

AUGUST 1977

**KITSAP
COUNTY
ZONING
ORDINANCE**

\$4



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Z O N I N G T E X T A M E N D M E N T S

February 18, 1952 (z-1)	June 16, 1969 (change resolution z-6 to Ordinance No. 43-1969)
March 9, 1953	
June 30, 1953	August 9, 1970
August 17, 1953	October 13, 1970
December 13, 1954	November 23, 1970
April 18, 1955	June 21, 1971
July 18, 1955	March 13, 1972
October 17, 1955	May 22, 1972
July 2, 1956	August 27, 1973
October 8, 1956	September 17, 1973
March 4, 1957	July 29, 1975
September 16, 1957	June 7, 1976
November 4, 1957	August 3, 1977
March 30, 1959	
October 19, 1959	
December 7, 1959	
February 15, 1960	
June 22, 1961 (z-2 supersedes z-1)	
May 6, 1963	
July 6, 1964 (z-3)	
October 18, 1965 (z-4)	
August 14, 1967 (z-5)	
October 21, 1968	
May 28, 1969 (z-6)	

T A B L E O F C O N T E N T S

	<u>Page</u>
SECTION 1.00 GENERAL PURPOSE AND ADOPTION OF OFFICIAL LAND USE REGULATIONS	1
SECTION 2.00 DEFINITIONS	2
SECTION 3.00 ZONES	7
3.1 Introduction	7
3.2 Zone Regulations	9
3.2.1 RS-20,000, RS-15,000, RS-12,500, RS-9,600 and RS-7,500 zones.....	9
3.2.2 RM-11, RM-19 and RM-36 zones	14
3.2.3 RS-1 Acre and RS-35,000 zones	15
3.2.4 R-7,500 M.H. zone	15
3.2.5 Agricultural zone	15
3.2.6 Forestry zone	15
3.2.7 Undeveloped Land zone	16
3.2.8 Business-Neighborhood zone.....	16
3.2.9 Business-General zone	17
3.2.10 Commercial zone	18
3.2.11 Light Manufacturing zone	19
3.2.12 Manufacturing zone	20
3.2.13 Lot dimension, yard and building height requirements table	21
SECTION 4.00 RULES, REGULATIONS AND STANDARDS	22
4.1 Non-Conforming Lots	22
4.2 Home Occupations	22
4.3 Off-Street Parking	23
4.4 Unclassified Public Uses	28
4.5 Planned Unit Development	34

TABLE OF CONTENTS (continued)

SECTION 4.00 (continued)	Page
4.6 Temporary Uses	39
4.7 Public Utilities	40
4.8 Exception to Height	40
4.9 Location of Assesory Buildings	40
4.10 Projections into Required Yards	40
4.11 Front Yard Facing Partial Street	40
4.12 Front Yard Setback, Exception	40
4.13 Determination of Lot Depth, Width and Yards	41
4.14 Flag Lot Requirements in Plats	41
4.15 Yard Requirements for Existing Non-Conforming Building Locations	41
4.16 Location of Private Streets	41
4.17 Rear Yard Setback Exception on the Water-front	41
4.18 Lighting	42
SECTION 5.00 PENALTIES, VARIANCE, ETC.....	42a
5.1 Previous Use and Occupancy Permits	42a
5.2 Variances	42a
5.3 Conditional Use Permits	42a
5.4 Notice and Hearing on Application for Conditional Use Permits	42a
5.5 Non-Conforming Uses	42a
5.6 Fee	44
5.7 Interpretation, Purpose and Conflict	44
5.8 Filing of Plat Plans	44
5.9 Amendments, Planned Unit Developments, Un-classified Public Uses - Procedures	45
5.10 Penalty Clause and Enforcement	47
5.11 Repealing	48

ORDINANCE NO. 43-1969

AN ORDINANCE AMENDMENT OF THE BOARD OF COUNTY COMMISSIONERS FOR KITSAP COUNTY, WASHINGTON, AMENDING ORDINANCE NO. 43-1969, 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 Accessory Living Quarters: Living quarters within a principal building or an accessory building other than a mobile home, unless otherwise permitted, 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 contain less livable floor area than the main dwelling and are not to be rented or otherwise used as a separate dwelling unit.

2.3 Accessory Structure or Use: A structure or use incidental and subordinate to the established main use of the property and located on the same lot as the established 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.

2.8 (a) Building Site: A parcel of land assigned to a use, to a main building or to a main building and its accessory buildings, together with all required yards and open spaces, whether the area so developed is comprised of one lot, a combination of lots, or combination of lots and fraction of lots.

