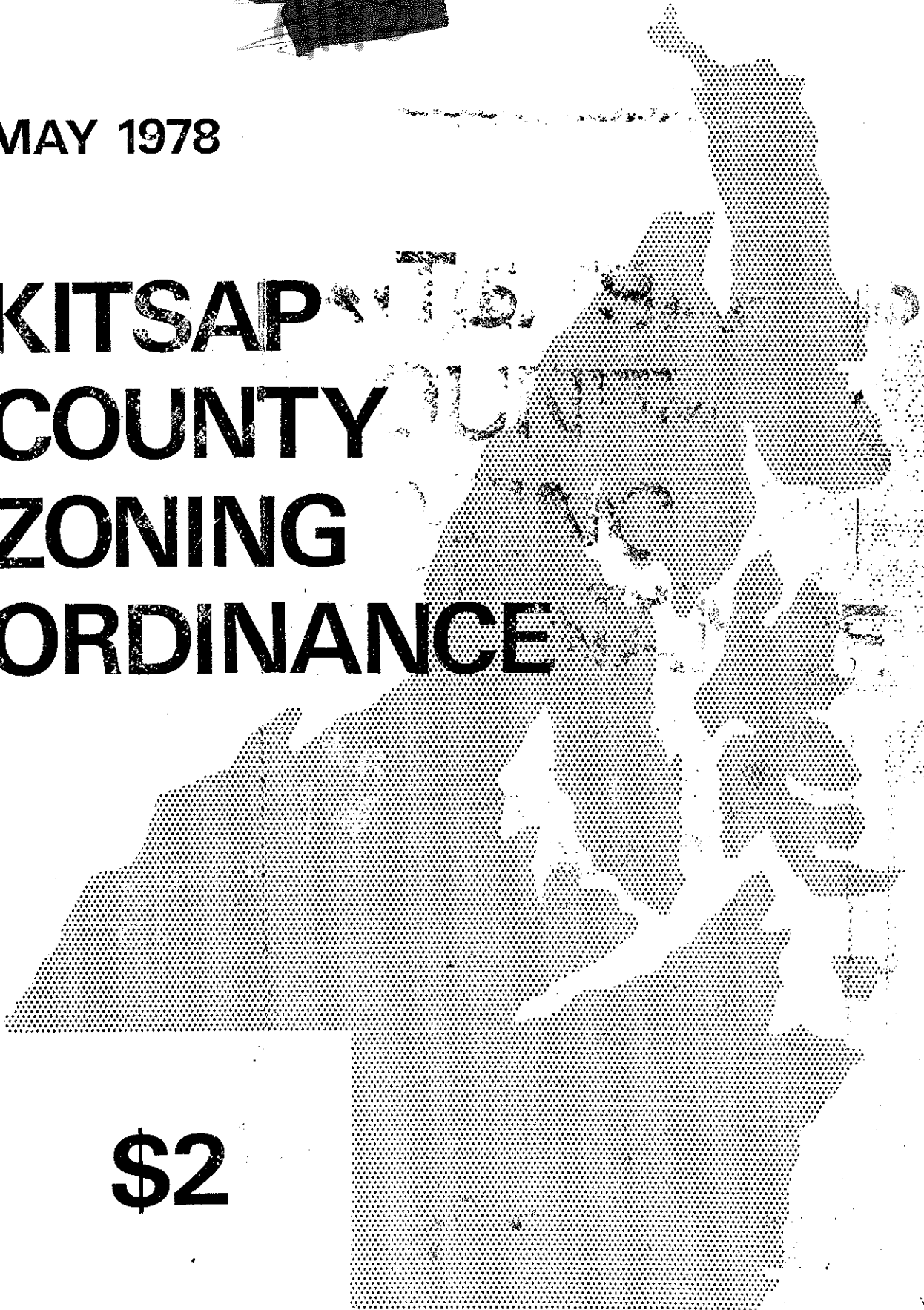


**MAY 1978**

**KITSAP COUNTY  
ZONING  
ORDINANCE**

**\$2**



K I T S A P   C O U N T Y

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Membership Revised: May, 1978

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)  
March 9, 1953  
June 30, 1953  
August 17, 1953  
December 13, 1954  
April 18, 1955  
July 18, 1955  
October 17, 1955  
July 2, 1956  
October 8, 1956  
March 4, 1957  
September 16, 1957  
November 4, 1957  
March 30, 1959  
October 19, 1959  
December 7, 1959  
February 15, 1960  
June 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)  
June 16, 1969 (change resolution  
z-6 to Ordinance  
No. 43-1969)  
August 9, 1970  
October 13, 1970  
November 23, 1970

June 21, 1971  
March 13, 1972  
May 22, 1972  
August 27, 1973  
September 17, 1973  
July 29, 1975  
June 7, 1976  
August 3, 1977  
May 1, 1978

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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

To protect the public health, safety, morals and general welfare  
by:

- 1.1 securing for the citizens of Kitsap County the social and economic advantages resulting from an orderly planned use of resources within the county;
- 1.2 regulating and restricting 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 providing definite official land use regulations for publicly and privately owned property within Kitsap County; and
- 1.4 regulating 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: Separate living quarters, either within or physically separated from the principle residence, designed for use by guests, employees, or immediate family members of the occupant of the principle residence. (5/1/78)
- 2.3 Accessory Structure or Use: A structure or use incidental and subordinate to the permitted primary use of the property. (5/1/78)
- 2.4 Administrative Ruling: A decision, ruling or interpretation made by an administrative officer of the Department of Community Development or by the Hearing Examiner, when appointed, relating to either the Comprehensive Plan or these Regulations. (5/1/78)
- 2.5 Aquifer: A water-bearing stratum of permeable rock, gravel or sand yielding considerable quantities of water to wells or springs. (5/1/78)
- 2.6 Aquifer Recharge Areas: These are the locations where surface water enters aquifer systems. Aquifer recharge areas are classed depending upon the relative amounts of water contributed to aquifer systems. (5/1/78)
- 2.7 Arterial: A major County Road or State Highway classified as an arterial on the Functional Classification System Map for Kitsap County. (5/1/78)
- 2.8 Average Density: The number of dwelling units per acre, taking into account all contiguous property in the development developed with other than residential uses. (5/1/78)

