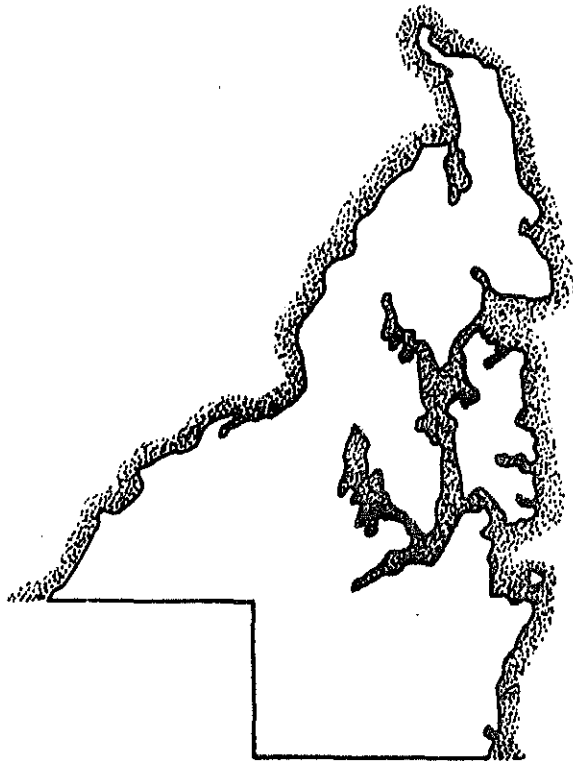


# *ZONING ORDINANCE*

**FOR**

**KITSAP COUNTY, WASHINGTON**

**APRIL, 1971.**



**COPY NO. \_\_\_\_\_**

**PRICE \$ 2.00**

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Revised     April, 1971

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February 18, 1952 ( z-1 )  
March 9, 1953  
June 30, 1953  
August 17, 1953  
December 13, 1954  
April 18, 1955  
July 18, 1955  
October 17, 1955  
July 2, 1956  
October 8, 1956  
March 4, 1957  
September 16, 1957  
November 4, 1957  
March 30, 1959  
October 19, 1959  
December 7, 1959  
February 15, 1960  
June 12, 1961 (z-2)  
May 6, 1963  
July 6, 1964 (z-3)  
October 18, 1965 (z-4)  
August 14, 1967 (z-5)  
May 28, 1969 (z-6)  
June 16, 1969 ( Ordinance No. 43-1969)  
August 9, 1970  
October 13, 1970  
November 23, 1970  
June 21, 1971 ( Ordinance No. 43-24-1971 )

ORDINANCE NO. 43-1969

As Amended August 8, 1970

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS FOR KITSAP COUNTY, WASHINGTON, AMENDING RESOLUTIONS NOS. Z-2, Z-3, Z-4, Z-5 AND Z-6, KITSAP COUNTY, WASHINGTON, WHICH IS A GENERAL ORDINANCE ESTABLISHING LAND USE REGULATIONS AND ZONES WITHIN THE UNINCORPORATED TERRITORY OF KITSAP COUNTY, STATE OF WASHINGTON, AND REGULATING THE USE OF PROPERTY PUBLICLY AND PRIVATELY OWNED THEREIN, AND ADOPTING MAPS DIVIDING KITSAP COUNTY INTO ZONES, WHICH SHALL BE AN INTEGRAL PART OF THIS ORDINANCE, AND PROVIDING FOR AMENDMENTS AND ADDITIONS THERETO, AND PROVIDING PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE.

SECTION 1.00 GENERAL PURPOSE AND ADOPTION OF OFFICIAL LAND USE REGULATIONS:

For the public health, safety, morals and general welfare, and in order to assist

- 1.1 to secure for the citizens of Kitsap County the social and economic advantages resulting from an orderly-planned use of land resources within the county;
- 1.2 to regulate and restrict the location and the use of buildings, structures and land for residence, trade, industrial and other purposes; the height, number of stories, the size, construction and design of buildings and other structures; the size of yards, courts and other open spaces and the lot or tract; the density of population; the setback of buildings along highways, parks or public water frontages; and the subdivision and development of land;
- 1.3 to provide definite official land use regulations for property publicly and privately owned within Kitsap County; and
- 1.4 to regulate the future growth and development of said County in accordance with the Kitsap County Comprehensive Plan, there is hereby adopted and established official land use regulations for Kitsap County pursuant to the authority of R.C.W. 36.70.

SECTION 2.00 DEFINITIONS:

- 2.1 This Ordinance, embodying and making effective the Land Use Regulations of Kitsap County, State of Washington, shall be known as the "Zoning Ordinance" and for the purpose of this Ordinance, certain words and terms are defined as follows:

Words used in the present tense include the future; words in the singular number include the plural; and words in the plural number include the singular; the word "building" includes the word "structure" and the word "shall" is mandatory and not directory.

- 2.2 Assessory Living Quarters: Living quarters within a principle building or an accessory building for the sole use of the family or of persons employed on the premises, or for the temporary use of guests of the occupants of the premises. Such quarters shall not be rented.
- 2.3 Accessory Structure or Use: A structure or use incidental and subordinate to the main use of the property and located on the same lot as the main use, including accessory living quarters.
- 2.4 Board: Means the Board of County Commissioners of Kitsap County.
- 2.5 Building: A structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.
- 2.6 Business: The word "Business" means the occupation or employment of buying, selling, bartering and exchanging goods, services, wares and merchandise or other personal properties or real property, or any interests therein for profit or livelihood, and also the ownership or management of office buildings, offices and recreational or amusement enterprises.
- 2.7 Building Height: The vertical distance from the average finished grade of the exterior walls of the building to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof or the slope of a shed roof.
- 2.8 Building Line: The line of that face or corner or part of the building nearest the property line.

- 2.9 Clinic: A building designed and used for the medical and surgical diagnosis and treatment of patients under the care of doctors and nurses.
- 2.10 Commission: Means the Planning Commission of Kitsap County.
- 2.11 Club: An association of persons organized for some common purpose, but not including groups organized primarily to render a service which is customarily carried on as a business.
- 2.12 Dock: An artificial basin for moorage of boats, including a basin formed by dredging into the bank of a lake or stream or formed between the extension of two piers or the area between a bank or quay and pier. Docking facilities may include wharves, moorage or docks or any place or structure connected with the shore or upon shorelands provided for the securing of a boat or vessel.
- 2.13 Dwelling, Multiple Family: A building containing two or more dwelling units.
- 2.14 Dwelling, One Family: A building other than a mobile home containing one dwelling unit. Provided, however, that a mobile home manufactured in more than one major eight (8) foot wide section and not designed so that it may be transported by a single vehicle may be considered a one-family dwelling provided it is permanently installed as a building and taxed as real property.
- 2.15 Dwelling Unit: One or more rooms designed for occupancy by one family.
- 2.16 Equipment, Heavy Duty: High capacity mechanical devices for moving earth, or other materials, mobile power units, including but not limited to carryalls, graders, loading and unloading devices, cranes, drag lines, trench diggers, tractors, augers, concrete mixers and conveyors, harvestors, combines or other major agricultural equipment and similar devices operated by mechanical power as distinguished from man-power.
- 2.17 Family: An individual or two or more persons related by blood or marriage and/or not more than six (6) persons who are not related by blood or marriage living together in a dwelling unit.
- 2.18 Farm: An area of land devoted to the production of crops, livestock, or livestock products and poultry, which constitutes the major use of such property.
- 2.19 Floor Area: The sum of the gross horizontal areas of the floors of a building or buildings, measured from the exterior faces of exterior walls and from the center line of division walls.



