.

**16.08.0676 Bed and breakfasts.**

"Bed and breakfasts" shall mean an owner-occupied dwelling or accessory building within which no more than seven bedrooms are available for paying guests on a daily basis.

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**16.08.123 Charging levels.**

"Charging levels" means the standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms 1, 2, and 3 are the most common EV charging levels, and include the following specifications:

- Level 1 is considered slow charging.
- Level 2 is considered medium charging.
- Level 3 is considered fast or rapid charging.

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**16.08.257 Electric scooters and motorcycles.**

"Electric scooters and motorcycles" means any 2-wheel vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle's batteries and produces zero emissions or pollution when stationary or operating.

**16.08.258 Electric vehicle.**

"Electric vehicle" means any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for motive purpose. "Electric vehicle" includes: (1) a battery electric vehicle; (2) a plug-in hybrid electric vehicle; (3) a neighborhood electric vehicle; and (4) a medium-speed electric vehicle.

**16.08.259 Electric vehicle charging station.**

"Electric vehicle charging station" means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. An electric vehicle charging station equipped with Level 1 or Level 2 charging equipment is permitted outright as an accessory use to any principal use.

**16.08.260 Electric vehicle charging station — restricted.**

"Electric vehicle charging station — restricted" means an electric vehicle charging station that is (1) privately owned and restricted access (e.g., single-family home, executive parking, designated employee parking) or (2) publicly owned and restricted (e.g., fleet parking with no access to the general public).
16.08.261 Electric vehicle charging station — public.
“Electric vehicle charging station — public” means an electric vehicle charging station that is (1) publicly owned and publicly available (e.g., Park & Ride parking, public library parking lot, on-street parking) or (2) privately owned and publicly available (e.g., shopping center parking, non-reserved parking in multi-family parking lots).

16.08.262 Electric vehicle infrastructure.
“Electric vehicle infrastructure” means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

16.08.263 Electric vehicle parking space.
“Electric vehicle parking space” means any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

16.08.258-264 Electrical conversion substation.
“Electrical conversion substation” shall mean a site containing equipment for the conversion of high voltage electrical power transported through transmission lines into lower voltages transported through distribution lines and suitable for individual users.

16.08.260-265 Electrical sign.
“Electrical sign” shall mean a sign structure in which electrical wiring, connections, or fixtures are used.

16.08.262-266 Electronic message sign.
“Electronic message sign” shall mean a sign designed to allow changes in the sign graphics electronically. Message must remain visible for five seconds before a new message appears.

16.08.264-267 Engineering drawings.
“Engineering drawings” shall mean diagrams that provide plans, profiles, and cross-sections of utilities and roads to be installed, prepared, and certified by a licensed civil engineer.

16.08.266-268 Enhancement.
“Enhancement” shall mean an action which increases the functions and values of a stream, wetland or other critical area or buffer.

16.08.268-269 Entryway sign.
“Entryway sign” shall mean a city-owned sign designed to advertise the city and aspects of the city, to include, but not be limited to, public buildings, activities, and businesses.

16.08.463 Medium-speed Electric Vehicle.
“Medium-speed Electric Vehicle” means a self-propelled, electrically powered four-wheeled motor vehicle, equipped with a roll cage or crush-proof body design, whose speed attainable in one mile is more than 25 miles per hour but not more than 35 miles per hour and otherwise meets or exceeds the federal regulations set forth in 49 C.F.R. Sec. 571.500.

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16.08.497 Neighborhood Electric Vehicle.
“Neighborhood Electric Vehicle” means a self-propelled, electrically powered four-wheeled motor vehicle whose speed attainable in one mile is more than 20 miles per hour and not more than 25 miles per hour and conforms to federal regulations under Title 49 C.F.R. Part 571.500.

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16.08.505 Non-Electric Vehicle.
“Non-Electric Vehicle” means any motor vehicle that does not meet the definition of "electric vehicle."

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16.08.581 Plug-in hybrid electric vehicle (PHEV).
“Plug-in hybrid electric vehicle (PHEV)” means an electric vehicle that (1) contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor; (2) charges its battery primarily by connecting to the grid or other off-board electrical source; (3) may additionally be able to sustain battery charge using an on-board internal-combustion-driven generator; and (4) has the ability to travel powered by electricity.

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16.08.622 Rapid charging station.
“Rapid charging station” means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels and that meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.
EXHIBIT B

16.30.030

Table 16.30.030 – Government/business services land uses.

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<td>48 Communication offices</td>
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<td>* General business service</td>
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<td>* Professional office</td>
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<td>7312 Outdoor advertising service</td>
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<td>735 Miscellaneous equipment rental</td>
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<td>751 Automotive rental and leasing</td>
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<td>752 Automotive parking</td>
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<td>7941 Professional sport teams/promoters</td>
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<td>873 Research, development and testing</td>
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<td>* Heavy equipment and truck repair</td>
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<td>* Helipad</td>
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Note: All applicable requirements of this title, or other applicable state or federal requirements, shall govern a use located within the Port Orchard incorporated area in addition to those described in the notes following.