- 2.9 A.W.W.A. is the American Water Works Association.  
(5/1/78)
- 2.10 Board: Means the Board of County Commissioners of Kitsap County.
- 2.11 Buffer: A landscaped or natural area designed to provide space, obstruct undesirable views, serve as an acoustic screen, and/or in other ways reduce the impact of adjacent uses upon one another. (5/1/78)
- 2.12 Building: Any structure used or intended for supporting or sheltering any use or occupancy. (5/1/78)
- 2.13 Building Height: The vertical distance 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 pitched or hipped roof. The measurement may be taken from the highest adjoining sidewalk or ground surface within a 5-foot horizontal distance of the exterior wall of the building, when such sidewalk or ground surface is not more than 10 feet above grade; otherwise the measurement is to be taken from grade as herein defined. The height of a stepped or terraced building is the maximum height of any segment of the building. (5/1/78)
- 2.14 Building Line: The line of that face or corner or part of the building nearest the property line.
- 2.15 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.
- 2.16 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.
- 2.17 Clinic: A building designed and used for the chiropractic, psychiatric, psychological, dental, medical or surgical diagnosis and treatment of patients under the



supervision of state licensed professionals, but excluding facilities for over-night care which are provided only in hospitals. (5/1/78)

- 2.18 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.
- 2.19 Collector Street: A major County Road designated as a collector on the Functional Classification System Map for Kitsap County. (5/1/78)
- 2.20 Collector/Arterial: A collector street which is designated on the County Classification System Map as a future arterial. (5/1/78)
- 2.21 Commercial Uses: Uses providing goods, merchandise or services for compensation, including, but not limited to, retail shopping, commercial recreation, business and professional offices, highway oriented business, and sales of automobiles, boats and related products. (5/1/78)
- 2.22 Commission: Means the Planning Commission of Kitsap County.
- 2.23 Development: Division of land into two or more parcels, any building or mining operation, or any material change in the use or appearance of any structure or land, including all development customarily associated with the primary development unless otherwise specified. When appropriate to the context, development refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development. Reference to particular operations is not intended to limit the generality of this subsection. Development includes:
- (i) Change in type of use of a structure or land;
  - (ii) Change in the intensity of land use, but not including a change in traffic or public transit routing on existing roads, or railroad tracks;
  - (iii) Commencement of substantial drilling (except for core or soil samples), mining, or excavation;

- (iv) Alteration of a shoreline or associated wetlands of seacoast, river, stream, or lake as defined in Chapter 90.58 R.C.W.;
  - (v) Clearing of land in preparation for or anticipation of a change in use;
  - (vi) Substantial work done to improve or upgrade an airport runway, or port facility. (5/1/78)
- 2.24 Director: The Director of the Department of Community Development, who functions as the Planning Director as appointed pursuant to R.C.W. 36.70.160(2). (5/1/78)
- 2.25 Dock: A floating platform used as a landing place for marine transport or for recreational purposes, and attached to the shore or a fixed pier by a loosely coupled ramp. (Also see definition of Piers.) (5/1/78)
- 2.26 Dwelling Unit: A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, working and sanitation. (5/1/78)
- 2.27 Dwelling Unit, One Family: A building designed for occupancy by one family and containing one dwelling unit. (5/1/78)
- 2.28 Dwelling Unit, Multiple Family: A building containing two or more dwelling units, with each unit designed for occupancy by one family. (5/1/78)
- 2.29 Environmentally Sensitive Area: An area designated and mapped by Kitsap County pursuant to WAC 197-10, and within which certain categorical exemptions from the State Environmental Policy Act threshold determinations do not apply. (5/1/78)
- 2.30 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.
- 2.31 Examiner: The Hearing Examiner for Kitsap County. (5/1/78)
- 2.32 Family: An individual or two or more persons related

by blood or marriage or not more than six (6) persons who are not related by blood or marriage living together in a dwelling unit. (5/1/78)

- 2.33 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.
- 2.34 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.
- 2.35 Floor Area Ratio: The ratio of gross floor area to lot area. (5/1/78)
- 2.36 Flush Type Hydrant: Is a hydrant installed entirely below grade. (5/1/78)
- 2.37 Grade: The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than 5 feet from the building, between the building and a line 5 feet from the building.
- 2.38 Gross 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.
- 2.39 Gross Leasable Area: The total floor area designed for tenant occupancy and exclusive use. Abbreviated as GLA. (5/1/78)
- 2.40 Ground Cover: Vegetation that covers the ground surface, consisting of shrubs and grasses. (5/1/78)
- 2.41 Ground Water: Subsurface water which occupies the zone of saturation. (5/1/78)
- 2.42 Group Quarters: Structures designed for living and sleeping, but where individual units lack either kitchen or bath facilities. (5/1/78)
- 2.43 Hearing Examiner: A person or persons appointed by the Board to carry out administrative responsibilities designated elsewhere in this ordinance. (5/1/78)

- 2.44 Home Occupation: Any activity undertaken for gain or profit and customarily carried on in a dwelling or building accessory to a dwelling. (5/1/78)
- 2.45 Impervious Surface: Any surface or cover that does not absorb moisture. All building areas, parking areas, driveways, roads, sidewalks and any areas covered by concrete and asphalt shall be considered impervious surfaces unless the materials can be shown to be pervious. In addition, other areas determined by the County Engineer to be impervious within the meaning of this definition will also be classed as impervious surfaces. (5/1/78)
- 2.46 Impervious Surface Ratio: The ratio of the total area of all impervious surfaces within the site boundaries to the gross acreage. (5/1/78)
- 2.47 Infiltration Rate: The rate at which water is absorbed into the soil over a given period of time. (5/1/78)
- 2.48 Junk Yard: A lot, land or structure, or part thereof, used for one or more of the following:
- The collecting, dismantling, storage, salvage, or sale of waste paper, or rags, or scrap metal, or discarded material, or machinery parts thereof, or vehicles not in running condition.
- 2.49 Kennel: A lot or structure or part thereof where four or more adult dogs or cats or any combination thereof are kept. (5/1/78)
- 2.50 Line of vegetation or natural shoreline: That line which the water impresses on the soil by covering it for sufficient periods to deprive the soil of vegetation. (5/1/78)
- 2.51 Livestock: Horses, bovine animals, sheep, goats, swine, reindeer, donkeys, mules and similar animals.
- 2.52 Loading Space: An area required to be maintained on certain business and commercial lots, in addition to regular yard requirements, used for the loading and unloading of trucks and other vehicles. (5/1/78)
- 2.53 Lot: An area of land that is described by a reference to a recorded plat, approved short plat, by metes and bounds, or by section, township and range. The terms shall include tracts and parcels. (5/1/78)