- 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: A moorage facility connected with the natural shoreline or extension from a bulkhead for the securing of a boat or vessel.
- 2.13 Dwelling, Multiple Family: A building containing two or more dwelling units, but not including mobile homes.
- 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, small animals, livestock or livestock products and poultry, which constitutes the major use of such property.
- 2.18 (a) Flag Lot: A lot containing street frontage wherein the buildable area is situated behind the rear yard of a lot having street frontage on the same street.
- 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 use which is subordinate to the main use of a dwelling place and which is carried on by a member of the family residing within the dwelling place.

Junk Yard: A lot, land or structure, or part thereof, used for the collecting, or dismantling, or storage, or salvage, or sale of: waste paper, or rags, or scrap metal, or discarded material, or machinery or parts thereof, or vehicle not in running condition.

Kennel: A lot or structure or part thereof where four or more dogs not including one litter of unweaned pups are kept.

Livestock: Horses, bovine animals, sheep, goats, swine, reindeer, donkeys, mules and similar animals.

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.

Lot Area: The total horizontal area within the boundary lines of a lot exclusive of public and private streets, tidelands and shorelands.

Lot, Corner: A lot at the junction of and fronting on two or more intersecting streets.

Lot, Depth: The average horizontal distance between the front lot line and the rear of the lot, measured on a straight line lying within the lot boundaries as perpendicular as possible to the fronting street and midway between the side lines of such lot. On a corner lot either front lot line may be used to determine the lot depth.

Lot, Interior: A lot fronting on one street.

Lot, Through: A lot fronting on two streets that do not intersect on the parcel's lot lines.

Lot, Width: The horizontal distance across the lot measured at right angles from the midpoint of the line representing the lot depth of in case of a lot with a convex front property line measured at the minimum front building line not of whichever is greater.

Mobile Home: A factory fabricated dwelling unit more than 35 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.

Mobile Home Park: A tract of land developed and operated as a unit with individual sites, and facilities to accommodate two or more mobile homes.

Moorage: A place to tie up or anchor a boat or vessel.

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 was lawfully erected or altered and maintained, but which does not conform to the regulations of the zone in which the use exists.
- 2.36 Non-Conforming Use: A use which was lawfully established and maintained, but which does not conform to the regulations of the zone in which the use exists.
- 2.36 (a) Ordinary High Water Mark: On all lakes, streams, and tidal water, the ordinary high water mark is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on the effective date of this ordinance or as it may naturally change thereafter: PROVIDED: That in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining saltwater shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water.
- 2.37 Public and Private Parks, Playgrounds, Campgrounds, and Golf Course: 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.
- 2.38 (a) Sign: An identification, description, illustration, or device which is affixed to or represented, directly or indirectly, upon a building, structure, land, or vegetation and which directs attention to a product, place, activity, person, institution, or business.
- 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 or 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 and/or serve a single lot or group of lots 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 on or in the ground, or anything erected which requires fixed location on or in the ground or water including an outdoor advertising sign, but not including fences, retaining walls, or paved areas.
- 2.44 Tract: A piece of land usually several acres in size.
- 2.45 Trailer: A vehicle thirty-five (35) feet or less in length or eight (8) feet or less in width originally designed to be used upon the 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, or similar vehicles or tent campers.
- 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, and may include driveways, sidewalks, lamp posts, open patios, retaining walls, entrance steps, fences, and landscaping unless specifically otherwise provided.
- 2.50 Yard, Front: A yard extending from any 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 mark 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. On a corner lot yards other than the front yard shall be considered side yards.

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
BC	Business Neighborhood Zone.....	BN
	Business General Zone.....	BG
BT	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 streets 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 whichever 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-15,000"; 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.II." 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 dimensions, 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, Planned 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 (150) feet or any pasture closer than twenty-five (25) to any dwelling, except such as may be located on the subject parcel. On a lot containing less than 1 acre, small animals and poultry may be permitted in proportion to the lot area.
- (d) Parks, publicly owned and operated subject to the following conditions:
 - (1) No permanent bleachers or stadiums or public amusement devices for hire are permitted;
 - (2) All lights provided to illuminate any portion of the lot shall be so arranged as to direct the light away from any adjoining premises;
 - (3) Any building, structure or service yard on the site shall maintain a distance of not less than fifty (50) feet from any property within an RS or RM zone and from a public street;
 - (4) Maintenance or storage type service areas and parking area shall be screened by a solid wall or view-obscuring fence, hedge or combination thereof not less than six (6) feet in height, where such areas abut or are in view of adjacent RS or RM zoned property and such walls or fences may be built progressively as the parking facilities are installed.
- (e) Existing two-family dwelling and existing mobile homes.

