

ORDINANCE NO. 037-16

**AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON,
AMENDING PORT ORCHARD MUNICIPAL CODE (POMC) CHAPTER
16.30 TO CLARIFY THE REQUIREMENTS FOR ACCESSORY
DWELLING UNITS IN THE RESIDENTIAL LAND USE TABLE**

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 clarify regulations that allow accessory dwelling units for caretaker or security personnel in commercial or mixed-use developments, as provided in POMC Table 16.30.080, Residential Land Uses; 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 Table 16.30.080 is hereby amended to read as follows; all other provisions of this section shall remain unchanged and in full force and effect:

Table 16.30.080 – Residential land uses.

		Greenbelt	Residential – Mobile Home Park	Residential – 4.5 Units/Acre	Residential – 8.0 Units/Acre	Residential – 12.0 Units/Acre	Residential – 20.0 Units/Acre	Commercial Retail and Office	Business Professional I	Business Professional II	Mixed Uses	Employment Industrial and Office	Community Facilities
		Gb	RMH	R4.5	R8	R12	R20	Co	BP I	BP II	Mxd	Eo	Cf
Dwelling Units													
*	Single-family detached	P		P	P	P	P6		P	P			
*	Single-family attached				P	P	P				P		
*	Multifamily					P	P	C7			P		
*	Mobile home park		P										
*	Houseboat							C			C	C	C
Group Residences													
*	Senior citizen assisted			C	P	P	P	C7	C	C	C		C
*	Community residential facility – CRF				C	C	C				C		C
*	CRF – prisoner release						C						C
*	Dormitory												C2
Accessory Uses													
*	Dwelling Unit - Accessory			P3	P3	P3		P3, 9	P 3,9	P3,9	P3, 9	P3,9	
*	Home (cottage) industry			P10	P10	P10	P4, 5, 10		P10	P10	P10		
*	Home occupation	P10		P10	P10	P10	P4, 5, 10		P10	P10	P		
*	Home profession	P	P	P	P	P	P		P	P	P		
*	Medical marijuana cooperative	P8	P8	P8	P8	P8	P8		P8	P8	P8		
Temporary Lodging													
7011	Hotel/motel							P1			C1		
*	Bed and breakfast	C	C	C	C	C	C	P	C	C	P		
7041	Organization hotel/lodging houses							C			C		

P = Permitted
C = Conditional

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 or development site;
 - b. When the primary use of the lot is residential, the primary residence or the accessory dwelling unit shall be owner-occupied;
 - c. When the primary use of the lot is residential, the accessory dwelling unit shall be less than 50 percent of the living area of the primary residence;
 - d. One additional off-street parking space is provided; and
 - e. When the primary use of the lot is residential, 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.
 - f. Within the Commercial Retail and Office, Business Professional I and II, and Employment Industrial and Office zones, an accessory dwelling unit is allowed for the purpose of housing a resident manager, caretaker, or security personnel for the commercial, office or industrial use(s) on the site.
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).
8. Medical marijuana cooperative:
 - a. Only as an accessory use located within a residential dwelling unit;
 - b. The cooperative shall be registered with the state Liquor and Cannabis Board and all members shall be registered in the state medical marijuana authorization database and hold valid recognition cards;
 - c. The cooperative shall obtain and maintain a city business license according to POMC 5.12;
 - d. The cooperative shall operate in accordance with all requirements of 69.51A RCW.
9. Within the Downtown Overlay District or the Mixed Use zone, an accessory dwelling unit shall be located on or above the second floor of the building in which it is located. Stand-alone accessory dwelling units are not allowed in the Downtown Overlay District or the Mixed Use zone.
10. Shall comply with the requirements of POMC 16.38.

SECTION 3. 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.

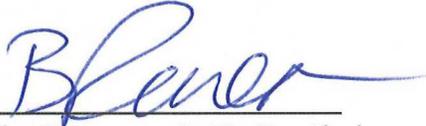
SECTION 4. This ordinance shall be in full force and effect 5 days after publication of this ordinance, as required by law. A summary of this Ordinance may be published in lieu of the entire ordinance, as authorized by State Law.

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.



Robert Putaansuu, Mayor

ATTEST:



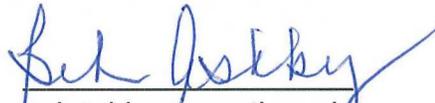
Brandy Rinearson, CMC, City Clerk



APPROVED AS TO FORM:


Sharon Cates, City Attorney

Sponsored by:


Bek Ashby, Councilmember

PUBLISHED: November 4th, 2016

EFFECTIVE: November 9th, 2016