- 2.54 a) Lot, Corner: A lot at the junction of and fronting on two or more intersecting streets.
- b) Lot, Interior: A lot fronting on one street.
- c) Lot, Through: A lot fronting on two streets that do not intersect on the parcel's lot lines.
- d) Lot, Flag: A lot containing street frontage where-  
in the buildable area is situated behind the rear yard of a lot having street frontage on the same street. (5/1/78)
- 2.55 Lot Area: The total horizontal area within the boundary lines of a lot, exclusive of public and private streets, the pole portion of flag lots if the pole portion is less than thirty (30) feet wide, tidelands and shorelands. (5/1/78)
- 2.56 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.
- 2.57 Lot Width: The horizontal distance across the lot measured at right angles from the midpoint of the line representing the lot depth or, in case of a lot with a convex front property line, measured at the minimum front building line, whichever is greater.
- 2.58 Marina: A water-dependent facility that provides moorage, wet and/or dry storage, and other related sales and maintenance services, for pleasure and commercial craft. (Community and public docks are not considered marinas.) (5/1/78)
- 2.59 Mobile Home: A factory assembled structure or structures equipped with the necessary connections and made so as to be readily movable as a unit or units on its (their) own running gear and designed to be used as a dwelling unit(s) without a permanent foundation. The phrase "without a permanent foundation" indicates that the support system is constructed with the intent that the mobile home placed thereon will be moved from time to time at the convenience of the owner. For purposes of this ordinance, mobile homes shall not include recreational vehicles. (See definition for Recreational Vehicles.) (5/1/78)

- 2.60 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.
- 2.61 Moorage: A facility to tie up or anchor a boat or vessel. (5/1/78)
- 2.62 Motor Hotel: A specialized hotel designed and operated to provide hotel services and accommodations to the motoring public.
- 2.63 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.
- 2.64 Non-Conforming Use: A use which was lawfully established and continuously maintained, but which does not conform to the specifications of the zone in which the use exists. (5/1/78)
- 2.65 Open Space: Land used for outdoor recreation, resource protection, amenity, safety or buffer, including structures incidental to these open space uses, but excluding yards required by this ordinance and land occupied by dwellings. (5/1/78)
- 2.66 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 freshwater shall be the line of mean high water.
- 2.67 Parks: Public or private areas of land, with or without buildings, designed for outdoor recreational uses, including both active and passive recreation. (5/1/78)
- 2.68 Pier: A fixed structure built over the water, used as

a landing place for marine transport or for recreational purposes. (5/1/78)

- 2.69 Playgrounds: Public or private areas of land designed for intensive, active outdoor recreation, together with accessory buildings.
- 2.70 Private Hydrant: Is a fire hydrant situated and maintained to provide water for fire fighting purposes with restrictions as to use. The location may be such that it is not readily accessible for immediate use by the fire authority for other than certain private property. (5/1/78)
- 2.71 Public Hydrant: Is a fire hydrant situated and maintained to provide water for fire fighting purposes without restriction as to use for that purpose. The location is such that it is accessible for immediate use of the fire department at all times. (5/1/78)
- 2.72 Recreational Vehicles: A motor home, travel trailer, truck-camper or camping trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy, with a living area less than two-hundred-and-twenty (220) square feet excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, bath and toilet rooms. (5/1/78)
- 2.73 Recreation Vehicle 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.
- 2.74 Runoff: That portion of rainfall which ultimately reaches streams; it consists of the water which flows off the surface of the ground, or that which sinks into the ground but resurfaces later.
- 2.75 Setback: The distance between buildings or uses and their lot lines. (5/1/78)
- 2.76 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.

- 2.77 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.
- 2.78 Small Animals: Any animals not included within the definition of livestock. (5/1/78)
- 2.79 Storage Area, Commercial: Land area or a building for storage of material or equipment, other than a single commercial vehicle or a single piece of heavy-duty equipment stored within a structure, used in conjunction with a business, other than a farm or home occupation. (5/1/78)
- 2.80 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.
- 2.81 Structural Alteration: Any change to the supporting members of the building or structure including foundations, bearing walls, columns, beams or girders.
- 2.82 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.
- 2.83 Tract: A piece of land usually several acres in size.
- 2.84 "U.B.C.": The Uniform Building Code as adopted, including amendments by Kitsap County. (5/1/78)
- 2.85 "U.L.": The Underwriters' Laboratories, Inc. (5/1/78)
- 2.86 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.
- 2.87 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.



- 2.88 Water Authority: The Kitsap County Department of Public Works, or any other municipal or quasi-municipal entity distributing water within Kitsap County.
- 2.89 Waterfront: That land area lying within 500 feet of the ordinary high water mark of the "shorelines of the state" as defined in the Shorelines Management Act. (5/1/78)
- 2.90 Yard: An unoccupied space, other than a court, unobstructed from the ground to the sky, which may include driveways, sidewalks, lamp posts, open patios, retaining walls, entrance steps, fences and landscaping unless specifically otherwise provided. (5/1/78)
- 2.91 a) Yard, Front: A yard extending from any street line and parallel thereto to the nearest point of a building or structure.
- 2.92 b) 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.
- 2.93 c) 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 R.C.W. 36.70, all unincorporated territory in Kitsap County, Washington shall be classified according to the following, and all uses in these areas shall conform to the regulations of the indicated zone:

Resource Protection Zone.....	RP
Rural Zone.....	R
Intermediate Zone.....	I
Residential Zone.....	R-2
Residential Zone.....	R-3
Residential Zone.....	R-4
Residential Zone.....	R-5
Residential Zone.....	R-6
Residential Zone.....	R-12
Residential Zone.....	R-30
Business Neighborhood Zone.....	BN
Business General Zone.....	BG
Commercial Zone.....	C
Light Manufacturing Zone.....	LM
Manufacturing Zone.....	M

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

3.1.2 Where distances to zone boundaries are shown on the zoning map such distances shall govern. If distances are not shown, the boundary lines are intended generally to follow municipal boundary lines, 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, such boundaries shall be the extreme low tideline or meander line whichever is more distant from the uplands.