(f) Churches, subject to the following conditions:

- (1) All buildings and structures on the site shall cover no more than forty percent (40%) of the area of the lot.
- (2) Buildings and structures on the site shall not be closer than thirty (30) feet to any property within an RS or RM zone except that a detached one-family dwelling on such site need conform only to the yard requirements as prescribed by the zone in which the site is located.
- (3) Side yards may be used to provide open off-street parking areas;
- (4) Maintenance or storage type service areas and parking areas shall be screened by a solid wall or view-obscuring fence, hedge or combination thereof not less than six (6) feet in height, where such areas abut or are in view of adjacent RS or RM zoned property and such walls or fences may be built progressively as the parking facilities are installed;
- (5) Vehicular ingress and egress to the site shall be from an arterial and/or collector street and shall be located no closer than 200 feet to an intersection, except on a corner lot with continuous frontage on such street and a local access street wherein ingress and egress may be along the local access frontage;
- (6) All light provided to illuminate any portion of the site shall be so arranged as to direct the light away from any adjoining premises;
- (7) Signs shall be limited to the following:
 - (a) One sign lighted or unlighted, on the outside wall of the main building and parallel thereto having an area not greater than forty (40) square feet; and
 - (b) One detached sign having dimensions totaling not more than twenty (20) square feet and on which both faces may be utilized, the top of which sign shall not be more than six (6) feet above the natural level of the ground upon which it rests. On corner lots one additional such sign may be placed facing each street.

- (g) Nursery schools, when located on the same site with public or private schools or churches.
- (h) Foster care homes and family day care homes as defined in the Washington Administrative Code.
- (i) Public schools and kindergartens subject to the following conditions:
 - (1) Any buildings or structures on the site shall conform to the yard requirements of the zone in which the site is located;
 - (2) Buildings and structures shall not be closer than thirty (30) feet to any property within an RS or RM zone;
 - (3) All buildings and structures shall cover no more than forty percent (40%) of the lot area;
 - (4) Maintenance or storage type service areas and parking areas shall be screened by a solid wall or view-obscuring fence, hedge, or combination thereof not less than six (6) feet in height, where such areas abut or are in view of adjacent RS or RM property;
 - (5) Vehicular ingress and egress to the site shall be from an arterial and/or collector street, or in the case of elementary schools, may be from a local access street upon determination by the Planning Director that such access does not increase traffic safety hazards in the residential areas within the immediate vicinity of the site; in all cases, site access shall be located no closer than 200 feet to an intersection. The determination of the adequacy of the access shall be made by the Planning Director;
 - (6) Play yards or play equipment shall not be located in required yard areas;
 - (7) All lights provided to illuminate any portion of the site shall be so arranged as to direct the light away from adjoining premises.

- (j) Golf courses including clubhouse and accessory driving range, subject to the following conditions:
- (1) Buildings, structures, and driving ranges shall not be closer than fifty (50) feet to any property within an RS or RM zone or to a street;
 - (2) Maintenance or storage type service areas and parking areas shall be screened by a solid wall or view-obscuring fence, hedge or combination thereof not less than six (6) feet in height, where such areas abut or are in view of adjacent RS or RM property;
 - (3) No required yard may be used to provide parking;
 - (4) Vehicular ingress and egress to the site shall be from an arterial and/or collector street and shall be located no closer than 200 feet to an intersection, except on a corner lot with continuous frontage on such street and local access street wherein ingress and egress may be along the local access frontage;
 - (5) All lights provided to illuminate any portion of the site shall be so arranged as to direct the light away from any adjoining premises;
 - (6) Signs shall be limited to the following:
 - (a) One sign lighted or unlighted, on the outside wall of the main building and parallel thereto having an area not greater than forty (40) square feet; and
 - (b) One detached sign having dimensions totaling not more than twenty (20) square feet and on which both faces may be utilized, the top of which sign shall not be more than six (6) feet above the natural level of the ground upon which it rests. On corner lots, one additional such sign may be placed facing each street.
- (k) Libraries, publicly owned and operated subject to the following conditions:
- (1) No required yard on the premises may be used to provide parking spaces for cars and vehicles;

- (2) Maintenance or storage type service areas and parking areas shall be screened by a solid wall or view-obscuring fence, hedge or combination thereof not less than six (6) feet in height, where such areas abut or are in view of adjacent RS or RM property.

- (1) Public utility facilities, such as telephone exchanges, sewage or water pumping stations, water storage reservoirs or tanks under 30 feet in height necessary for the distribution of services, but not including business offices, ware-housing, storage buildings or yards, service yards, sewage treatment plants or bulk gas storage or the like, subject to the following conditions:
 - (1) Any equipment or structure except architectural screens and fences shall observe a distance of one (1) foot for each one (1) foot the equipment or structure rises above the grade but in no case less than twenty (20) feet from any property abutting an RS or RM zone;
 - (2) All public utility facilities shall be screened by a solid wall or view-obscuring fence, hedge or combination thereof not less than six (6) feet in height unless such use is enclosed within a structure;
 - (3) This section of public utilities shall not be construed to limit or interfere with the installation, maintenance and operation of streets, public utility pipe lines, electric or telephone lines, poles, towers and appurtenances when located within the right of way, easements, franchises, ownerships or license right of such public utilities.
- (m) A single commercial vehicle or a single piece of heavy-duty equipment stored within a structure.

