

ORDINANCE NO. 4887

AN ORDINANCE of the City Council of the City of Bremerton, Washington, amending Section 21.02.152 of the Bremerton Municipal Code relating to Downtown District development standards.

WHEREAS, the current provisions of Section 21.02.152 of the Bremerton Municipal Code relating to the Downtown Waterfront and Downtown Core zoning districts have unintentionally created nonconforming uses out of existing land-uses because of parking requirements; and

WHEREAS, the City Council desires to update the provisions relating to development standards in the Downtown Waterfront and Downtown Core zones in order to reduce the amount of nonconformity and support the remodeling and reuse of existing buildings; and

WHEREAS, the SEPA Responsible Official determined that this proposal will not have a probable significant adverse impact on the environment and issued on November 5, 2003, a Determination of Nonsignificance (DNS) under WAC 197-11-340(1); and

WHEREAS, on November 18, 2003, the Planning Commission held a public hearing on the proposed amendment to BMC 21.02.152 and recommended adoption of the proposal to the City Council; and

WHEREAS, pursuant to RCW 36.70A.106, the Department of Community Development sent a Notice of Intent to Adopt for this Ordinance to the Washington State Office of Community, Trade and Economic Development; and

WHEREAS, on January 27, 2004 and February 11, 2004, the City Council considered and held a public hearing on this Ordinance during its regular City Council meetings; NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF BREMERTON, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 21.02.152 of the Bremerton Municipal Code entitled "Downtown District" is hereby amended to read as follows:

21.02.152 DOWNTOWN DISTRICT.

- (a) **Zones.** (See Map of Zone Districts, Figure 152(a))
 - (1) **Downtown Core (DC).**
 - (i) Purpose: To focus commercial, entertainment, cultural, civic uses and urban residential into an intense, compact, walkable area served by public transit.
 - (ii) Allowable Uses:

- a. commercial, financial, retail
- b. eating and drinking establishments
- c. general offices
- d. entertainment, museum, and cultural
- e. government and education
- f. residential and hotel
- g. religious institutions
- h. parks and open space
- i. structured parking
- (iii) Prohibited Uses:
 - a. industrial uses
 - b. drive-through uses
 - c. motor vehicle sales, service, repair or washing
 - d. storage of equipment and materials
 - e. adult entertainment
 - f. work release facilities
 - g. commercial surface parking lots, not serving a permitted

use

(2) **Downtown Waterfront (DW).**

(i) Purpose: To provide for an array of uses related to the water, multi-modal transportation facilities, view corridors, public access and residential.

(ii) Allowable Uses:

- a. retail, including marine retail
- b. eating and drinking establishments
- c. hotel
- d. residential
- e. transportation facilities
- f. parks and open spaces
- g. structured commercial parking with other permitted use
- h. General offices comprising no more than 25% of the total

gross floor area of a mixed use development.

(iii) Prohibited Uses:

- a. same as downtown core, plus
- b. boat sales, storage and repair
- c. stand alone commercial parking not serving a permitted use

(b) **Development Standards-Table.**

(1) Floor Area Ratio (FAR) = (Floor area/Lot area)

<u>District</u>	<u>Base</u>		<u>Maximum</u>	
	<u>Non-Res</u>	<u>Res</u>	<u>Non-Res</u>	<u>Res</u>
DC	1	2	3	6
DW	.5	1	1	2

(2) Maximum Building Height

DC See Figure 152(b)

DW See Figure 152(b)

(3) Parking (stalls/k gsf)—(for exempt development see BMC 21.02.152(f))

	<u>Min</u>	<u>Max</u>
DC	1	4
DW	1	3

(4) View Corridor

DC N/A

DW See Table 3.2 of the Shoreline Master Program

Notes:

1. Floor Area Ratio (FAR) is the amount of floor area within a building as a multiple of the lot area. Floor area is measured to the inside face of the exterior building walls. Calculation of FAR can exclude the following:

- a. spaces below grade.
- b. space devoted to parking.
- c. mechanical spaces.
- d. elevator and stair shafts.
- e. space used for retail uses or restaurants that front the sidewalk.
- f. space devoted to Special Amenities.
- g. exterior decks open to the air.

2. The FAR for non-residential uses and residential uses within a given development are individually calculated for each use and may be added together for a combined maximum, provided that the maximum allowable FAR for each use is not exceeded.

(Example: A project that includes Special Amenities may have a total FAR of 6, with 2 in commercial use and 4 in residential use.)

3. For the Downtown Core district, new development shall have a minimum FAR of 1.

4. Maximum Building Height excludes:

- a. parapets.
- b. mechanical penthouses and elevator overruns and machine rooms.
- c. roof forms and decorative elements not intended for occupancy.

5. The first 3,000 sf of ground floor retail uses are exempted from parking requirements.

6. For residential uses, the minimum parking requirement is .5 spaces per 1000 sf.

7. For purposes of this code, hotels shall be considered residential uses.

(c) **Design Standards Applicable to All Development within Downtown (for exempt development see BMC 21.02.152(f)).**

(1) All roof-top mechanical equipment shall be screened by either a high parapet or a stepped or sloped roof form that is a part of the architecture of the building and is at least as high as the equipment being screened. Fencing is not acceptable.