3.1.4 The following table indicates the correlation between the zones designated in this ordinance and the area designations in the Comprehensive Plan as adopted in August of 1977. In all cases where rezones are required, the proposed rezones and corresponding uses will be subject to the policies in the Comprehensive Plan, and such policies may be applied to limit the intensity of the use allowed. Also, all regulations pertaining to existing zones shall be construed whenever necessary and possible to assure that the uses permitted are consistent with the Comprehensive Plan. (5/1/78)

PLAN DESIGNATION

Zone	Rural Area	Semi-Rural Area	Semi-Urban Area	Intermediate Area	Urban Area
RP	X	X	X	X	X
R	X	X		X	
I			X	X	X
R-2	Waterfront Only	X	X	X	X
R-3			X	X	X
R-4			X	X	X
R-5			X	X	X
R-6			X	X	X
R-12			X	X	X
R-30			X	X	X
BN	X	X	X	X	X
BG			X	X	X
C			X	X	X
LM	X*	X*	X	X	X
M	X*	X*			

\* The BG and C uses permitted by these zones are not compatible with the rural areas of the Comprehensive Plan.

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 in Section 4.

3.2.1 Resource Protection Zone: This zone is intended to be applied to those areas of the County which have significant natural resources, such as agricultural lands, forested areas, scenic corridors, quarries, or water resources, which justify the retention of large parcels of land in single ownership, and to lands which are suitable as open space, such as steep slopes or drainage ways.

The following uses are permitted in this zone:

- (1) Single-family, duplex or multi-family dwellings or mobile homes up to density permitted in the zone. (See Table 4.1.1)
- (2) Accessory living quarters, limited to one per lot and consistent with the density permitted in the zone. Mobile homes as accessory living quarters shall comply with Section 4.4.4.
- (3) All agricultural uses, including raising of livestock and small animals, subject to the following limitations.
  - (a) Number of adult livestock shall not exceed one (1) per 20,000 square feet of land area, for animals turned out on acreage. For animals turned out on land which is platted for residential purposes into lots of one-half acre or less, or any land located within 200 feet of freshwater-lake or year-round streams, the number of adult animals shall not exceed one (1) per 35,000 square feet.
  - (b) For livestock routinely housed in barns or stables, subsection (a) above shall not apply.

- (c) No feeding area or structure or building used to house, confine or feed livestock shall be located closer than one-hundred-and-fifty (150) feet from any residence located on adjacent properties. "Pasture" shall not be construed to constitute "feed" for the purposes of this section.
  - (d) No pasture shall be located within twenty-five (25) feet of any residence located on adjacent properties.
  - (e) A conditional use permit may be sought from the Board of Adjustment or Hearing Examiner for any exceptions to subsections (a) and (b).
  - (f) One stand for the sale of products grown on the premises and two signs not exceeding six square feet in area advertising such products shall be permitted.
- (4) Cultivation of forest products.
  - (5) Saddle clubs, riding academies, commercial stables and kennels on a lot or parcel of five (5) acres or more in area.
  - (6) Parks, publicly owned and operated subject to the following conditions:
    - (a) No permanent bleachers or stadiums or public amusement devices for hire are permitted.
    - (b) All lights provided to illuminate any portion of the lot shall be so arranged as to direct the light away from any adjoining premises.
    - (c) Any building, structure or service yard on the site shall maintain a distance of not less than fifty (50) feet from any property within any "R" zone (other than Rural).

(d) 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 "R" zoned property (other than Rural) and such walls or fences may be built progressively as the parking facilities are installed.

(7) Foster care homes and family day care homes as defined in the Washington Administrative Code.

(8) Golf courses including clubhouse and accessory driving range, subject to the following conditions:

(a) Buildings, structures, and driving ranges shall not be closer than fifty (50) feet to any property within an R zone or to a street.

(b) 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 R zone property.

(c) No required yard may be used to provide parking.

(d) 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.

(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.

(f) Signs shall be limited to the following:

1. 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
2. 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.

(9) Home Occupations, Planned Unit Development, and Unclassified Public uses pursuant to Section 4. (5/1/78)

3.2.2 Rural Zone: This zone is designed to apply the policies of the Comprehensive Plan as adopted in August of 1977 to the areas designated Rural on the Comprehensive Plan maps. In particular, this zone is intended to encourage preservation of the rural environment by promoting continuity of open space while allowing residential development to occur on large lots or in clusters of smaller lots.

The following uses are permitted in this zone:

- (1) Single-family and mobile homes consistent with the densities permitted in the zone. (See Table 4.1.1)
- (2) One two-family dwelling (duplex) per 2-1/2 acre parcel.
- (3) Multi-family dwellings, other than two-family dwellings, consistent with the densities permitted in the zone (See Table 4.1.1)
- (4) All uses other than residential that are permitted in the Resource Protection zone, subject to the limitations therein. (5/1/78)



3.2.3 Intermediate Zone: The purpose of this zone is to provide a flexible zone in which land can be developed for an intensity of use consistent with the availability of services at any given time, without requiring rezoning. This zone recognizes that substantial site plan review is achieved through platting and P.U.D. processes and SEPA compliance, so that rezoning is not necessary to adequately control the quality of development.

The following uses are permitted in the zone:

- (1) All residential development consistent with the densities allowed in the zone. (See Table 4.1.1)
- (2) All uses, other than residential, that are permitted in the RP zone.
- (3) Nursery schools, when located with public or private schools or churches.
- (4) Libraries, publicly owned and operated subject to the following conditions:
  - (a) No required yard on the premises may be used to provide parking spaces for cars and vehicles.
  - (b) 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) 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:

- (a) 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 R zone;
  - (b) 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;
  - (c) This section on 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.
- (6) A single commercial vehicle or a single piece of heavy-duty equipment stored within a structure.  
(5/1/78)

3.2.4. Residential Zones: The purpose of these zones is to designate areas with specific residential densities and restricted permissible uses that promote homogeneous residential neighborhoods.

In the R-2, R-3, R-4, R-5, R-6, R-12, and R-30 zones, the following uses are permitted:

- (1) A one-family dwelling, including double-wide mobile homes built to current Washington State codes, but excluding single-wide mobile homes consistent with the densities allowed in Table 4.1.1.
- (2) Accessory living quarters, consistent with the density permitted in the zone. Mobile homes as accessory living quarters shall comply with Section 4.4.4.
- (3) Duplexes on lots twice the minimum lot size.

