

ORDINANCE NO. 031-16

AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, AMENDING PORT ORCHARD MUNICIPAL CODE CHAPTER 16.35 TO CLARIFY THAT NONCONFORMING USES AND STRUCTURES WITHIN THE 200 FOOT SHORELINE ZONE ARE SUBJECT TO THE CITY'S SHORELINE MASTER PROGRAM; PROVIDING FOR SEVERABILITY AND CORRECTIONS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City wishes to clarify that nonconforming uses and structures within the 200 foot shoreline zone as established in the City's shoreline master program are subject to the requirements and regulations of the City's shoreline master program; and

WHEREAS, on August 2, 2016, the City provided required 60-day notice of its intent to amend its development regulations to the Department of Ecology and the Department of Commerce; and

WHEREAS, on August 26, 2016, the City's SEPA official issued a determination of non-significance for the proposed amendments and there have been no appeals; and

WHEREAS, on September 14, 2016, the Planning Commission held a duly-noticed public hearing on the proposed amendments, and public testimony was received, and the Planning Commission recommended approval of the proposed changes; and

WHEREAS, on October 11, 2016, the City Council approved the proposed amendments (Ord. 031-16); now, therefore

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

SECTION 1. The City Council adopts all of the "Whereas" sections of this ordinance as findings in support of this ordinance.

SECTION 2. Port Orchard Municipal Code Chapter 16.35 is hereby amended to read as follows:

16.35.030 Nonconforming uses – Applicability.

(1) All nonconforming uses, lots and structures shall be subject to the provisions of this chapter; provided that uses and structures within the two hundred foot

(200 ft) shoreline zone as established in Chapter 2 of the city's shoreline master program are also subject to the provisions of the city's shoreline master program. If a conflict appears to exist between the provisions of this chapter and the shoreline master program, the shoreline master program shall supersede and control.

(2) Any use, structure or other site improvement not established in compliance with use and development standards in effect at the time of establishment shall be deemed illegal and shall be discontinued or terminated and subject to removal pursuant to the provisions of the Port Orchard Municipal Code.

(3) The provisions of this chapter do not supersede or relieve a property owner from compliance with:

(a) The requirements of the International Building and Fire Codes, and other superseding regulations such as SEPA and the shoreline master program.

(b) The provisions of this code beyond the specific nonconformance addressed by this chapter.

(c) Protecting the general health, safety, and welfare of the public.

SECTION 3. 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 4. Corrections. Upon the approval of the city attorney, the city clerk and/or code publisher is authorized to make any necessary technical corrections to this ordinance, including but not limited to the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

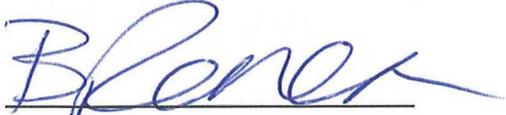
SECTION 5. Effective Date. This ordinance shall be published in the official newspaper of the city and shall take full force and effect five (5) days after the date of publication. A summary of this ordinance in the form of the ordinance title may be published in lieu of publishing the ordinance in its entirety.

PASSED by the City Council of the City of Port Orchard, APPROVED by the Mayor and attested by the City Clerk in authentication of such passage this 11th day of October 2016.



Robert Putaansuu, Mayor

ATTEST:



Brandy Rinearson, CMC, City Clerk

APPROVED AS TO FORM:



Sharon Cates, City Attorney

Sponsored by:



Bek Ashby, Councilmember

PUBLISHED: October 28, 2016
EFFECTIVE DATE: November 2, 2016