- 2.20 Home Occupation: An occupation or profession which is customarily incident to or carried on in a dwelling place and not one in which the use of the premises as a dwelling place is largely incidental to the occupation carried on, and which occupation is carried on by a member of the family residing within the dwelling place.
- 2.21 Junk Yard: A lot, land or structure, or part thereof, used for the collecting, storage and sale of waste paper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage, salvaging or sale of parts of machinery or vehicles not in running condition.
- 2.22 Kennel: More than three dogs and one litter of unweaned pups constitute a kennel.
- 2.23 Livestock: Horses, bovine animals, sheep, goats, swine, reindeer, donkeys, mules and similar animals.
- 2.24 Lot: A building site that is described by a reference to a recorded plat, approved short plat, by metes and bounds, or by section, township and range.
- 2.25 Lot Area: The total horizontal area within the boundary lines of a lot exclusive of public and private streets, tidelands and shorelands.
- 2.26 Lot, Corner: A lot at the junction of and fronting on two or more intersecting streets.
- 2.27 Lot, Depth: The average horizontal distance between the front lot line and the rear of the lot, measured on a line approximately perpendicular to the fronting street and midway between the side lines of such lot.
- 2.28 Lot, Interior: A lot fronting on one street.
- 2.29 Lot, Through: A lot fronting on two streets that do not intersect on the parcel's lot lines.
- 2.30 Lot, Width: The dimension of the lot line at the street; or, in an irregular-shaped lot, the dimension across the lot at the midpoint of the two side lot lines, or the minimum front building line whichever is greater; or in a corner lot the narrow dimension of the lot at the street.
- 2.31 Mobile Homes: A factory fabricated dwelling unit more than 32 feet in length or more than eight (8) feet in width originally designed with such features as a chassis or steel frame so that it may be licensed as a vehicle by the State of Washington and be transported on highways, whether or not it is demobilized or attached to the ground.

- 2.32 Mobile Home Park: A tract of land developed and operated as a unit with individual sites, roads, utilities, recreational areas and facilities to accommodate two or more mobile homes on an extended rental basis.
- 2.33 Moorage: A place to tie up or anchor a boat or vessel.
- 2.34 Motor Hotel: A specialized hotel designed and operated to provide hotel services and accommodations to the motoring public.
- 2.35 Non-Conforming Building: A building or structure which does not conform in its construction, area, yard requirements or height to the regulations of the zone in which it is located.
- 2.36 Non-Conforming Land Use: The use of land which does not conform to the regulations of the zone in which the use exists.
- 2.37 Public and Private Parks, Playgrounds, Campgrounds, and Golf Courses: Areas of land with or without buildings, designed for recreational uses.
- 2.38 Setback: Distance that buildings or uses must be removed from their lot lines.
- 2.39 Sign, Outdoor Advertising: A sign which directs attention to a business product, activity, or service which is not conducted, sold or offered upon the premises where such sign is located.
- 2.40 Storage Area, Commercial: Land area or a building where material or equipment, other than a single commercial vehicle or a single piece of heavy-duty equipment stored within a structure, used in conjunction with the business, other than a farm or home occupation, is stored.
- 2.41 Street: A thoroughfare which affords the principle means of access to abutting properties including private roads and easements which serve five or more lots or serve a single lot containing adequate frontage along the easement to be divided into five or more lots under the existing zone regulations.
- 2.42 Structural Alteration: Any change to the supporting members of the building or structure including foundations, bearing walls, columns, beams or girders.
- 2.43 Structure: Anything constructed in the ground, or anything erected which requires location on the ground or water, or is attached to something having location on or in the ground including an outdoor advertising sign, but not including fences or paved areas.

- 2.44 Tract: A piece of land usually several acres in size.
- 2.45 Trailer: A vehicle thirty-two (32) feet or less in length or eight (8) feet or less in width originally designed to be used upon the ~~pub~~ public streets and highways which is capable of being used as a facility for human habitation.
- 2.46 Trailer Park: A tract of land developed with individual sites, roads, and utilities to accommodate travel trailers, campers, motor homes, and similar vehicles on a short term rental basis.
- 2.47 Use: The nature of the occupancy, the type of activity or the character and form of improvements to which land is devoted or may be devoted.
- 2.48 Utility Site, Community: A lot or portion thereof used for a minor utility installation such as a well site or pump station serving the community in which it is located, provided it is not otherwise considered an Unclassified Public Use.
- 2.49 Yard: An unoccupied space open to the sky, on the same lot with a building or structure, unless specifically otherwise permitted.
- 2.50 Yard, Front: A yard extending from a street line and parallel thereto to the nearest point of a building or structure.
- 2.51 Yard, Rear: A yard extending from the rear property line or the ordinary high water line or the ordinary high tide line located at the rear of the property and parallel thereto to the nearest point of a building or structure.
- 2.52 Yard, Side: A yard between the front and rear yards extending from the side property line and parallel thereto to the nearest point of a building or structure.

SECTION 3.00 ZONES

3.1 Introduction: In accordance with the provisions and objectives of Chapter 201, Laws of Washington 9859, all unincorporated territory in Kitsap County, Washington shall be classified according to the following:

Single-Family Residential Zone.....	RS-20,000
Single-Family Residential Zone.....	RS-15,000
Single-Family Residential Zone.....	RS-12,500
Single-Family Residential Zone.....	RS-9,600
Single-Family Residential Zone.....	RS-7,500
Multiple Family Residential Zone.....	RM-11
Multiple Family Residential Zone.....	RM-19
Multiple Family Residential Zone.....	RM-36
Single Family Residential Zone.....	RS-1 Acre
Single Family Residential Zone.....	RS-35,000
Residential Mobile Home Zone.....	R-7,500 M.H.
Agricultural Zone.....	A
Forestry Zone.....	F
Undeveloped Land Zone.....	UL
Business Neighborhood Zone.....	BN
Business General Zone.....	BG
Commercial Zone.....	C
Light Manufacturing Zone.....	LM
Manufacturing Zone.....	M

3.1.1 The boundaries for the zones listed herein are indicated on the Kitsap County Zoning Maps and include zone amendments made since June 12, 1961, all of which are made a part of this Ordinance.

3.1.2 Where distances to zone boundaries are shown on the zoning map such distances shall govern. If distances are not shown, the boundary lines are intended generally to follow municipal boundary lines, street lines, section, township, or range lines, or existing lot lines as shown on the latest tax map of Kitsap County.

3.1.3 Where uncertainty exists as to the boundaries of any zone shown upon the zoning map or any part thereof, the following rules shall apply:

- a. Where such boundaries are indicated as approximately following street or alley lines or lot lines, such lines shall be construed to be such boundaries.

- b. In the case of unsubdivided property, and where a zone boundary divides such property, the location of such boundaries, unless the same are indicated by dimensions, shall be determined by use of the scale appearing on said zoning map.
- c. Where a public street or alley is officially vacated or abandoned, the area comprising such street or alley shall acquire the classification of the property to which it reverts.
- d. Where such boundaries parallel tidelands or shorelands, zone boundaries shall be the extreme low tideline or meander line which-ever is more distant from the uplands.