- (4) Home Occupations, Planned Unit Developments, and Unclassified Public Uses pursuant to Section 4.
- (5) Multi-family dwellings other than duplexes, consistent with the density permitted in the zone.
- (6) Livestock shall be permitted as provided for in Section 3.2.1, except that swine shall not be permitted.
- (7) Parks, publicly owned and operated subject to the following conditions:
  - (a) No permanent bleachers or stadiums or public amusement devices for hire are permitted;
  - (b) All lights provided to illuminate any portion of the lot shall be so arranged as to direct the light away from any adjoining premises;
  - (c) 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 R zone and from a public street;
  - (d) 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 R zoned property and such walls or fences may be built progressively as the parking facilities are installed.
- (8) Foster care homes and family day care homes as defined in the Washington Administrative Code.
- (9) 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 R 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 R zone 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. (5/1/78)

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

- (a) Retail trade establishments, repair and maintenance service establishments, business,

professional and governmental offices and studios, personal and business services subject to the following conditions:

- (1) All uses shall be conducted within a building with the exception of lumber yards, provided storage areas are obscured with a solid wall or 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 R 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 R-12 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.

3.2.6 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 shall be provided and shall be not less than six (6) feet in height where such areas abut or are in view of adjacent R 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.

3.2.7 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 R 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.

3.2.8 Light Manufacturing: 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 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 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.

3.2.9 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.

SECTION 4.00 RULES, REGULATIONS AND STANDARDS

4.1 Lot Dimension, Yard and Building Height Requirements:

4.1.1 See Table 4.1.1.

4.1.2 Maximum Density: The density allowed according to the table in Section 4.1.1 is the maximum legally allowable density for the relevant zone. The density requirements must be met even though the lot size would yield higher densities, the excess land being used either in open space of some kind or perhaps to reserve lots that are not yet buildable pending provision of sewers. The density is subject to reduction if unusual soil, topographical, service, or other constraints necessitate lower densities. Whenever site constraints suggest that clustering of units would have less impact than conventional subdivision, the PUD approach (outlined in Section 4.6) is recommended. Reference should be made also to the policies of the Comprehensive Plan and Department of Community Development studies describing environmentally sensitive areas. (5/1/78)

Health Department regulations require 12,500 square feet for septic tanks, unless special analysis (known as "Method 2") indicates that smaller lots are feasible. These regulations control over zoning provisions which would otherwise allow lot sizes under 12,500 square feet. (5/1/78)

4.1.3 Impervious Surface Ratio:

The maximum impervious surface ratio may be lowered from what is allowed in the table if the site is located in aquifer re-charge areas that are identified during the project review. (5/1/78)

4.1.4 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.

4.1.1 Table of Standards

Table of Lot and Building Requirements for Residential Zones \*

ZONE	MAXIMUM RESIDENTIAL DENSITY		MINIMUM LOT SIZES		LOT DIMENSIONS (In Feet)				YARDS (In Feet)			BUILDING & STRUCTURES	
	In PUD's	Not in PUD's	In PUD's	Not in PUD's	Min. Width	Min. Depth	Max. Depth	Min. Street Frontage	Front	Side	Rear	Max. Height	Maximum Impervious Surface Ratio
Resource Protection	1 dwelling per 10 acres	1 dwelling per 10 acres	1 acre	2½ acres	110 feet	110 feet	NA	30 feet	25 feet	15 feet	15 feet	30 feet	20%
Rural -waterfront	2 dwelling units per acre	2 dwelling units per acre	20,000 sq. ft.	20,000 sq. ft.	80 feet	80 feet	4 times actual width	30 feet	25	15	15	30 feet	20%
-non-waterfront	1 dwelling per acre	1 dwelling or 1 duplex per 2½ acres	10,000 sq. ft.	2½ acres	80 feet	80 feet	4 times actual width	30 feet	25	15	15	30 feet	20%
Intermediate -with public sewer & water	8	5	5,000 sq. ft.	7,500 sq. ft.	70'	80'	4 times actual width	30 feet	25'	5'	15'	30 feet	45%
-without public sewer & water	3	2	7,500 sq. ft.	20,000 sq. ft.	70'	80'	4 times actual width	30 feet	25'	5'	15'	30 feet	30%

- \* 1. Minimum lot size indicates the minimum area on which a use can be placed provided it meets the density provisions of this ordinance.
- 2. Reference should be made to the Planned Unit Development section for variations which can be made to the regulations in this table.

(5-1-78)

Table of Lot and Building Requirements for Residential Zones

ZONE	MAXIMUM RESIDENTIAL DENSITY		MINIMUM LOT SIZES		LOT DIMENSIONS				YARDS			BUILDING & STRUCTURES	
	In PUD's	Not In PUD's	In PUD's	Not in PUD's	Min. Width	Min. Depth	Max. Depth	Min. Street Frontage	Front	Side	Rear	Max. Height	Maximum Impervious Surface Ratio
R-2	3	2	5,000'	20,000 sq. ft.	80'	80'	4 times actual width	30 feet	25'	5	15	30 feet	30%
R-3	4	3	5,000'	15,000 sq. ft.	80'	80'	4 times actual width	30 feet	25'	5	15	30 feet	30%
R-4	5	4	5,000'	12,500 sq. ft.	80	80'	4 times actual width	30 feet'	25'	5	15	30 feet	35%
R-5	7	5	5,000'	9,600 sq. ft.	70'	80'	4 times actual width	30 feet	25'	5	15	30 feet	40%
R-6	8	6	5,000'	7,500 sq. ft.	70	80'	4 times actual width	30 feet	25'	5	15	30 feet	45%
R-12	12	0	5,000'	7,500 sq. ft.	70	80	4 times actual width	30 feet	25'	5	15	30 feet	50%
R-30	30	0	5,000'	7,500 sq. ft.	70	80	4 times actual width	30 feet	25'	5	15	30 feet	60%

Table of Lot and Building Requirements for Non-Residential Zone

Zone	MINIMUM LOT SIZES	LOT DIMENSIONS				YARDS			BUILDING & STRUCTURES	
		Min. Width	Min. Depth	Max. Depth	Min. Street Frontage	Front	Side	Rear	Max. Height	Maximum Impervious Surface Ratio
BN	NONE	NONE	NONE	NONE	NONE	25'	5' except abutting R-zone 10'	15	35 feet	100%
BG	NONE	NONE	NONE	NONE	NONE	25'	"	15	35 feet	100%
C	NONE	NONE	NONE	NONE	NONE	20'	"	15	35 feet	100%
LM	20,000 sq. ft.	NONE	NONE	NONE	NONE	50	"	15	35 feet	100%
M	NONE	NONE	NONE	NONE	NONE	20	"	15	35 feet	100%

(5/1/78)

- 4.1.5 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.
- 4.1.6 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.
- 4.1.7 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.
- 4.1.8 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.
- 4.1.9 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.