1. Only SIC Industry numbers 8732 and 8734 – Commercial economic, sociological and education research.
2. Subject to conditional approval when the tower or antenna support will exceed the height limits of the underlying zone.
3. Limited to office use.
4. Limited to SIC industry number 4215 – Courier services, except by air.
5. Accessory to a multifamily development of at least 12 units provided:
   a. The gross floor area in the self-service storage shall not exceed the total gross floor area of the multifamily dwellings.
   b. All outdoor lights shall be deflected, shaded, and focused downward away from all adjoining property.
   c. The use of the facility shall be limited to the occupant’s household goods.
   d. No servicing or repair of motor vehicles, boats, trailers, lawn mowers or similar equipment.
   e. No outdoor storage or storage of flammable liquids, highly combustible or explosive materials or hazardous chemicals.
   f. No residential occupancy of the storage units.
   g. No business activity other than rental of storage units by occupants.
   h. A resident shall be required on the site and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval.
6. Storage limited to accessory storage of commodities sold at retail on the premises or materials used in the fabrication of commodities sold on the premises.

7. Limited to emergency medical evacuation sites in conjunction with police, fire, health or public service facility.

8. Subject to conditional approval when additional parking is required.

9. Subject to conditional approval within the downtown overlay district, or if a parking structure is proposed.

10. Permitted uses within SIC code are subject to provisions identified below:
   a. SIC codes 7311 through 7313, 7310, 7323, 7336, 7338, 7371 through 7376, and 7379 are permitted uses, limited to office, desktop design, and desktop graphic work. All other activities must be off-site. No on-site retail sales.
   b. SIC codes 7322, 7361, 7363, and 7383 require administrative approval and are limited to office activities only.
   c. SIC codes 7331, 7334, 7335, 7342, 7349, 7352, 7353, 7359, 7377, 7378, 7381, 7382, 7384 and 7389 are not permitted uses. Other SIC codes under the 73 general category, if not specifically identified in 10a or 10b above, are not permitted uses.

11. Allowed only as an accessory use to a principal use or permitted conditional use.
# EXHIBIT C

### Table 16.30.080 – Residential land uses.

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<tr>
<th></th>
<th>Greenbelt</th>
<th>Residential – Mobile Home Park</th>
<th>Residential – 4.5 Units/Acre</th>
<th>Residential – 8.0 Units/Acre</th>
<th>Residential – 12.0 Units/Acre</th>
<th>Residential – 20.0 Units/Acre</th>
<th>Commercial Retail and Office</th>
<th>Business Professional</th>
<th>Mixed Uses</th>
<th>Employment Industrial and Office</th>
<th>Community Facilities</th>
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<tr>
<td><strong>Dwelling Units</strong></td>
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<td>* Single-family detached</td>
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<td>* Single-family attached</td>
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<td>* Multifamily</td>
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<td>* Mobile home park</td>
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<td>* Houseboat</td>
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<td><strong>Group Residences</strong></td>
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<td>* Senior citizen assisted</td>
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<td>* Community residential facility – CRF</td>
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<td>* CRF – prisoner release</td>
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<td>* Dormitory</td>
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<td><strong>Accessory Uses</strong></td>
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<td>* Residential living quarters</td>
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<td>* Home (cottage) industry</td>
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<td>* Home profession</td>
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<td><strong>EV Charging Station Levels I &amp; II</strong></td>
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<td>7011 Hotel/motel</td>
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<td>7041 Organization hotel/lodging houses</td>
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P = Permitted  
C = Conditional  
A = Administrative permit required
Note: All applicable requirements of this title, or other applicable state or federal requirements, shall govern a use located within the Port Orchard incorporated area in addition to those described in the notes following.

1. Except bed and breakfast.
2. Only as an accessory to a school, college/university, church or conference center.
3. Accessory dwelling units:
   a. Only one accessory dwelling per lot;
   b. The primary residence or the accessory dwelling unit shall be owner-occupied;
   c. The accessory dwelling unit shall not be larger than 50 percent of the living area of the primary residence;
   d. One additional off-street parking space is provided; and
   e. The accessory dwelling unit shall be converted to another permitted use or shall be removed if at least one of the units ceases to be owner-occupied.
4. No customers are allowed on site.
5. In the R20 zone, home (cottage) industry and home occupation are allowed in single-family detached homes only.
6. Permitted with approval of a planned residential development.
7. Permitted as part of mixed use development with approval of a conditional use permit (maximum R-20 density).
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 November 26, 2013.

ORDINANCE NO. 024-13

AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, ADOPTING ADDITIONAL CHAPTERS AND AMENDING CERTAIN PROVISIONS OF THE PORT ORCHARD MUNICIPAL CODE TO ALLOW FOR THE DEVELOPMENT OF ELECTRIC VEHICLE INFRASTRUCTURE

Copies of Ordinance No. 024-13 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. 024-13 will be provided at a nominal charge.

City of Port Orchard

Brandy Rinearson
City Clerk

Publish: Port Orchard Independent
December 6, 2013