3.1.4 Those areas on the Kitsap County Zoning Maps designated as "Residential Zone, R-7.5" shall be designated and shall conform to the requirements of the "Single Family Residential Zone, RS-7,500"; those areas designated "Residential Zone, R-9.6" shall be designated and shall conform to the requirements of the "Single Family Residential Zone, RS-9,600"; those areas designated "Residential Zone, 12.5" shall be designated and shall conform to the requirements of the "Single Family Residential Zone, RS-12,500"; those areas designated "Residential Zone R-15" shall be designated and shall conform to the requirements of the "Single Family Residential Zone, RS-12,500"; those areas designated "Residential Zone, R-20" shall be designated and shall conform to the requirements of the "Single Family Residential Zone, RS-20,000"; those areas designated "Residential Zone, R-1A" shall be designated and shall conform to the requirements of the "Single Family Residential Zone, RS-1 acre"; those areas designated "Residential Zone, R-3" shall be designated and shall conform to the requirements of the "Multiple Family Residential Zone, RM-36"; those areas designated "Agricultural Land Zone, A" shall be designated and shall conform to the requirements of the "Agricultural Zone, A"; those areas designated "Business Zone-General, B-G" shall be designated and shall conform to the requirements of the "Business General Zone, BG"; those areas designated "Business Zone-Neighborhood, B-N" shall be designated and shall conform to the requirements of the "Business Neighborhood Zone, BN"; those areas designated

"Manufacturing Zone-Heavy, M-H" shall be designated and shall conform to the requirements of the "Manufacturing Zone, M"; those areas designated "Manufacturing Zone-Light, M-L" shall be designated and shall conform to the requirements of the "Light Manufacturing Zone, LM"; those areas designated "Residential Zone, R-7.5M.H." shall be designated and shall conform to the requirements of the "Residential Mobile Home Zone, R-7,500 M.H."; those areas designated "Residential Zone, R-3a" shall be designated and shall conform to the requirements of the "Multiple Family Residential Zone, RM-19"; those areas designated "Residential Zone, R-3b" shall be designated and shall conform to the requirements of the "Multiple Family Residential Zone, RM-11".

3.2 Zone Regulations: In the following zones, only those uses listed for each zone or group of zones and their accessory uses and buildings are permitted as herein after specifically provided, subject to the supplementary provisions and exceptions set forth in Section 4 and subject to the lot dimension, yard and building height requirements specified on the table at the end of this section.

3.2.1 In the RS-20,000, RS-15,000, RS-12,500, RS-9,600, and RS-7,500 zones, the following uses are permitted:

- (a) A one-family dwelling.
- (b) Home Occupation, Planning Unit Development and Unclassified Public Use pursuant to Section 4.
- (c) One livestock, six small animals and twelve poultry per acre of lot area, provided that no more than five (5) livestock, thirty (30) small animals and sixty (60) poultry shall be permitted and provided further that no building used to house, confine, or feed such animals or poultry is located closer than one-hundred and fifty feet or any pasture closer than twenty-five to any dwelling, except such as may be located on the subject parcel.
- (d) Public and private parks, beach clubs, public utility sites and golf courses provided that prior to the use of such site or the issuance of a permit, a plot plan in full detail shall be filed with and approved by the Board of Adjustment who may require screening, modify the proposed parking and ingress and egress to the site and impose other conditions deemed to be

in the public interest, except where such permit is for the repair, maintenance, alteration or remodeling of a structure or a minor addition thereto or an accessory structure which in the opinion of the Planning Director will not change the character of the site with regard to parking, yard setback, or screening needs.

(e) Existing two-family dwellings.

3.2.2 In the RM-11, RM-19 and RM-36 zones, the following uses are permitted:

(a) Any use permitted in the RS-7,500 zone subject to the limitations noted therein.

(b) Multiple family dwellings.

3.2.3 In the RS-1 Acre and RS-35,000 zones, the following uses are permitted.

(a) Any use permitted in the RS-7,500 zone subject to the limitations noted therein.

(b) Kennels and the raising of crops, poultry, domestic animals and livestock, except mink, fox, goats and swine, on a lot or parcel of five acres or more in area, provided that no kennel or building used to house, confine, or feed such poultry and livestock is located closer than one-hundred and fifty (150) feet or any pasture closer than twenty-five (25) feet to any dwelling, except such as may be located on the subject parcel.

(c) In lieu of a one-family dwelling, a mobile home, provided it is entered as real property on the tax rolls pursuant to R.C.W. 82.50.180.

3.2.4 In the R-7,500 M.H. zone, the following uses are permitted:

(a) Any use permitted in the RS-1 Acre zone subject to the limitations noted therein.

(b) A two-family dwelling on a lot containing fifteen thousand (15,000) square feet or more.

3.2.5 In the Agricultural zone, the following uses are permitted:

- (a) Any use permitted in the RS-1 Acre zone subject to the limitations noted therein, provided the raising of swine, goats, mink and fox is not excluded.
- (b) One stand for the sale of products grown on the premises and two signs not exceeding six square feet in area advertising such products.

3.2.6 In the Forestry zone, the following uses are permitted:

- (a) Any use permitted in the RS-7,500 zone subject to the limitations noted therein.
- (b) Production of forest products.
- (c) In lieu of a one-family dwelling, a mobile home provided it is entered as real property on the tax rolls pursuant to R.C.W.82.50.180.
- (d) Saddle clubs and riding academies.

3.2.7 In the Undeveloped Land zone, the following uses are permitted:

- (a) Any use permitted in the Forestry or Agricultural zone, subject to the limitations noted therein.
- (b) Residential development with a minimum lot size of thirty-five thousand (35,000) square feet in an approved subdivision or short subdivision pursuant to Kitsap County subdivision regulations provided the lot dimensions conform to those of the RS-35,000 zone.

3.2.8 In the Business-Neighborhood zone the following uses and types of uses intended primarily to serve the neighborhood or rural community in which they are located are permitted:

- (a) Retail trade establishments, repair and maintenance service establishments, business, professional and governmental offices and studios, personal and business services subject to the following conditions:
  - (1) All uses shall be conducted within a building with the exception of lumber yards provided storage areas are obscured with a solid wall or fence not less than six (6) feet in height,



automobile service stations, eating establishments and nurseries,

- (2) Storage shall be limited to accessory storage of commodities to be sold or used on the premises and shall be stored within a building.
  - (b) Church, community clubs, museums, parks and libraries.
  - (c) One single family dwelling for use by the owner of the permitted use located on the property or for caretaking purposes. Dwellings existing on a lot prior to adoption of this Ordinance, provided that any modification of such existing dwellings on the lot on which they are located, conform to the lot dimension, yard and building height requirements of the RM-11 zone and provided no more dwelling units are added.
  - (d) Home Occupation, Planned Unit Development and Unclassified Public Use pursuant to Section 4.
  - (e) Business uses similar to those listed above but not similar to those characterized by and listed in the Business-General and Commercial zones.
- 3.2.9 In the Business-General zone, the following uses and types of uses, which are intended to serve the neighborhood and community in which they are located as well as the traveling public, are permitted:
- (a) Any use permitted in the Business-Neighborhood zone subject to the limitations noted therein, without the requirement that business uses be conducted within a building provided, however, that any outdoor storage of commodities for sale, incidental material or equipment be obscured from view with a solid wall or fence not less than six (6) feet in height, except for the sale of automobiles, trailers, boats and similar heavy equipment.
  - (b) Hotels and motels.
  - (c) Recreation establishments involving large assemblages of people such as theaters, dance halls, bowling alleys and skating rinks.

(d) Outdoor advertising signs.

(e) Businesses similar to those listed above, but not similar to those characterized by and listed in the Commercial zone.

3.2.10 In the Commercial zone, the following uses and types of uses which require ready access to transportation arterials are permitted:

(a) Any use permitted in the Business-General zone, subject to the limitations noted therein.

(b) Animal hospital or veterinary clinic.

(c) Wholesale trade establishments, truck terminal facilities, warehouses and storage yards, shops for custom work or the making of custom articles, provided that any outdoor storage or activities, other than incidental customer and employee parking, be obscured from view with a solid wall or fence not less than six (6) feet in height.