- 4.1.10 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.
- 4.1.11 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.
- 4.1.12 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.
- 4.1.13 Location of Private Streets: Private streets shall not be located within 25 feet of an existing dwelling or accessory living quarters.
- 4.1.14 Rear Yard Setback Exception on the Waterfront: Boathouses, 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 boathouse 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.

#### 4.2 Non-Conforming Lots of Record:

##### 4.2.1 Single Lots of Record:

- (1) In any zone in which single family dwellings are permitted, a single family dwelling and customary accessory buildings may be erected on any single lot of record existing at the effective date of adoption or amendment of the lot size or density requirement of this ordinance notwithstanding limitations imposed by other provisions of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. (5/1/78)
- (2) This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable to the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Adjustment or Hearing Examiner. (5/1/78)



4.2.2 Two or more Lots - Aggregation:

- (1) If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of lot size or density requirements of this ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this title, and no portion of the parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this title, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this title. (5/1/78)
- (2) The requirements of this section may be waived when the Board determines that substantial site improvements, including roads and water systems, and sewers where available have physically been made, and the costs of such improvements have been assessed to individual lots, such that substantial harm results from the strict application of this section. In no case shall the mere division of land on paper, without actual physical improvements, be allowed as the basis for relief from this section. (5/1/78)
- (3) In the Rural zone, the minimum lot size for purposes of this Section shall be 35,000 square feet. (5/1/78)
- (4) This Section shall not apply to lots in final plats, short plats, or to legal segregations that have been recorded within the five years prior to the adoption of this Section. (5/1/78)

4.3 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.*

- 4.3.1 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.
- 4.3.2 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 buildings or structure. Any enlargement necessary to accomplish this shall be authorized only by variance.

- 4.3.3 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.

- 4.3.4 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.
- 4.3.5 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.
- 4.3.6 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.

4.4 Temporary Uses:

- 4.4.1 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.
- 4.4.2 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.

- 4.4.3 On manufacturing sites a mobile home may be used for caretaking purposes provided a Conditional Use Permit is approved by the Board of Adjustment.
- 4.4.4 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 shall be permitted 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 enter a written agreement with Kitsap County whereby they will agree that such use of the premises shall terminate 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 mobile home will not have any substantial adverse effect upon the neighborhood.

(e) All other zone requirements are met.

4.5 Parking and Access:

- 4.5.1 Access: All proposed developments shall provide vehicular access to all structures and/or lots; such access shall be sufficient to accommodate emergency vehicles and fire trucks, and shall provide sufficient shoulder area to accommodate pedestrians beside the roadway. The standards set out in the Kitsap County Subdivision Ordinance shall be applied to all regular plats; the County Engineer may modify these standards as appropriate for multi-family and commercial development where roadways are primarily in private ownership. (5/1/78)
- 4.5.2 Distances from Corners to Driveways: All driveways and accesses to property that are located on arterials, collectors or collector/arterials shall be at least 100 feet from intersections with other streets. This provision does not apply to local streets. (5/1/78)
- 4.5.3 Off-Street Parking Location: 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.
- (c) The required off-street parking area shall

be located on the same side of a collector or arterial as the building or use to which the parking area pertains is located. (5/1/78)

4.5.4 Parking Requirements:

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.

4.5.5 Parking Layout Plans: The plan of the proposed parking area shall be submitted to the Department of Community Development 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.

4.5.6 Parking Spaces - Table of Minimum Standards:

- (a) Residential structures other than elderly or public housing: Two (2) for each single family dwelling unit or duplex unit, and one-and-one half (1½) for each multi-family unit.
- (b) Elderly and public housing: One (1) space per unit.
- (c) Rooming houses, lodging homes, similar uses: One (1) for each sleeping unit.

- (d) Auto courts, motels: One (1) for each sleeping unit.
- (e) Hotels: One (1) for each unit.
- (f) Hospitals and institutions: One (1) for each four (4) beds.
- (g) Theaters: One (1) for each four (4) seats.
- (h) Churches, auditoriums and similar enclosed places of assembly: One (1) for each four (4) seats and/or one (1) for each fifty (50) square feet of floor area for the principle place of assembly not containing fixed seats.
- (i) Stadiums, sports arenas, and similar open assemblies: One (1) for each six (6) seats and/or one (1) for each 100 square feet of assembly space without fixed seats.
- (j) Libraries, secondary and extended secondary classrooms: One (1) for each 250 square feet of gross floor area.
- (k) Dance halls: One (1) for each twenty (20) square feet of gross floor area.
- (l) Bowling alleys: Six (6) for each alley.
- (m) Medical and dental clinics: One (1) for each 150 square feet of gross floor area.
- (n) Offices: One (1) for each 300 square feet of gross floor area.
- (o) Mortuaries, funeral homes: One (1) for each 75 square feet of floor area used for assembly.
- (p) Warehouse, storage and wholesale business: One (1) for each two (2) employees, plus storage for company vehicles at one (1) space per vehicle.
- (q) Food and beverage places with sale and consumption on the premises: One (1) for each 100 square feet of gross floor area.

- (r) Drive-in and fast-food restaurants, with or without inside seating: One (1) space per fifty (50) square feet of gross floor area.
- (s) Retail uses generating lighter traffic, including but not limited to furniture, appliance, hardware, repair, and personal service stores: One (1) for each 300 square feet of gross floor area.
- (t) Retail stores generating heavier auto traffic, including but not limited to, supermarkets and other food stores, ice cream parlors, bakeries, drug stores, beauty and barber shops, dime stores: One (1) for each 150 square feet of gross floor area.
- (u) 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.
- (v) 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 400 square feet of gross floor area.
- (w) Transportation terminal: By Department of Community Development determination, based upon needs.
- (x) Schools, Elementary and Junior High, Public, Private, or Parochial: One (1) for each employee and each faculty member.
- (y) High School, Public, Private or Parochial: One for each ten (10) students, and one (1) for each employee and faculty member. (5/1/78)

4.5.7 Off-Street Parking - Uses Not Specified: In the case of a use not specifically mentioned in the Table of Minimum Standards above the requirements for off-street parking facilities shall be determined by the Department of Community Development. Such determinations shall be based upon requirements for the most comparable use listed or specific needs based upon number of employees, customers, etc.



- 4.5.8 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 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.
- 4.5.9 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.
- 4.5.10 Joint Use: The Department of Community Development 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.

4.5.11 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 Department of Community Development, 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.