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, the raising of poultry, small animals and livestock, except mink, fox, goats and swine, on a lot or parcel of five (5) acres or more in area, provided that no kennel or any building used to house, confine or feed such poultry, small animals 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 dwellings 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.
 - (d) The commercial raising of crops.
- 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-35,000 zone subject to the limitations noted therein.
 - (b) Production of forest products.
 - (c) Saddle clubs and riding academies on a lot or parcel of five (5) acres or more in area.

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 or are modified in keeping with the provisions of the Planned Unit Development regulations.

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 studies, 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 view-obscuring fence, hedge or combination thereof not less than six (6) feet in height, automobile service stations, eating establishments and nurseries and further provided that no use shall be located in required yard areas;
 - (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;
 - (3) Where business neighborhood uses or parking facilities abut RS or RM zoned property a solid wall or view-obscuring fence, hedge or combination thereof not less than six (6) feet in height shall be provided.
- (b) Church, community clubs, museums, parks, libraries, public schools, golf courses, public utility facilities, art galleries and fraternal organizations.

- (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 are subject to the limitations noted therein, without the requirement that they 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 view-obscuring fence, hedge, or combination thereof not less than six (6) feet in height, except for the sale of automobiles, trailers, boats and similar heavy equipment, and further provided that a solid wall or view-obscuring fence, hedge or combination thereof shall be provided and shall be not less than six (6) feet in height where such areas abut or are in view of adjacent RS or RM property.
- (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.

- (f) Dwellings in the stories above the ground level story of a business building subject to the following conditions:
 - (1) The number of dwelling units permitted shall be limited to 4.5 per acre, except that where sanitary sewers or a suitable temporary substitute, as determined by the Health Department, are available 11 units per acre shall be the limit;
 - (2) Such dwelling units shall have five (5) foot side and/or rear yard where they are situated adjacent to an interior lot property line.
- (g) Warehouses designed primarily to provide residents of the community with direct access to storage facilities for personal goods, and not designed as commercial moving, hauling or transfer facilities.

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 except dwelling units as permitted in section 3.2.9 (f), 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 view-obscuring fence, hedge or combination thereof, not less than six (6) feet in height and not be located in the required yards.
- (d) Where such uses or parking facilities abut RS or RM zoned properties, a solid wall or view-obscuring fence, hedge, or combination thereof shall be provided and shall not be less than six (6) feet in height.

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, warehouses, contractor's storage yard, assembly, manufacturing and processing plants, research and testing laboratories subject to the following conditions:
 - (1) Parking and the outside storage of material, supplies, products and commercial vehicles shall be located within the buildable area of the property provided such area is enclosed by a solid wall or view-obscuring fence, hedge or combination thereof of not less than six (6) feet in height;
 - (2) There shall be no smoke, dust, odor, 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 of 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 permitted use located on 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 REQUIREMENTS						YARD REQUIREMENTS				MAX. Bldg. HEIGHT (ft)
	Min. lot area in subdivisions & short subdivisions without PUD's (sq. ft.)	Maximum Density in PUD's	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	See Section 4.5.7.4	100	80	4 times actual 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	"	"	"	"	3,500 sq. ft. per dwelling unit	"
RM-19	"		"	"	"	"	"	"	"	2,000 sq. ft. per dwelling unit	"
RM-36	"		"	"	"	"	"	"	"	1,000 sq. ft. per dwelling unit	"
RS-1 acre	43,560		110	"	4 times actual width	"	"	"	"	65%	"
RS-35,000	35,000		"	"	"	"	"	"	"	"	"
R - 7,500 MH	7,500*		70	"	"	"	"	"	"	"	"
Agricultural Forestry U.L.	35,000 sq. ft. in areas designated urban or intermediate in the Comprehensive Plan; 2-1/2 acres in areas designated rural in the plan	1 dwelling unit per acre in areas designated Rural: Otherwise See Section 4.5.7.4	135	"	None	"	"	"	"	"	"
			330	"	"	"	"	"	"	"	"
B.N. (Non-residential)	None	NA	None	None	"	None	"	10 abutting an R zone	10 abutting an R zone shorelands or tidelands	None	35
B.G. (Non-residential uses)			"	"	"	"	20 except 15 for drive-in canopys	"	"	"	"
Commercial (Non-residential uses)	"		"	"	"	"	20 abutting an R zone	"	"	"	"
L.H. Manufacturing	20,000		"	"	"	"	50	"	"	"	"
	None		"	"	"	"	20	"	"	"	"

*Where sanitary sewers or a suitable temporary substitute as determined by the Health Department are not available, the minimum lot area for a single family dwelling on a single lot shall be 12,500 sq. ft.***

SECTION 4.00 RULES, REGULATIONS AND STANDARDS:

4.1 Substandard Lots: 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 County offices as a single lot prior to the adoption of this Ordinance.