(d) Establishments similar to those listed above but not similar to those characterized by and listed in the Manufacturing zone.

3.2.11 In the Light Manufacturing zone, the following uses and types of uses which are restricted to minimize adverse impact on the surrounding environment, are permitted:

(a) Wholesale trade establishments, assembly, manufacturing and processing plants, research and testing laboratories subject to the following conditions:

(1) The outside storage of materials, supplies, products and commercial vehicles shall be located within the buildable area of the property provided such storage area is obscured from view and with a solid wall or fence not less than six (6) feet in height;

(2) There shall be no vibration, persistent, loud or penetrating noise or direct or reflected glare, heat or unusually-intense light discernible beyond the site boundary;

- (3) Activities shall not create hazards of fire, explosion or other danger which might adversely affect the use of adjacent properties; and
- (4) Prior to the issuance of any permit involved in the above uses, except where a Planned Unit Development has been approved or where such permit is for the repair, maintenance, alteration or remodeling of a structure or a minor addition thereto or an accessory structure which in the opinion of the Planning Director will not change the character of the site with regard to parking, yard setback or screening needs, a plot plan in full detail shall be filed and approved by the Board of Adjustment which body may limit the size and location of signs, require additional screening and landscaping and modify the proposed parking and ingress and egress to the site.

- (b) Residential uses for use by the owner of the property or for caretaking purposes.
- (c) Planned Unit Developments and Unclassified Public Uses pursuant to Section 4.
- (d) Establishments similar to those listed above, but not similar to those characterized by and listed in the Manufacturing zone.

3.2.12 In the Manufacturing zone, the following uses and types of uses which require ready access to transportation facilities and an environment which will not be infringed upon by residential uses are permitted:

- (a) Any use permitted in the Commercial zone, subject to the limitations noted therein without the requirement that outdoor storage or activity be obscured from view.
- (b) Assembly, manufacturing and processing plants.
- (c) Mining, quarrying and other extractive industries.

(d) Public utility installations.

3.2.13 Lot dimension, yard and building height requirements table:

ZONE	LOT DIMENSION REQUIREMENTS					YARD REQUIREMENTS				MAX. BLDG. HEIGHT (ft.)
	Min. area (sq.ft.)	Min. Width (ft.)	Min. Depth (ft.)	Max. Depth (ft.)	Min. Street Frontage (ft.)	Min. Front Yard (ft.)	Min. Side Yard (ft.)	Min. Rear Yard (ft.)	Min. Open Space Area (% or Sq.ft.)	
RS-20,000	20,000	100	80	4 times width	30	25	5	15	65%	30
RS-15,000	15,000	80	"	"	"	"	"	"	"	"
RS-12,500	12,500	"	"	"	"	"	"	"	"	"
RS- 9,600	9,600	70	"	"	"	"	"	"	"	"
RS- 7,500	7,500*	"	"	"	"	"	"	"	"	"
RM-11	"	"	"	None	"	"	"	"	3,500sq.ft.per dwelling unit	"
RM-19	"	"	"	"	"	"	"	"	2,000sq.ft.per dwelling unit	"
RM-36	"	"	"	"	"	"	"	"	1,000sq.ft.per dwelling unit	"
RS-1 acre	43,560	110	"	4 times width	"	"	"	"	65%	"
RS-35,000	35,000	"	"	"	"	"	"	"	"	"
R-7,500 M.H.	7,500*	70	"	"	"	"	"	"	"	"
Agricultural Forestry	35,000	135	"	None	"	"	"	"	"	"
U.L. (unless subdivided)	5 acres	330	"	"	"	"	"	"	"	"
B.N. (Nonresidential uses)	None	None	None	"	None	"	10 abutting an R Zone	10 abutting an R Zone	None	35
B.G. (Nonresidential Uses)	"	"	"	"	"	20 except 15 for drive-in canopys	"	"	"	"
Commercial (Non-residential uses)	"	"	"	"	"	20 abutting an R Zone	"	"	"	"
L.M. Manufacturing	10,000	"	"	"	"	50	"	"	"	"
	None	"	"	"	"	20	"	"	"	None

\*Where sanitary sewers or a suitable temporary substitute are not available the minimum lot size shall be 9,600 square feet.

(15)

4.00 RULES, REGULATIONS AND STANDARDS:

- 4.1 Any lot of any size can be used for a building site, subject to the regulations governing the use zone in which it is located, if it was officially recorded in the County offices as a separately-owned, single lot prior to the adoption of this Ordinance, provided there was 40 feet of frontage on a public road or street, or access to a public street or road by a 20-foot private lane.
- 4.2 Home Occupations: Home occupations are subject to the following conditions:
- (a) The occupation or profession shall be carried on wholly within the principal building or within a building or other structure accessory thereto;
  - (b) No more than one person outside the family shall be employed in the home occupation;
  - (c) There shall be no exterior display, no exterior storage of materials or equipment and no other exterior indication of the home occupation or variation from the residential character of the principal building and that no offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced as a result thereof;
  - (d) No more than one unlighted sign visible from the outside of the building shall be permitted and it shall be no more than four square feet in area; and,
  - (e) All parking for visitors or an employee shall be located on the home occupation site.

The establishment of a home occupation shall require an initial permit, granted by the Board of Adjustment, revocable by the Board of Adjustment upon its finding that there have been violations of the above regulations.

- 4.3 Off-Street Parking: Off street facilities shall be located as hereinafter specified; where a distance is specified, such distance shall be the walking distance measured from the nearest point of the parking facility to the nearest point of the building that such facility is required to serve.
- (a) For one, two, and multiple family dwellings: On the same lot with the buildings they are required to serve, but not in the required yard areas.

- (b) For uses other than those specified above: Not more than 600 feet from the building they are required to serve.

4.3.1 Units of Measurement:

- (a) In stadiums, sports arenas, churches and other places of assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each twenty inches of width of such seating facilities shall be counted as one seat for the purpose of determining requirements for off-street parking facilities under this Ordinance.
- (b) When a unit of measurement determining the number of required parking spaces results in the requirement as a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.
- (c) For purposes of determining off-street parking and loading space as related to floor space on multi-level structures and buildings, the following formula shall be used to compute gross floor area for parking determinations:

Main floor	100%
Basement and 2nd floor	50%
Additional stories	25%

- 4.3.2 Expansion and Enlargements: Whenever any building is enlarged in height or in ground coverage, off-street parking shall be provided for said expansion or enlargement in accordance with the requirements of the schedule; provided, however, that no parking space need be provided in the case of enlargement or expansion where the number of parking spaces required for such expansion or enlargement, since the effective date of this Ordinance is less than 10% of the parking spaces specified in the schedule for the building. Nothing in this provision shall be construed to require off-street parking for the portion of such building existing at the time of passage of this Ordinance.

- 4.3.3 Mixed Occupancies: In case of mixed uses, the total requirement for off-street parking facilities shall be the sum of the requirements for the various uses, computed separately. Off-street parking facilities for any other use, except as hereinafter specified, for joint use.
- 4.3.4 Uses Not Specified: In the case of a use not specifically mentioned in parts below, the requirements for off-street parking facilities shall be determined by the Planning Department. Such determination shall be based upon the requirements for the most comparable use listed.
- 4.3.5 Joint Use: The Planning Department may authorize the joint use of parking facilities for the following uses or activities under the conditions specified.
- (a) Up to 50% of the parking facilities required by this chapter for a theater, bowling alley, dance hall, bar or restaurant, may be supplied by the off-street parking facilities provided by certain types of buildings or uses herein referred to as "daytime" uses in part (d) below.
  - (b) Up to 50% of the off-street parking facilities required by this part for any buildings or uses specified in part (d) below, "daytime" uses, may be supplied by the parking facilities provided by uses herein referred to as "nighttime" uses in part (e) below.
  - (c) Up to 100% of the parking facilities required by this section for a church or for an auditorium incidental to a public or parochial school may be supplied by the off-street parking facilities provided by uses herein referred to as "daytime" uses in part (d) below.
  - (d) For the purpose of this part, the following uses are considered as primary daytime uses: Banks, offices, retail, personal service shops, household equipment or furniture stores, clothing or shoe repair shops, manufacturing or wholesale buildings and similar uses.