(2) Street trees shall be provided with no fewer than 3 trees per 100 linear feet of frontage. Tree grates shall be used to cover the planting pits. Where existing areaways or

vaults prevent this form of planting, trees shall be planted in planters equipped with irrigation. All trees shall have a minimum caliper of 2 ½” at the time of planting.

(3) Surface parking lots, if they abut public sidewalks, shall provide a perimeter landscaping strip containing a combination of trees (with no fewer than 3 trees per 100 linear feet of frontage), and shrubs. Masonry walls no lower than 15” and no higher than 30” may be substituted for shrubs.

(4) For parking lots containing more than 20 stalls, at least 15% of the interior area shall be planted with trees and shrubs. All trees shall have a minimum caliper of 2 ½” at the time of planting. Pedestrian walkways from adjacent sidewalks shall be provided.

(5) The street-facing, ground-level facades of parking garages shall be designed to screen the view of parked cars. Where commercial or residential space is not provided to accomplish this, features such as planters, decorative grilles, or works of art shall be used.

(6) Any sidewalk level façade that faces any downtown street shall have at least 35% of the façade area in transparent glass windows.

(7) Any façade facing a public sidewalk shall incorporate more refined materials such as stone or brick and details such as pilasters, plinths, brackets, or belt courses on at least the first floor.

(8) Buildings taller than four stories shall display a distinctive design for the top of the building which can be achieved by various means including a change in materials, architectural detail, color, or step backs at the top floor, a prominent projecting cornice, or a roof with a form such as a curve, slope, or peak.

(9) All development along any Primary Pedestrian Street (First, Second, Burwell, Fourth, Fifth, Pacific, and Park) shall meet the following standards:

(i) Building facades shall abut the sidewalk. However, entrance areas may be recessed. Furthermore, buildings may be set back to accommodate Exterior Public Spaces conforming to the provisions in Section 21.02.152(d)(1).

(ii) At least 50% of the linear, sidewalk level frontage of any structure shall consist of, or are adaptable to, retail, restaurants, cultural or entertainment uses, financial institutes, office, indoor public spaces, or art galleries.

(iii) At least 75% of the frontage shall include weather protection in the form of a flat or sloped canopy, projecting at least 5 feet over the sidewalk.

(d) **Amenities required to achieve the Maximum Floor Area Ratio.** In order for a development to achieve the maximum allowable Floor Area Ratios set forth in the Development Standards table in Section 21.02.152(b), Special Amenities must be provided. In return for incorporating any one of the three special amenity features on the following list, the maximum FAR shall be allowed. The design of each feature will be reviewed to ensure that it is appropriate for the proposed location and provides for a public benefit.

(1) Exterior Public Space that is at least 10% of the site area and includes the following features:

- a. seating in the amount of one sitting space for each 100 sf of area.
- b. trees and other plantings.
- c. art or water feature.
- d. solar exposure during the summer.
- e. access and visibility from the nearest sidewalk.

(2) Public Benefit Use consisting of at least one of the following:

- a. meeting room(s) available to the public.
- b. day care.
- c. museum.
- d. performing arts theatre.

(3) Work of Art or Water Feature in a location that is visible to the public at all times. There may be more than one artwork or water feature, so long as the cost of the item(s) is equivalent to at least 1% of the building permit value for the project including site improvements. A work of art consists of an original, artist-produced creation such as:

- a. murals.
- b. sculptures.
- c. paintings.
- e. inlays.
- f. friezes.
- g. mosaics.
- h. tile work.

(e) **Change of Use or Rehabilitation of Existing Buildings.** When an existing building or structure is remodeled or improved or has a change in use or tenancy, it shall be exempt from off-street parking and landscaping requirements for new development including those set forth in BMC 21.02.152(c) provided that:

(1) the structure is not enlarged, extended or structurally altered outside the existing extents of exterior walls and roofs in a manner that would generate additional required parking; and/or

(2) the structure is not structurally altered within the limits of existing exterior walls and roofs to increase the existing floor area by more than 25%.

SECTION 2. Severability. If any one or more sections, subsections, or sentences of this ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

SECTION 3. Effective Date. This ordinance shall take effect and be in force ten (10) days from and after its passage, approval and publication as provided by law.

APPROVED by the City Council the 27th day of January, 2004

PASSED by the City Council the 11th day of February, 2004

DAREN NYGREN, Council President

Approved this _____ day of _____, 2004

CARY BOZEMAN, Mayor

ATTEST:

APPROVED AS TO FORM:

PAULA JOHNSTON, Interim City Clerk

ROGER A. LUBOVICH, City Attorney

PUBLISHED the 18th day of February, 2004
EFFECTIVE the 28th day of February, 2004
ORDINANCE NO. 4887

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