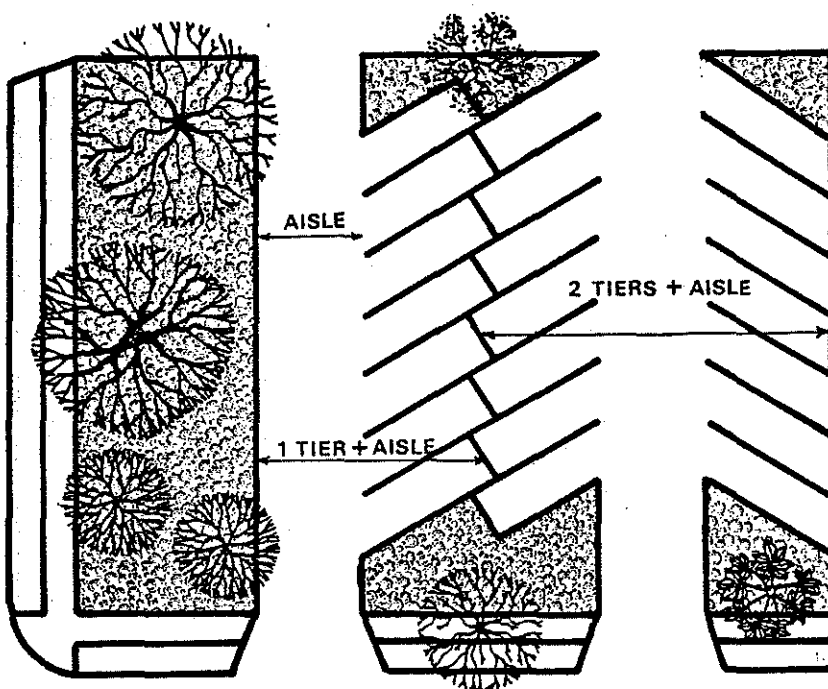
4.5.12 Design Requirements for Off-Street Parking: Whenever off-street parking is required, the parking area and space shall be designed, constructed, and maintained in accordance with the following minimum provisions and standards:

- (a) When more than two spaces are required, the following standards and provisions in addition to those provided in Sections 4.2.1 through 4.2.10 shall apply:

<u>Angle of Parking Space in Degrees</u>	<u>Aisle Width</u>	<u>Total Width of One Tier of Parking Plus Aisle</u>	<u>Total Width of Two Tier of Parking Plus Aisle</u>
90	22	42	62
80-89	21	42	62
75-79	19	41	62
70-74	18	40	62
65-69	17	40	62
60-64	16	37	58
55-59	15	36	56
50-54	14	34	53
45-49	13	32	50
40-44	12	30	47
35-39	11	28	44
30-34	11	27	42
1-29	10	24	38
Parallel		24 One-way	33 One-way
Parallel		29 Two-way	38 Two-way

(See Example page 47A)

- (b) All parking spaces shall be clearly striped to facilitate movement and to help maintain an orderly parking arrangement;
- (c) All parking spaces shall have access from an aisle in the parking area, and each parking area shall be designed so as to discourage egress by backing out onto any highway, street or road;
- (d) In order to insure pedestrian safety, sidewalks of not less than five feet in width may



# Parking Layout

(Example)

- be required to separate any driveway or parking area from a building or highway, street or road;
- (e) Bumper stops, curbing or wheel chocks shall be provided to prevent any vehicle from damaging or encroaching upon any required sidewalk or upon any building adjacent to the parking area;
  - (f) The surface of the parking area shall be either asphalt or concrete unless gravel is acceptable to the Engineer;
  - (g) All parking spaces shall be nine (9) feet in width and twenty (20) feet in length, except that spaces for handicapped parking shall conform to the standards cited in Section 4.5.15;
  - (h) Parallel parking spaces shall be twenty (20) feet in length plus a six (6) foot maneuvering space for each two parking spaces;
  - (i) All driveways shall conform to the design standards for road approaches as specified by the County Engineer;
  - (j) Where parking areas are located adjacent to property boundaries and five (5) or more spaces are required or provided for the use, a sight-obscuring buffer consisting of a fence, and/or evergreen shrubbery to a height of three (3) feet shall be provided;
  - (k) Landscaped islands shall be provided at the ends of parking bays in order to clearly define lane and turning patterns. Parking bays shall be a maximum of twenty (20) spaces in length;
  - (l) Parking may be located in front yards so long as the design minimizes congestion at entrances and exits to the site;
  - (m) 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. (5/1/78)

4.5.13 Off-Street Loading Standards and Design: When off-street and unloading spaces are required under Section 4.2.14, the following provisions and standards shall apply:

- (1) All loading and unloading spaces shall be a minimum of forty-five feet in length, ten feet in width and fifteen feet in height;
- (2) There shall be reasonable and adequate access to each loading and unloading space and on-site maneuvering space of not less than fifty-two feet in length adjacent to the loading dock and this space shall not include any area designated for off-street parking. (5/1/78)

4.5.14 Off Street Loading--Minimum Required Spaces: Off-street loading and unloading spaces shall be required for any building containing a use which involves the frequent loading or unloading from trucks or other large vehicles. The number of spaces required shall vary with the number of square feet of gross floor space allocated for the use, as follows:

<u>Gross Floor Space for Use</u>	<u>Space Required</u>
Less than 5,000 square feet	1 space
5,000 to 25,000 square feet	2 spaces
25,000 to 50,000 square feet	3 spaces
For each additional 50,000 square feet or fraction thereof in excess of 25,000 square feet	1 additional space

(5/1/78)

4.5.15 Handicapped Parking: Parking for handicapped persons shall be provided in accordance with Section 7503 of the Regulations for Barrier-Free Facilities as incorporated into the Uniform Building Code. (5/1/78)

#### 4.6 Planned Unit Development:

4.6.1 Purpose: This section is established to provide a mechanism for development that improves on normal lot-by-lot development by:

- minimizing the impact of the development on the project site and on services to the site;
- preserving open space, native vegetation, and environmentally sensitive areas;
- providing on-site recreational areas;
- allowing mixed residential/non-residential uses.

Such development is usually achieved by clustering dwelling units or structures together to leave more space undeveloped. (5/1/78)

#### 4.6.2 Procedure for Initiation and Approval:

- (a) 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 or by the Board as a condition of approval of a rezoning;
- (b) A preliminary PUD plan shall be submitted to the Department of Community Development for processing as indicated in Table 4.6.2;
- (c) Approval of the preliminary development plan shall be binding as to the intent and use expressed in the application. Approval of preliminary PUD shall not be construed to render inflexible the ultimate design, specific uses, or final plan of the project except as to such conditions of approval as may be stipulated by the Commission/Examiner as binding on the final plan;
- (d) 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, and by the Commission if it has so required as a condition of its approval; provided that upon written application of the petitioner, the Department 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/Examiner shall initiate procedures whereby approval will be withdrawn in the same manner as approval was given.