- (e) For the purpose of this section, the following uses are considered as primary nighttime or Sunday uses: Auditoriums incidental to a public or parochial school, churches, bowling alleys, dance halls, theaters, bars or restaurants.

4.3.6 Conditions Required for Joint Use:

- (a) The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use, shall be located within 800 feet of such parking facilities.
- (b) The applicant shall show that there is no substantial conflict in the principal operation hours of the two buildings or uses for which joint use of off-street parking facilities is proposed.
- (c) A properly-drawn, legal instrument, recorded with the County Auditor, executed by the parties concerned for joint uses of off-street parking facilities, approved as to form and manner of execution by the County Prosecuting Attorney, shall be filed with the Planning Department, granting the users the right to off-street parking facilities to the individual users or his assignee approved by the other party. However, the right to occupancy of the premises for which the off-street parking facilities are maintained, shall only be commensurate with the period of time in which said parking facilities are available.

4.3.7 Plans: The plan of the proposed parking area shall be submitted to the Building Department at the time of application for the building to which the parking area is required. Said plan shall clearly indicate the proposed development, including location, size, shape, design, curb cuts, lighting, landscaping, and other features and appurtenances required.

4.3.8 Table of Minimum Standards: In addition to one parking space for each original permanent employee, the following:

- (a) Residential structures: One (1) for each dwelling unit.
- (b) Rooming houses, lodging homes, similar uses: One (1) for each sleeping unit.
- (c) Auto courts, motels: One (1) for each sleeping unit.
- (d) Hotels: One for each two (2) bedrooms.
- (e) Hospitals and institutions: One (1) for each four (4) beds.
- (f) Theaters: One (1) for each four (4) seats, except, one (1) for each eight (8) seats in excess of 800 seats.
- (g) Churches; auditoriums and similar enclosed places of assembly: One (1) for each six (6) seats and/or one (1) for each fifty (50) square feet of floor area for assembly not containing fixed seats.
- (h) Stadiums, sports arenas, and similar open assemblies: One (1) for each eight (8) seats and/or one (1) for each 100 square feet of assembly space without fixed seats.
- (i) Libraries, secondary and extended secondary classrooms: One (1) for each 250 square feet of gross floor area.
- (j) Dance halls: One (1) for each twenty (20) square feet of gross floor area.
- (k) Bowling alleys: Six (6) for each alley.
- (l) Medical and dental clinics: One (1) for each 150 square feet of gross floor area.
- (m) Offices not providing customer services on premises: One (1) for each four (4) employees, or one (1) for each 200 square feet of gross floor space.
- (n) Mortuaries, funeral homes: One (1) for each 75 square feet of floor area used for assembly.

- (o) Warehouse, storage and wholesale business: One (1) for each two (2) employees.
- (p) Food and beverage places with sale and consumption on the premises: If less than 4,000 square feet of floor area: One (1) for each 200 square feet of gross floor area. If over 4,000 square feet of floor area: Twenty (20) plus one (1) for each 100 square feet of gross floor area in excess of 4,000 square feet.
- (q) Furniture, appliance, hardware, clothing, shoe, personal service stores: One (1) for each 200 square feet of gross floor area.
- (r) Motor vehicle, machinery, plumbing, heating, ventilating, building supplies, stores and services: One (1) for each 600 feet of gross floor area, exclusive of displays, or one for each two (2) employees.
- (s) Other retail stores less than 5,000 square feet of floor area: One (1) per each 100 square feet of floor area or at a rate of one (1) inside to one (1) outside.
- (t) Retail, between 5,000 and 20,000 square feet floor area: Seventeen (17) plus one (1) to four (4) ratio or one to 77 square feet in excess of 5,000 or at a ratio of one (1) inside to two (2) outside.
- (u) Manufacturing uses, research, testing, processing, assembly, all industries: One (1) for each two (2) employees on the maximum working shift, and not less than one (1) for each 800 square feet of gross floor area.
- (v) Transportation terminal: By Planning Commission determination, based upon needs.

#### 4.4 Unclassified Public Uses:

- 4.4.1 All of the following, and all matters directly related thereto are declared to be uses possessing

characteristics of such unique and special form as to make impractical their being included automatically in a class of uses as set forth in the various zone classifications herein defined, and the authority for the location and operation thereof shall be subject to review and the issuance of a Building, Occupancy and Land Use Permit. An Unclassified Public Use Permit shall be approved for all new Unclassified Public Uses and for the expansion of existing Unclassified Public Use sites providing the location of such use is not unreasonably incompatible with the type of uses permitted in surrounding areas and such use is not specified as a permitted use in the subject zone. Prior to the issuance of a Building, Occupancy and Land Use Permit for an Unclassified Public Use, a plot plan in full detail shall be reviewed by the Board of Adjustment and a Conditional Use Permit issued to ensure that the operation of the proposed activity will not adversely affect adjacent properties, except where such permit is for the repair, maintenance, alteration or remodeling of a structure or a minor addition thereto or an accessory structure which in the opinion of the Planning Director will not change the character of the site with regard to parking, yard setback or screening needs or for a residence or mobile home in an approved mobile home park or mobile home subdivision.

- 4.4.1.1 Wrecking yards or junk yards, provided they are not located in an RS or RM zone.
- .2 Airports and landing fields and heliports.
- .3 Cemeteries.
- .4 Columbariums, crematoriums, mausoleums.
- .5 Correctional institutions.
- .6 Dragstrips, race courses, and motorcycle hills, provided they are not located in an RS or RM zone.
- .7 Dumps, public or private, provided they are not located in an RS or RM zone.
- .8 Establishments or enterprises involving large assemblages of people or automobiles, as follows:

- (a) Amusement parks
- (b) Boxing and wrestling arenas
- (c) Fairgrounds
- (d) Ball parks
- (e) Golf driving ranges
- (f) Open air theaters
- (g) Race tracks and rodeos
- (h) Stadiums
- (i) Saddle clubs
- (j) Community clubs

.9 Fire stations

- (a) Any building from which fire fighting equipment emerges onto a street shall be set back a minimum of 50 feet from the front property line.

.10 Water tanks, towers, reservoirs and dams.

.11 Hospitals and rest homes.

.12 Hydro-electric generating plants, provided they are not located in an RS or RM zone.

.13 Institutions for training.

.14 Jail farms or honor farms, publicly owned and used for the rehabilitation of prisoners, provided they are not located in an RS or RM zone.

.15 Gravel pits and rock quarries excavated to a depth of over three (3) feet and natural resources and deposits, the development of, together with necessary buildings, apparatus or appurtenances incident thereto. In conjunction with such operations, the Planning Commission may authorize additional allied uses such as concrete batching plants, rock crushers and asphalt mixing plants, provided they are not located in an RS or RM zone.

.16 Booster stations or conversion plants with the necessary buildings, apparatus or appurtenances incident thereto or public utilities or utilities operated by mutual agencies.