4.2 Home Occupations: Home occupations are subject to the following conditions:

- (a) The occupation or profession shall be carried on wholly within a building or other structure accessory thereto;
- (b) No more than one person, other than those related by blood, marriage, or adoption living together in the dwelling unit, shall be employed in the home occupation;
- (c) There shall be no exterior display, no exterior storage of material or equipment and no other exterior indication of the home occupation or variation from the residential character of the principle building and no offensive noise, vibrations, 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 (4) square feet in area;
- (e) In addition to regularly required parking spaces designated off-street parking spaces shall be required for visitors and an employee and shall be located on the home occupation site. Such parking shall not be in the required yard areas except one such space may be located in a driveway;
- (f) Sales shall be limited to commodities processed, produced or assembled on the premises;
- (g) Sales to customers or services rendered to clients shall be made through appointment only and shall be scheduled so that no more than one visitor's vehicle is on the premises at one time;
- (h) The floor area devoted to a home occupation shall not exceed fifty per cent (50%) of the total floor area of the dwelling.

The establishment of a home occupation permit meeting the above limitations shall require an initial permit, issued by the Planning Department. The Board of Adjustment may approve home occupations in keeping with the uses permitted wherein the strict adherence to the above limitations may be varied, provided appropriate conditions relating to screening of outdoor storage, adequate parking, commodities sold, operating hours, ingress and egress to the site, floor area requirements, etc., can be imposed where necessary in order to compensate for relaxing these limitations and to assure that the home occupation will not have a detrimental effect on adjacent properties. Such home occupation approval by the Board of Adjustment shall require a Conditional Use Permit.

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 mobile homes, one family and multiple family dwellings, and in the Business-Neighborhood zone: On the same lot with the buildings they are required to serve, but not in the required yard areas unless specifically permitted.
- (b) For uses other than those specified above and for dwellings permitted in conjunction with such other uses: No more than 600 feet from the building they are required to serve and not in any required yard unless specifically permitted.

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 determinations shall be based upon requirements for the most comparable use listed or specific needs based upon number of employees, customers, etc.

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 Planning Department at the time of application for the building permit for which the parking area is required. Said plan shall clearly indicate the proposed development, including location, dimensions, size, shape, design, curb cuts, lighting, landscaping and other features and appurtenances required and said plan shall be subject to review and approval by the County Engineer.

4.3.8 Table of Minimum Standards:

- (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 (1) 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 the principle place of 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: 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: One (1) per each 200 square feet of floor area.
- (t) 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.
- (u) Transportation terminal: By Planning Department determination, based upon needs.
- (v) Schools, Elementary and Junior High, Public Private, or Parochial: One (1) for each employee and each faculty member.
- (w) High School, Public, Private or Parochial: One (1) for each fifty (50) students and one for each employee, and each faculty member.

4.4 Unclassified Public Use

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 and Land Use Permit. An Unclassified Public Use Permit shall be required 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 an Unclassified Public Use Permit a plot plan in full detail shall be reviewed by the Planning Commission and by the Board of County Commissioners. Unless otherwise specifically provided, prior to the issuance of the building and land use permit, or for the use of land for an unclassified public use, a plot plan in full detail shall be reviewed by the Board of Adjustment and a conditional use permit shall be required to insure that the operation of the proposed activity will not adversely affect the adjacent properties. Such review by the Board of Adjustment and issuance of conditional use permit shall not be required where a building or land use permit is sought for the purpose of either the repair of a pre-existing structure, or, maintenance to a pre-existing structure, or, structural alteration of a pre-existing structure, or, minor additions to a pre-existing structure, or, for the construction of an accessory structure when in the opinion of the Planning Director whichever above activity is contemplated will not change the character of the site with regard to parking, yard set back or screening needs.