- (e) 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 Department of Community Development. A public hearing is not required for such approval, but approval must be given at a regular public meeting of the Board.
- (f) Upon the abandonment of a particular project authorized under this section or upon expiration of 15 months 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 structures thereon may be used only for a lawful purpose permissible within the zone in which the Planned Unit Development is located.

(5/1/78)



Table 4.6.2  
PUD Review Process

Type of Planned Unit Development	REVIEWING BODY		
	Department of Community Development	Planning Commission or Examiner	Board of County Commissioners
A. Without Rezone			
Residential			
4 units or less	Administrative Review and Decision	Appeal	-----
5 units or more	Administrative Review and Recommendation to Planning Commission	Review, Public Hearing, and Recommendation to Board of County Commissioners	Final Decision "
All Others	"	"	"
B. With Rezone	"	"	"
		either as a condition of approval of rezone with actual review under A. above, or with complete review of details and recommendation based on a final PUD	

(5/1/78)

4.6.3 Preliminary PUD Applications: Applications shall be made on forms provided by the Department. The contents of applications shall include, but need not be limited to:

- (a) 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; 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;
- (b) 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.
- (c) Descriptive Material:
  - (1) Giving the restrictive covenants intended to apply;
  - (2) Giving the intended completion schedule of all divisions;
  - (3) Giving the intended method of operation and maintenance of the open space areas.
- (d) Such other pertinent information regarding conformance with the Comprehensive Plan, the standards in this ordinance, and environmental

impacts of the project, as may be required to enable the Board of County Commissioners to make an informed decision.

- 4.6.4 The permitted location of Planned Unit Development projects shall depend on their principle function.
- (a) Residential Planned Unit Development projects may locate only in zones permitting residential uses.
  - (b) Planned Unit Developments for other than residential uses may locate only in zones first permitting the heaviest use locating in the development.
- 4.6.5 There shall be no minimum site area for a Residential Planned Unit Development except in the Rural zone which shall have a minimum Planned Unit Development site area of 2-1/2 acres. (5/1/78)
- 4.6.6 In a Planned Unit Development only the following uses are permitted:
- (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 there-in 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 Un-classified Public Use permit approval;

(f) Mobile home parks.

(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.

4.6.7 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:

- (a) Yards and Dimensions. The requirements for yards and dimensions for the zone in which the Planned Unit Development is located shall apply to all exterior boundary lines of the site;
- (b) Open Space - Residential.
- (1) For residential PUD's in other than Rural zones a minimum of 10% of the total area of the Planned Unit Development shall be dedicated or reserved as common open space land. For residential PUD's in the Rural zone, the minimum shall be 50%.
- (2) 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 other-

wise unusable for active recreational purposes, unless otherwise permitted by the reviewing body. This provision shall not apply to Residential PUD's in Rural zones.

- (3) 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:
- (i) Specific performance of the open space portion of the executed plan, including such open space improvements as are incorporated into the plan; or
  - (ii) The posting of a bond sufficient to assure specific performance.
- (c) 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.
- (d) Density Allowed. Number of dwelling units permitted shall be determined by multiplying the net area (in acres) by the density 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 commercial uses and public facilities, such as schools and churches, which are an integral part of the development design or harmonize the development with adjacent areas, from the total site area.

- (e) Permitted site coverage may not exceed the impervious surface ratio permitted in the zone in which the project is located, unless the reviewing body finds that sufficient open space is still provided and that increased runoff resulting from the excess coverage is completely controlled by on-site detention methods.
- (f) Mitigating measures found by the E.I.S. process to be necessary to reduce the adverse impacts of the project may be required as conditions of approval of a Planned Unit Development.
- (g) Construction of roads, sewers or septic tanks, water supplies and any other utilities shall be provided as follows:
- PUD's with short plats - road easements and a well site must be located prior to short plat approval, but need not be constructed prior to such approval;
  - PUD's with regular plats - must comply with the subdivision ordinance, i.e., the utilities must either have been constructed or been bonded for prior to final plat approval;
  - PUD's not involving plats - construction of utilities shall not commence until final PUD approval, unless the developer agrees to make no changes between preliminary and final PUD layout, use and intent.
- (h) The level of services provided in a PUD shall conform to that required of plats at comparable densities, except that private roads and driveways need not meet the County's standards for public streets. The County Engineer may impose such design requirements on private streets and driveways as may be deemed necessary to minimize runoff problems, sight distance problems or other hazardous conditions.

4.7 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.

#### 4.8 Unclassified Public Use:

- 4.8.1 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.

- (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 R 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 R 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 R 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 in-

terest 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 R 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 R zone.

- (26) Veterinary clinics designed for treatment and care of pet animals, such as dogs and cats provided they are not located in an R 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 R zone.
- (35) Railroad right-of-way and related terminals and loading facilities.
- (36) Outdoor advertising signs providing they are not located in an R 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.

(40) Churches, public schools, and kindergartens, without a Conditional Use Permit, but subject to such restrictions as the Board may attach.

SECTION 5.00 MISCELLANEOUS PROVISIONS, VARIANCES, CONDITIONAL USE PERMITS

- 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:
- 5.3.1 Basis for Granting 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.
- 5.3.2 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.

5.3.3 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.

5.4 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.

5.5 Filing of Plot Plans:

5.5.1 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.



5.5.2 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.

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

5.6.1 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.

5.6.2 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.

5.6.3 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.

- 5.6.4 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.
- 5.6.5 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.
- 5.6.6 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.
- 5.6.7 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.

- 5.6.8 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.
- 5.6.9 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 purchaser 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.

5.7 Penalty Clause and Enforcement:

- 5.7.1 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.
- 5.7.2 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.
- 5.7.3 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.
- 5.7.4 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.
- 5.7.5 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.

- 5.8 Repealing: All resolutions of Kitsap County inconsistent herewith to the extent of such inconsistency, and no further, are hereby repealed.
- 5.9 Severability: If any provision of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, without the provision so held unconstitutional or invalid and the remainder of this Ordinance shall not be affected as a result of said part being held unconstitutional or invalid.