- .17 Public utility power generating plants provided they are not located in an RS or RM zone.
- .18 Radio or television transmitters and towers.
- .19 Recreational areas, commercial and non-profit, including yacht clubs, tennis clubs, and similar activities.
- .20 Sewage treatment plants.
- .21 Universities and colleges, schools (public and private), including dormitories, fraternity and sorority houses when on campus.
- .22 Mobile home parks, in keeping with the residential density of the zone in which it is located, and trailer parks. To determine the number of mobile homes permitted, divide the tract area by the minimum lot size permitted in the zone. To determine the number of spaces allowed in a trailer park, State standards will be adhered to, unless a lesser number is deemed necessary in the public interest by the Planning Commission or the Board of County Commissioners.

Mobile home developments of five (5) or more lots, provided each mobile home is entered as real property on the tax rolls pursuant to R.C.W.82.50.150.

- .23 Churches
- .24 Libraries
- .25 Clinics, hospitals of not more than 10-bed capacity provided they are not located in an RS zone.
- .26 Veterinary clinics designed for treatment and care of pet animals, such as dogs and cats provided they are not located in an RS or RM zone.
- .27 Open air sales areas for trees, plants and home gardening equipment. The use area of the site shall conform to setback required for adjacent buildings on street frontage.

- .28 Art galleries, museums, clubs or fraternal societies, memorial buildings.
- .29 Municipal buildings, police stations, public parks.
- .30 Automobile parking lots or buildings.
- .31 Boat liveries, including incidental retail activities.
- .32 Labor camps (transient)
- .33 Temporary or seasonal uses not listed in Section 4.6.
- .34 Kennels, provided they are not located in an RS or RM zone.
- .35 Railroad right-of-way.
- .36 Outdoor advertising signs providing they are not located in an RS or RM zone.
- .37 Other unclassifiable uses as determined by the Planning Department.
- .38 GROUP HOMES, as defined in Chapter 388-64, Washington Administrative Code, State of Washington, Department of Public Assistance, 1969.

4.4.2 The requirements for yards, lot size and shape, building height, land coverage, off-street parking and open spaces applicable to the particular zone in which an unclassified public use is proposed to be located shall prevail, unless additional requirements and conditions are imposed in the Conditional Use Permit or deviation therefrom is approved through variance procedures.

#### 4.5 Planned Unit Development

4.5.1 The provisions of this section are established to:

4.5.1.1 To produce a development which would be as good or better than that resulting from the traditional lot by lot, development, by applying to large areas, whether consisting of consolidated lots or unsubdivided property, the same principles and purposes inherent in the required provisions applying to individual lots or minimum area parcels;

4.5.1.2 Permit a flexibility that will encourage a creative approach to land development which will foster efficient, aesthetic

and desirable use of open area;

4.5.1.3 Permit a latitude in land and building design, building placement, use of open spaces, circulation facilities, off-street parking areas, and to best utilize the potentials of sites characterized by special features of topography, geography, shape or size;

4.5.1.4 Produce an integrated or balanced development of mutually-supporting uses that might otherwise be inharmonious, incongruous or prohibited.

4.5.2 Procedure for initiation and approval:

4.5.2.1 Planned Unit Development projects may be initiated by the owner of all the property involved, if under one ownership, or joint application by all owners having title to all the property in the area proposed for a Planned Unit Development.

4.5.2.2 A preliminary development plan shall be submitted to the Planning Agency for recommendation to the Board for approval. The preliminary plan shall show the general intent and apportionment of land for buildings, stipulated use, and circulation pattern. Before recommending approval, it shall be determined that such plans are in consonance with the development policies indicated in the Comprehensive Plan, the purposes of this Ordinance and the intent of this Section. Approval of the preliminary development plan shall be binding upon intent and use as specified above, but shall not be construed to render inflexible the ultimate design, specific uses, or final plan of the project.

4.5.2.3 The petitioner shall within one (1) year of the date of the preliminary approval submit a final development plan of the proposed development for approval by the Board; provided, that upon application of the petitioner, the Planning Commission may grant an extension for a maximum of twelve additional months. If the final development plan is not filed within one year or within the extended time period, if any, the Planned Unit



Development shall become void.

4.5.2.4 Approval of the final development plan by the Board shall be binding upon the development and variation from the plan shall be subject to approval by the Board upon recommendation of the Planning Agency.

4.5.2.5 Upon the abandonment of a particular project authorized under this section or upon expiration of three years from the final approval of a Planned Unit Development, which has not by then been completed or commenced with an extension of time for completion granted, the authorization shall expire and the land and structures thereon may be used only for a lawful purpose permissible within the zone in which the Planned Unit Development is located.

4.5.3 The form of application may be prescribed by the Planning Agency, which may provide blanks and require the use of same as prerequisite for consideration. The contents of applications shall include, but need not be limited to:

1. An accurate map, drawn to scale, of not less than 100 feet to the inch, showing the boundaries of the site, names and dimensions of all streets bounding or touching the site; the proposed location and horizontal and vertical dimensions of all buildings and structures proposed to be located on the site; any proposed public dedications within the site; location, dimensions and design of off-street parking facilities showing points of ingress to, and egress from the site; the location, direction and bearing of any major physiographic features such as railroads, drainage canals and shorelines and existing topographic contours at intervals of not more than five feet together with proposed grading, drainage and landscaping;
2. An explanatory text containing a written statement of the general purposes of the project and explanation of all features pertaining to uses and other pertinent matters not readily identifiable in map form. The adoption of the text specifying the particular non-residential uses permitted to locate on the site, if any, shall constitute a limitation to those specific uses.

3. Each application should contain descriptive material:
  - (a) Giving the restrictive covenants intended to apply;
  - (b) Giving the intended completion schedule of all divisions;
  - (c) Giving the intended method of operation and maintenance of the open space areas.
4. The Planning Agency may request such other pertinent information as may be required prior to granting final site approval.
- 4.5.4 The permitted location of Planned Unit Development projects shall depend on their principal function.
  - 4.5.4.1 Residential Planned Unit Development projects may locate only in zones permitting residential uses.
  - 4.5.4.2 Planned Unit Developments for other than residential uses may locate only in zones first permitting the heaviest use locating in the development.
- 4.5.5 Minimum site area for a Residential Planned Unit Development shall be five acres gross and shall be one acre for any other type.
- 4.5.6 In a Planned Unit Development only the following uses are permitted:
  - 4.5.6.1 In a residential Planned Unit Development:
    - (a) Residential units, either detached or in multiple family dwellings
    - (b) Accessory incidental retail and other non-residential retail specifically and selectively authorized as to exact type, size and location to be integrated into projects by design and for no less than 100 families to reside therein. Building permits for such uses shall not be issued until one-half of the total project is completed.
    - (c) Recreational facilities

(d) Schools, libraries, community halls and other required public facilities

(e) Mobile home subdivisions

(f) Mobile home parks

4.5.6.2 In Planned Unit Developments in other than R zones, uses shall be limited to those permitted by the zone in which the development is located.

4.5.7 In considering a proposed Planned Unit Development project, the approval thereof may involve modifications in the regulations, requirements and standards of the subdivision regulations and of the zone in which the project is located so as to appropriately apply such regulations, requirements and standards to the larger site. In modifying such regulations, requirements and standards as they may apply to a Planned Unit Development project, the following limitations shall apply:

4.5.7.1 Yards: The requirement for front yards for the zone in which the Planned Unit Development is located shall apply to all exterior boundary lines of the site.

4.5.7.2 Open Space - Residential

(a) A minimum of 10% of the total area of the Planned Unit Development shall be dedicated or reserved as common open space land.

(b) Not more than one-third of the required open space shall have a finished grade exceeding 20%, consist of bodies of water, consist of tidelands or be otherwise unusable for active recreational purposes, unless otherwise permitted by the Planning Commission.