- 4.4.1.1 Wrecking yards or junk yards, provided they are not located in an R 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 except in golf courses
- (f) Open air theaters
- (g) Race tracks and rodeos
- (h) Stadiums
- (i) Saddle Clubs
- (j) Community Clubs

.9 Fire stations without the requirement of a Conditional Use Permit, however, subject to the following conditions:

- (a) Any building from which fire fighting equipment emerges onto a street shall be set back a minimum of 35 feet and a maximum of 50 feet from the front property line of said street;
- (b) A clear vision space shall be maintained originating at a point ten (10) feet in front of the opening of any building from which fire fighting equipment emerges and extending for a minimum distance in both directions of 200 feet on a designated collector street of 500 feet on a designated secondary arterial wherein no objects shall obstruct the view;
- (c) Vehicular ingress and egress to the site shall be from an arterial or collector street and shall be located no closer than 200 feet to an intersection;
- (d) Parking and the outside storage of materials, supplies and vehicles shall be located within the buildable area of the property and such storage area shall be obscured from view by a solid wall, fence, hedge or combination thereof no less than six (6) feet in height;
- (e) All lights provided to illuminate any portion of the site shall be so arranged as to direct the light away from any adjoining premises.

.10 Water towers, reservoirs, and dams.

.11 Hospitals.

.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 and the extraction of natural resources and deposits, together with necessary building, apparatus or appurtenances incident thereto. In conjunction with such operations, additional allied uses may be authorized such as concrete batching plants, rock crushers and asphalt mixing plants, provided they are not located in an RS or RM zone and they are removed after the depletion of the resource.
- .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 transmitter and towers except residential accessory facilities such as are commonly used by amateur radio operators.
- .19 Recreation areas, commercial and non-profit including yacht clubs, tennis clubs, private parks, camping 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 number of mobile homes permitted, divide the tract area by the minimum lot size permitted in the zone provided, however, that Health Department requirements can be met. 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. Such mobile home and trailer parks shall require planned unit development approval rather than approval of a Conditional Use Permit.

- .23 Mobile home subdivisions of five (5) or more lots without the requirement of a Conditional Use Permit provided each mobile home is entered as real property on the tax rolls pursuant to RCW 82.50.150.
- .24 Libraries, rest homes, nursing and convalescent homes, without the requirement of a Conditional Use Permit, however, subject to the following conditions:
 - (a) Buildings and structures shall not be closer than twenty (20) feet to any property in an RS or RM zone;
 - (b) Where areas devoted to off-street parking are contiguous to residentially zoned property, there shall be erected and maintained a solid wall or view obscuring fence or hedge not less than six (6) feet in height on the property and such walls or fences may be built progressively as the parking facilities are installed;
 - (c) Such use shall conform to the lot area requirements for the zone wherein the use is located provided that a maximum density of 3.1 beds per potential single dwelling unit will be allowed;
 - (d) All buildings and structures on the site shall not cover more than 35% of the lot;
 - (e) Vehicular ingress and egress to the site shall be from an arterial and/or collector street and shall be located no closer than 200 feet to an intersection, except on a corner lot with continuous frontage on such street and a local access street wherein ingress and egress may be along the local access frontage.
- .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.
- .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 and related terminals and loading facilities.
- .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.
- .39 Contractor's storage yards subject to the conditions outlined in the Light Manufacturing zone. Such contractor's storage yards shall require a Planned Unit Development approval rather than approval of a Conditional Use Permit.

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 or those listed above, shall prevail, unless traditional requirements and conditions are imposed in the Conditional Use Permit, Planned Unit Development approval or deviation there from 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 in-harmonious, 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 15 months of the date of the preliminary approval by the Board of County Commissioners submit a final development plan of the proposed development or the first phase thereof, for approval by the Board or by the Commission where further design review has been required as a condition of its approval; provided that upon written application of the petitioner, the Planning Commission may grant an extension for a maximum of 12 months. If the final development plan or first phase thereof, is not filed within 15 months or within the extended period, if any, the Planning Commission shall initiate procedures whereby approval will be withdrawn in the same manner as approval was given.
- 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 200 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 existing buildings and structures on the site; methods of providing water and disposal of sewage; 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 principle 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 provided they are found to be in keeping with the comprehensive plan. 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 or parks provided they are not found too unreasonably incompatible with the uses permitted in the surrounding area pursuant to Unclassified Public Use permit approval;
- (f) Mobile home parks.

4.5.6.2 In planned unit developments in other than R zones, the use shall be limited to one or more of those uses permitted by the zone in which the development is located. In limiting the use or types of uses in such a planned unit development, consideration shall be given to maintaining the character of the surrounding neighborhood, reducing any adverse impact on nearby existing and potential uses and the environment, and assuring that nuisance or hazards of life or property will not develop.

