

**ORDINANCE NO. 033-16**

**AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, AMENDING PORT ORCHARD MUNICIPAL CODE (POMC) CHAPTERS 16.08, 16.12 AND 16.20 TO REVISE THE DEFINITION OF ACCESSORY DWELLING UNIT, TO UPDATE THE LOCATION OF THE ADOPTED CITY ZONING MAP, AND TO REMOVE THE ADMINISTRATIVE NUISANCE ABATEMENT PROCESS FOR THE VIEW PROTECTION OVERLAY DISTRICT.**

**WHEREAS**, the City of Port Orchard (the "City") has adopted local land use regulations as currently codified in POMC Title 16, Land Use Regulatory Code; and

**WHEREAS**, the City wishes to revise the definition of "accessory dwelling unit" in POMC 16.08 to allow accessory dwelling units for caretaker or security personnel in commercial or mixed-use developments; and

**WHEREAS**, the location of the City's adopted Zoning Map has been updated so that it is no longer in the City's Comprehensive Plan; and

**WHEREAS**, the City wishes to delete the process established in POMC Chapter 16.20.708, regarding the development of administrative guidelines for the abatement of view obstruction nuisances and disputes; and

**WHEREAS**, on August 8, 2016, the City provided required notice to the Department of Commerce regarding its intention to adopt revised development regulations; and

**WHEREAS**, on August 12, 2016, the City's SEPA official issued a determination of non-significance for the proposed changes and there have been no comments or appeals; and

**WHEREAS**, on September 14, 2016, the City's Planning Commission held a duly-noticed public hearing on the proposed changes and public testimony was received, and the Planning Commission provided recommendations to the City Council; 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.** POMC Chapter 16.08, Definitions, is hereby amended to read as follows:

16.08.230 Dwelling unit – Accessory.

“Dwelling unit – Accessory” shall mean a separate, complete dwelling unit attached to or contained within the structure of a primary use or dwelling unit, or contained within a separate structure that is accessory to a primary use or dwelling unit on the premises.

**SECTION 3.** POMC Chapter 16.12, Zoning Map, is hereby amended to read as follows; all other provisions of this section shall remain unchanged and in full force and effect:

16.12.010 Zones established.

The following zones are hereby established: Gb, R4.5, R8, R12, R20, Co, BP I, BP II, Eo, Mxd, Cf; and overlay zones of TRMT, VPOD, DOD central, DOD east and DOD west gateways. The location and boundaries of the various zones are such as are shown on the City’s adopted zoning map, and are codified in this title and made a part of this title. Changes in the boundaries of the zones, including application or amendment or interim zoning, shall be made by ordinance adopting or amending the zoning map.

**SECTION 4.** POMC subsection 16.20.708, VPOD – Nuisance Abatement Process, is deleted.

**SECTION 5.** 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 6.** This ordinance shall be in full force and effect 5 days after publication of this ordinance, 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 City Clerk in authentication of such passage this 25th day of October, 2016.

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Robert Putaansuu, Mayor

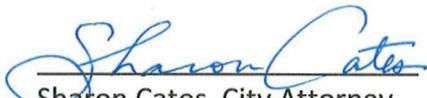
ATTEST:



Brandy Rinearson, CMC, City Clerk

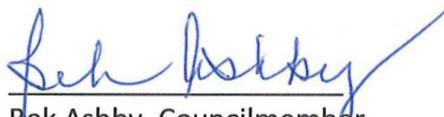


APPROVED AS TO FORM:



Sharon Cates, City Attorney

Sponsored by:



Bek Ashby, Councilmember

PUBLISHED: November 4<sup>th</sup>, 2016

EFFECTIVE: November 9<sup>th</sup>, 2016