(c) The required area devoted to usable open space shall not have more than one-half thereof left in a natural state.

(d) Land indicated in the development plan as compensating open space shall be identified on the map and shall be

permanently maintained as such either by private covenants attached to and made a part of the plan, or if suitable and mutually agreeable, by public dedication. In event that the compensating open space is to be provided and maintained through private covenants, the County shall require, prior to the approval of any final plat or the issuance of any building permit within the development, the establishment of a home owners' association, and either:

- (1) Specific performance of the open space portion of the executed plan, including such open space improvements as are incorporated into the plan; or
- (2) The posting of a bond sufficient to assure specific performance.

4.5.7.3 Height of Buildings: For buildings and structures exceeding 30 feet in height, there shall be maintained a distance from side to rear boundaries equal to the required yard plus one foot for each one foot such building exceeds a height of 30 feet.

4.5.7.4 Number of dwelling units permitted shall not exceed the quotient derived by dividing the net area by the minimum lot size permitted in the zone in which the Planned Unit Development is located. The net area is determined by subtracting the amount of land set aside for permitted non-residential uses, except common open spaces and recreation areas which are an integral part of the development design or harmonize the development with adjacent areas, from the total site area.

4.5.7.5 Permitted site coverage may not exceed the percentage of coverage permitted in the zone in which the project is located.

#### 4.6 Temporary Uses

- 4.6.1 On temporary real estate, sales office may be located in any new subdivision in any zone provided the activities of such office shall pertain only to the selling of property within the subdivision upon which the office is located.
- 4.6.2 After a building permit has been issued and a residence is in the process of being constructed, a mobile home or trailer as defined herein, may be located upon a site for the temporary use by the owner of such property as a residence, provided such mobile home or trailer remains mobile and provided further, a permit is obtained to ensure compliance with this Ordinance as to yards and to Health Department requirements. Such permit will remain in effect for a period of one (1) year. In cases where substantial progress is shown on the construction of the residence and additional time is needed to complete the work, a permit may be renewed for one (1) additional six (6) month period. Upon expiration of the permit, the use of the trailer as a residence shall be discontinued.
- 4.7 Public Utilities: The minimum lot area and frontage provision of this Ordinance shall not apply to public utility and facility sites. The area and frontage need only be such as will accommodate the facilities in compliance with all other requirements.
- 4.8 Exception to Height: Projections such as chimneys, spires, domes, elevator shaft housings, towers, tanks, aerials, flag poles and other similar objects, such as farm buildings not to be used for human occupancy, are not subject to the building height restrictions of this Ordinance except as regulated in airport approach areas or where they may obstruct the view of nearby properties.
- 4.9 Location of Accessory Buildings: Any accessory structure not used for living purposes and separate from the main building, may be located in the required rear yard provided it is no closer than five (5) feet to the property line.
- 4.10 Projections into Required Yards: Architectural features such as cornices, eaves, canopies, sunshades, gutters, signs, chimneys, and flues may extend into required yards, however, they may extend no closer than three (3) feet to a side lot line.

- 4.11 Front Yard Facing Partial Street: A front yard facing a half street or a street less than the required minimum width, shall be measured from the nearest future right-of-way boundary as determined by the County Engineer.
- 4.12 Front Yard Setback, Exception: The required front yard for a structure need not exceed the average front yards of the structures within 100 feet on both sides of the proposed structure. The required front yard shall be used to determine the average front yard where no structure exists within 100 feet on one of the sides. The depth of the required front yard on lots facing directly upon the arc of a cul-de-sac shall be measured on an arc parallel to the front property lines comprising the arc of the cul-de-sac and being a distance of 10 feet therefrom. This modified front yard shall extend around the circumference of the cul-de-sac only to the points at which the rear lines of the required front yard, on the portions of the street not located on the cul-de-sac, extended, intersects the arc representing the rear line of the modified required front yard.

SECTION 5.00 PENALTIES, VARIANCE, ETC.

5.1 Previous Use and Occupancy Permits:

Where, prior to the adoption of this Ordinance, special authority was granted for the establishment or conducting of a particular use of a particular site and for a specified period of time or as set forth in an action then titled Use and Occupancy, such previous permits are by this section declared to be continued as a Conditional Use Permit without specified time limit, provided that if the particular use is such as is not otherwise permitted in the use zone in which it is located, such established use and improvements incident thereto shall be considered under the terms of this Ordinance as a non-conforming use.

5.2 Variances: In all cases where a variance is deemed necessary in connection with the granting of a building permit by the County Assessor, he shall forward said variance to the Board of Adjustment, which shall require an application to be made therefore in a form prepared by them with the payment of a fifteen-dollar (\$15.00) fee, they shall cause an inspection to be made of the premises involved, and the posting of a notice of the date and place of a public hearing by them. After such hearing, the Board of Adjustment may authorize a variance from the provisions of the Zoning code, only in such cases as will not be contrary to the public interest and only where, owing to special conditions pertaining to a specific piece of property, the literal enforcement of the requirements of the Kitsap County Zoning Code would cause undue and unnecessary hardship.

5.3 Conditional Use Permits: The Board of Adjustment may grant Conditional Use Permits pursuant to R.C.W. 36.70.810. The purpose of a Conditional Use Permit shall be to assure by means of imposing special conditions and requirements on development that the compatibility of uses shall be maintained considering other existing and potential uses within the general area of the proposed use. The conditions imposed shall be those which will reasonably assure that nuisance or hazards of life or property will not develop.

- 5.4 Notice and Hearing on Application for Conditional Use Permits: The application may be filed with the Planning Department by the contract purchaser or the property owner of record. It shall set forth fully the grounds for the facts deemed necessary to justify the granting of the Conditional Use Permit. The Planning Department shall forward said application to the Board of Adjustment. Thereafter, the Board of Adjustment shall give notice as set forth in their rules and regulations, of the intention to consider at a public hearing, the application for a Conditional Use Permit.
- 5.5 Non-Conforming Uses: The lawful use of land existing June 12, 1961, although such use does not conform to the provisions hereof, may be continued, but if such non-conforming use is discontinued, any future use of said land shall be in conformity with the provisions of the Ordinance.
- 5.5.1 If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted classification. If a non-conforming use is changed to a more restricted use, no further change is permitted unless to a still more restricted use.
- 5.5.2 No existing building designed, arranged or intended for or devoted to a use not permitted under the regulations of this Ordinance for the zone in which such building or premises is located, shall be enlarged, extended, reconstructed or structurally altered unless such use is changed to a use permitted under the regulations specified by this Ordinance for such zone in which said building is located.
- 5.5.3 If at any time the buildings and structures in existence on a lot on June 12, 1961, which do not conform to the regulations for the zone in which they are located, shall be destroyed by fire, explosion, Act of God, act of public enemy, to the extent of more than 75% of the market value thereof by the Assessor for the fiscal year during which such destruction occurs, then, and without further action by the Board of Adjustment, the said buildings and structures and the land on which they were located or maintained, shall from and after date of such destruction be subject to all the regulations



specified by this Ordinance for the zone in which said building and land are located.