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 the Planned Unit Development project, the following limitations shall apply:

4.5.7.1 Yards: The requirement for yards for the zone in which the Planned Unit Development is located shall apply to all the 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 minimum 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 owner's 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 new streets, 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 A 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 and such office complies with all yard requirements. Such office may also be located where condominiums are being sold. When all lots or dwelling units are sold, the sales office use must be terminated.
- 4.6.2 After a building permit has been issued and the structure comprising the main use of the property, as opposed to an accessory use, is in the process of being constructed, a mobile home or trailer as defined therein, may be located upon a site for the temporary use by the builder of the main structure or 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 a 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 mobile home or trailer as a residence shall be discontinued and the mobile home shall be removed from the lot.
- 4.6.3 On manufacturing sites a mobile home may be used for caretaking purposes provided a Conditional Use Permit is approved by the Board of Adjustment.
- 4.6.4 The Board of Adjustment may grant a Conditional Use Permit to allow a single mobile home for use by the parent, parents, or relative by blood or marriage of such advanced age or condition of ill health as to require special care and assistance subject to the following conditions:
- (a) That not more than two members of a family who are the parent, parents of or related to by blood or marriage one of the owner occupants or tenant occupants of the dwelling unit be permitted.
 - (b) That no rent, fee, charge, or payment in lieu thereof to any one for any purpose of any sort be made or collected by the owner occupants or tenant occupants of the dwelling unit.
 - (c) That the owner occupants or tenant occupants will prepare and enter into the written agreement with Kitsap County whereby they will agree that such use of the premises shall ter-

minate at such time as the applicant no longer occupies said premises, or at such time as the parent or parents no longer occupy said premises, whichever shall occur first.

(d) That the permit, if granted, will not have any substantial adverse effect upon the neighborhood.

(e) All other zone requirements are met.

- 4.7 Public Utilities: The minimum lot area, width and frontage provisions of this Ordinance shall not apply to public utility and facility sites and other public and semi-public uses as determined by the Board of Adjustment. The area, width 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: Except along the waterfront, accessory structures not used for living quarters may be located in the required rear yard provided they are 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 more than two (2) feet into a required yard.
- 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 use or structure need not exceed the average front yards of the adjacent uses or structures within 100 feet on both sides of the proposed use or structure. The required front yard shall be used to determine the average front yard where no use or structure exists within 100 feet on one of the sides. The depth of the required front yard on lots facing directly upon the 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.

- 4.13 Determination of Lot Depth, Width and Yards: Where a lot has no street or water frontage the depth and width shall coincide as nearly as possible with surrounding development patterns and the required yards on adjacent lots as determined by the Planning Department.
- 4.14 Flag Lot Requirements in Plats: All lots in a plat must have street frontage, however, flag lots shall be permitted where there are special circumstances inherent in the site such as extreme topography, or site orientation provided:
- (a) The building site, exclusive of the neck portion meets the lot dimension requirements of the zone within which it is located;
 - (b) There is only one lot between the flag lot building site and the street;
 - (c) The neck portion of the site is at least 30 feet in width for its entire length, and
 - (d) The required lot depth, width and yards are determined pursuant to Section 4.13.
- 4.15 Yard Requirements for Existing Non-Conforming Building Locations: An addition to a building which does not now conform to the yard requirements may extend to the "building line" except where it might encroach into a "street" or be within five (5) feet of a property line other than a street property line.
- 4.16 Location of Private Streets: Private streets shall not be located within 25 feet of an existing dwelling or accessory living quarters.
- 4.17 Rear Yard Setback Exception on the Waterfront: Boat houses, docks, and mooring facilities for the sole use of occupants of the premises to accommodate private non-commercial pleasure craft or one commercial craft shall be permitted in the required rear yard, on shorelands and tidelands of waterfront lots provided:
- (a) Such dock or extension from a bulkhead shall be constructed on pilings, a combination of pilings and floats or floats and anchors;
 - (b) The deck of any dock constructed on pilings shall be no more than four (4) feet above the ordinary high water mark;
 - (c) No part of a boat house shall extend more than thirteen (13) feet above the ordinary high water mark;
 - (d) Covered structures located on the shorelands or tidelands shall abut upon the shoreline;

- (e) Such covered structures shall not have a width greater than 25 feet or 25 percent of the width of the lot whichever is greater;
- (f) No such structure shall be used as a place of residence;
- (g) Any boat using such moorage shall not be used as a dwelling or living quarters when so moored.

4.18 Lighting: All lights provided to illuminate any parking area, building, outdoor recreation area, yard, or similar area shall be so arranged as to direct the light away from any adjoining premises. This shall be done in such a manner as to not allow more than one foot candle of illumination to occur beyond the property line of the property on which the light is erected.

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, an application shall be made therefore to the Board of Adjustment on a form prepared by them with the payment of a forty dollar (\$40.00) fee. After a 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 for a period of one year, any future use of said land shall be in conformity with the provisions of this 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 Unless otherwise specifically provided in this Ordinance, non-conforming buildings or structures may not be enlarged or structurally altered unless an enlargement or structural alteration makes the building or structure more conforming or is required by law. However, wherein a building or structure or buildings and customary accessory buildings are non-conforming only by reason of sub-standard yards, open space, area or height, the provisions of this Ordinance prohibiting structural alterations or enlargements of an existing building or structure under such circumstances shall not increase the degree of non-conformity and any enlargements or new buildings and structures shall observe the yard and open space requirements unless otherwise provided. Upkeep, repairing and maintenance of non-conforming buildings and structures is permitted.

Structural alterations and minor additions may be permitted if necessary to adapt a non-conforming building or structure to new technologies or equipment pertaining to the uses housed in such building or structure. Any enlargement necessary to accomplish this shall be authorized only by variance.

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

5.5.4 Any non-conforming building or structure use discontinued 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 forty dollars (\$40.00) 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 an 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 provision of this Ordinance.
- 5.8 Filing of Plot Plans:
- 5.8.1 The Planning Agency 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 of 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 a reclassification of property or Planned Unit Development or Unclassified Public Use approval shall be fifty dollars (\$50.00) for each petition payable upon the filing thereof. In cases where it is deemed desirable by the Planning Commission or Board of Kitsap County Commissioners or for an application by a governmental agency such application will require no fee. In the case where two or more applications are submitted simultaneously on the same piece of property, a single \$50.00 fee will be required.
- 5.9.8 A time limit of fifteen months is hereby placed upon all rezones upon the expiration of which time if no action has been taken the land shall be rezoned back to its original land classification. If the landowner shows within a period of fifteen months that he has in good faith commenced development of the property in accordance with the rezone no action shall be taken to rezone the property back to its original land classification. There will be no prohibition upon the sale of property during this fifteen month period and the purchaser will be entitled to the rezone subject to the time limitation as set forth above. Upon expiration of the fifteen month period the Planning Commission shall initiate procedures whereby the land will be rezoned back to its original land classification in the same manner as the land was rezoned at the beginning of the fifteen month period. If the latest zone classification is found to be the most appropriate for the property or if the landowner provides satisfactory evidence that he will endeavor to develop the property in accordance with the rezone the reversion back to the original zone need not take place.

5.9.9 A time limit of fifteen months is hereby placed upon all unclassified public use approval upon the expiration of which time if no action has been taken the approval for the unclassified public use shall be withdrawn. If the landowner shows within a period of fifteen months that he has in good faith commenced development and is continuing to develop the property in accordance with the unclassified public use approval, no action will be taken to withdraw the approval. There will be no prohibition upon the sales of property during this fifteen month period and the purchases will be entitled to the unclassified public use approval subject to the time limitation as set forth above. Upon expiration of the fifteen month period, the Planning Commission shall initiate procedures whereby the unclassified public use approval will be withdrawn in the same manner as the approval was given at the beginning of the fifteen month period. If the unclassified public use is found to be the most appropriate for the property or if the landowner provides satisfactory evidence that he will endeavor to develop the property in accordance with the unclassified public use approval, action to withdraw the unclassified public use approval need not take place.

5.10 Penalty Clause and Enforcement:

- 5.10.1 Violation of or failure to comply with any of the provisions of this Ordinance is a misdemeanor, punishable by a fine of not to exceed \$250.00, or by imprisonment in the county jail for a term not to exceed 90 days. For each violation of a continuing nature, each day shall constitute a separate offense. The Prosecuting Attorney shall have discretion in each zoning violation to proceed with prosecution, either criminally in accordance with this section, or civilly in accordance with Section 5.10.5.
- 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 now or 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 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. This amendment passed September 17, 1973.)

ADDENDUM

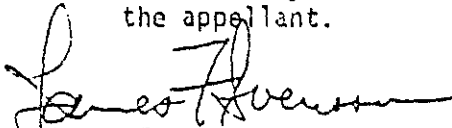
On September 17, 1979, the following new sections were added to the text of this ordinance, pursuant to Ordinance Amendment No. 43-H-1979:

5.3.1. The action by the Board of Adjustment on an application for a Conditional Use Permit or a variance or an appeal from the decision of an administrative officer shall be final and conclusive unless within ten (10) days from the date of said action the original applicant or an adverse party makes application for relief in the Superior Court.

The cost of transcription of all records ordered certified by a Court for review shall be borne by the appellant.

5.9.10 Any decision approving or disapproving any Planned Unit Development, Rezone, Unclassified Public Use Permit or Comprehensive Plan provision shall be reviewable for unlawful, arbitrary or capricious action by Writ or Review in the Superior Court. The action may be brought by any property owner who is aggrieved: Provided, that application for a Writ of review shall be made to the Court within thirty (30) days from any decision so to be reviewed.

The cost of transcription of all records ordered certified by a Court for review shall be borne by the appellant.


James F. Svensson
Section Head
Zoning Administration