- 5.5.4 Any building remaining vacant for a continuous period of more than one (1) year, shall not again be re-occupied except by a conforming use.
- 5.5.5 The non-conforming use of a fractional part of a building or lot shall not be extended to occupy a greater part of the building or lot than that occupied on June 12, 1961, except that a non-conforming use may be extended to that portion of a building which was designed or arranged for such non-conforming use as of June 12, 1961.
- 5.5.6 In every case in which, under the provisions of any Resolution of Kitsap County, or any statute in effect at the time this Ordinance takes effect, a license or permit is required for the maintenance of any structure or the establishing, maintaining and/or conducting of any business use, and any structure or business use exists as a non-conforming use under the provisions of this Ordinance, then no such license or permit shall be authorized, issued, renewed, re-issued or extended for said business use unless and until a Conditional Use Permit shall first have been secured from the Board of Adjustment for the continued maintenance of said structure for use.
- 5.6 Fee: A filing fee of \$15.00 shall accompany all Conditional Use Permits provided, however, the fee shall not apply to any governmental agency or municipal corporation or when such permit is issued in conjunction with Unclassified Public Use approval.
- 5.7 Interpretation, Purpose and Conflict: In their interpretation and application, the provisions of this Ordinance shall be held to the minimum requirements adopted for the promotion of the public safety, health, morals and general welfare of the County. It is not intended by the Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or land or upon height of buildings or requires larger space than is imposed or required by other resolutions, rules or regulations

or by easements, covenants, or agreements, the provisions of this Ordinance shall govern. It is to be noted, however, that where private restrictions are greater than those imposed by this Ordinance, they are not superseded by the provisions of this Ordinance.

5.8 Filing of Plat Plans:

5.8.1 The Planning Commission shall in its rules, prescribe the form and scope of all petitions, applications and appeals provided for in this Ordinance and of accompanying data to be furnished, so as to assure the fullest practicable presentation of facts for proper consideration of the matter involved in each case and for a permanent record. The observance of the provisions of these rules shall not be construed as granting a permit for any purpose, but are for the purpose of avoiding errors in construction or interpretation of this Zoning Ordinance.

5.8.2 The intent of the above provision is to protect property values of the investment of public funds spent in the construction of highways and other public utilities or the general welfare inherent in an orderly and decent development and growth of the state of Washington by ensuring the location of buildings in good taste, proper proportion and in harmony with their surroundings and to secure the best and most appropriate use of land.

5.9 Amendments, Planned Unit Developments, Unclassified Public Uses - Procedures:

5.9.1 The Planning Commission shall, as rapidly as is in its judgment feasible, proceed with the more precise classification of the unincorporated territory of Kitsap County in accordance with the provisions of the statutes of the state of Washington relating to such matters, and shall hold such public hearings as are prescribed in the manner directed by such statutes.

5.9.2 Whenever the contract purchaser or the property owner of record of any land or building desires a reclassification of his property or Planned Unit Development or

Unclassified Public Use approval, he shall present to the Planning Department, a petition duly signed and acknowledged by him requesting an amendment or approval prescribed for such property. Said petition shall be referred to the Planning Commission for a hearing on such amendments or approvals and such other matters as may be related to said petition.

- 5.9.3 The said Planning Commission shall cause to be made an investigation of the matters involved in such petition and if in the opinion of said Planning Commission, after due investigation and consideration of facts stated in such petition in question and other property in the vicinity thereof, said Planning Commission believes that such changes of zone or Planned Unit Development or Unclassified Public Use approval is necessary for the preservation and enjoyment of any substantial property right of the petitioner and not materially detrimental to the public welfare nor the property of other persons located in the vicinity thereof, said Planning Commission shall transmit to the Board a report that such petition be granted. If said petition is disapproved by the Planning Commission, no reconsideration of the same petition shall be taken within a period of 6 months from the date of such action. This provision shall not be construed to prevent an appeal as herein provided.
- 5.9.4 Any person or persons feeling aggrieved with any action on a petition by the Planning Commission may within ten (10) days of the Planning Commission's action, file with the Clerk of the Board of County Commissioners, a written notice of appeal of such decision, setting forth the reasons for such appeal. Any disapproving action by the Planning Commission shall be considered final unless such appeal is made.
- 5.9.5 If upon receiving such report or notice of appeal, said Board deems it necessary or expedient to do so, it may set the matter for hearing upon such notice to interested parties as it may deem proper.

- 5.9.6 Whenever any reclassification of property, any amendment, supplement, changes in regulation, Planned Unit Development, or Unclassified Public Uses is initiated by the Board or Planning Commission, which initiative proceedings are hereby reserved to said Board or Planning Commission and authorized to be made and taken by either of them, the hearings provided herein shall be held in the manner provided for in this section and R.C.W. 36.70.
- 5.9.7 The fee for reclassification of property or Planned Unit Development or Unclassified Public Use approval shall be \$25.00 for each petition, payable upon the filing thereof. In cases where it is deemed desirable by the Planning Commission, in connection with the filing of a plat, or in conformance with the Comprehensive Plan officially adopted by the Commission, reclassification will require no fee.
- 5.9.8 A time limit of 15 months shall be placed upon all rezones and Unclassified Public Use approvals at which time, if no action has been taken, it shall be rezoned back to its original land classification or such approval withdrawn. If the land owner shows within a period of 15 months that he has in good faith, commenced endeavors and is continuing these endeavors to develop the property in accordance with the rezone or Unclassified Public Use approval, no action will be taken to enforce the condition. There will be no prohibition against the sale of property during this 15-month period, and the purchaser will be entitled to this rezoning or approval subject to the time limitation as originally stated. The reversion back to the original zoning or the Unclassified Public Use approval withdrawal will not be automatic and a hearing will be provided the land owner on this matter. If the zone classification is found to be the most appropriate for the property or the land owner provides satisfactory evidence that he will endeavor to develop the property in accordance with the rezone or approval, the reversion back to the original zone need not take place.

5.10 Penalty Clause and Enforcement:

- 5.10.1 Inasmuch as this Ordinance is for the benefit of the life, health, welfare, safety and convenience of the inhabitants of Kitsap County, and is passed under the power given to the County Commissioners by the State Constitution, it is hereby made a misdemeanor to violate any of the provisions of this Ordinance or any amendments thereto and such violations shall be punishable as provided by the Statutes of the State of Washington for commission of a misdemeanor.
- 5.10.2 It shall be the duty of the County Planning Director to enforce the provisions of this Ordinance pertaining to the erection, construction, reconstruction, moving, conversion or alteration of buildings or the occupancy of land or of any building or structure or any addition thereto.
- 5.10.3 It shall be the duty of the County Planning Director to enforce the provisions of this Ordinance pertaining to the use of land or buildings, for which any such license is required by any other Resolution of Kitsap County.
- 5.10.4 It shall be the duty of the Sheriff and all officers charged with the enforcement of law, to enforce this Ordinance and all provisions of same.
- 5.10.5 Any building or structure hereafter set up, erected, built, moved or maintained or any use of property hereafter contrary to the provisions of this Ordinance, shall be and the same is hereby declared to be unlawful and a public nuisance and compliance with the Zoning Ordinance of Kitsap County may be enforced by mandatory injunction brought by the owner or owners of land lying within the particular zones affected by the regulations of the Zoning Ordinance or the Prosecuting Attorney may immediately commence action or actions, proceeding or proceedings for abatement, removal and enjoinder thereof, in the manner provided by law, and shall take such other steps and shall apply to such court or courts.

immediately commence action or actions, proceeding or proceedings for abatement, removal and enjoinder thereof, in the manner provided by law, and shall take such other steps and shall apply to such court or courts as may have jurisdiction, to grant such relief as will abate or remove buildings, structures, or uses and restrain and enjoin any person from setting up, erecting, building, moving or maintaining any such building or structure, or using any property contrary to the provisions of this Ordinance.

5.11 Repealing: All resolutions of Kitsap County inconsistent herewith to the extent of such inconsistency, and no further, are hereby repealed.

(Ordinance No. 43-1969 passed June 16, 1970. First amendment passed July 9, 1970 effective date 30 days.)