



KITSAP COUNTY

Interim Zoning Ordinance

*Adopted October 23, 1995
(Amended January 8, 1996*)*

**Amendments to include Tourist Commercial (CT) and Waterfront Industrial (IW) zoning designations*

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KITSAP COUNTY
INTERIM ZONING ORDINANCE
Adopted October 23, 1995
(Amended January 8, 1996)

100. Preliminary

010. Title

This ordinance shall be known as the "Kitsap County Interim Zoning Ordinance".

020. Purpose and Scope

The text and zoning maps constitute the Zoning Ordinance. The Ordinance classifies, designates, and regulates the development of land for agriculture, forest, mineral resource extraction, residential, commercial, industrial, and public land uses for the unincorporated area of Kitsap County. Further, it is the purpose of the Ordinance to provide adequate open spaces for light, air, and the prevention of fires; to provide the economic and social advantages that result from orderly, planned use of land resources; to facilitate energy conservation and the use of renewable energy resources; to enhance the livability and quality of housing; to provide for desirable, appropriately located living areas in a variety of dwelling types and at a suitable range of population densities; to provide for the preservation of adequate space for commercial, industrial, and other activities necessary for a healthy and diversified economy; to provide for the preservation of historically or archaeological significant land resources; to lessen congestion of streets; to lessen reliance on the single-occupant automobile and increase opportunities for using high-occupancy vehicles and non-motorized methods of travel for trips to work, shopping and other daily activities; to enhance predictability regarding future development so that decisions can be made regarding future development; to provide for judicious, efficient, timely, and reasonable administration respecting due process set forth in this Ordinance and other applicable laws; and to protect and promote the public health, safety and general welfare.

In fulfilling these purposes this Ordinance is intended to benefit the public as a whole and not any specific person or class of persons. Although through the implementation, administration and enforcement of this Ordinance, benefits and detriments will be enjoyed or suffered by specific individuals, such is merely a byproduct of the overall benefit to the whole community. Therefore, unintentional breaches of the obligations of administration and enforcement imposed upon the County hereby shall not be enforceable in tort.

Applicants for permits and approval are subject to the provisions of this Ordinance and other ordinances and laws, including:

- ^{128?}
- (A) The Kitsap County Building Code, Ordinance 175 and 175-A, which includes codes pertaining to building, fire safety, plumbing and mechanical work;

- (B) Ordinance No. 20 and RCW 58.17 which concern subdivisions;
- (C) Ordinance No. 108-E-1991 which concerns short-plats;
- (D) Ordinance No. 23-A-1971 which concerns mobile home parks;
- (E) RCW 43.21C, the State Environmental Policy Act;
- (F) RCW 90.58, the Shoreline Management Act, and the Kitsap County Shoreline Master Plan;
- (G) Bremerton-Kitsap County Department of Health ordinances and regulations regarding sewage disposal and other health matters;
- (H) Ordinance No. 3-A-1975 which concerns noise;
- (I) View Blockage Resolution 240-1984;
- (J) Kitsap County Interim Critical Areas Ordinance # _____ ;
- (K) RCW 47.42, the Highway Advertising Control Act - Scenic Vistas Act.

030. Compliance

No building or other structure shall be constructed, improved, altered, enlarged, or moved; nor shall any use or occupancy of premises within the County be commenced or changed; nor shall any condition of or upon real property be caused or maintained, after the effective date of this Ordinance, except in conformity with conditions prescribed for each of the several zones established hereunder. It shall be unlawful for any person, firm, or corporation to erect, construct, establish, move into, alter, enlarge, use or cause to be used, any buildings, structures, improvements, or use of premises contrary to the provisions of this Ordinance, provided, however, the planned unit development conditions and deed covenants made as conditions of approval and referred to in the Changes to Zones, Amendments and Alterations Chapter, and the existing uses referred to in the Interpretations and Exceptions Chapter, shall be allowed to continue in the manner and extent provided for therein. Where this Ordinance imposes greater restrictions than those imposed or required by other rules, regulations, or Ordinances, the provisions of this Ordinance shall control.

110. Definitions

015. Abutting.

For the purposes of this Ordinance and the establishment of special development standards "abutting" shall mean adjoining with a common boundary line; except that where two (2) or more lots adjoin only at a corner or corners, they shall not be considered as abutting unless the common property line between the two (2) parcels measures ten (10) feet (3.3m) or greater in a single direction.

020. Access or Accessway.

"Access" or "Accessway" shall mean the place, means, or way by which pedestrians and vehicles shall have safe, adequate, and usable ingress and egress to a property or use, as required by this Ordinance.

025. Accessory Dwelling.

"Accessory Dwelling" shall mean separate living quarters contained within or detached from the primary residence; provided, no mobile home or recreational vehicle shall be a accessory dwelling unit and such dwellings shall be subject to the requirements and conditions provided in Section 430.020 (P).

030. Accessory use or structure.

"Accessory use or structure" shall mean one which is subordinate to the principal use of a building on the lot serving a purpose customarily incidental to the use of the principal building.

035. Adjacent.

"Adjacent" shall mean near, close; for example, an Industrial Zone across a street or highway from a Commercial Zone shall be considered as "adjacent".

040. Adjoin.

"Adjoin" shall mean the same as "abutting".

045. Agricultural uses.

"Agricultural uses" shall mean the use of the land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and wineries, apiaries, and animal and poultry husbandry, and the necessary accessory uses for storing produce; provided, however, that the operation of any such accessory use shall be incidental to that of normal agriculture activities, and provided further, that the above uses shall not include slaughter houses and meat packing or commercial feed-lots.

050. Alley.

"Alley" shall mean a public right-of-way not over thirty (30) feet (9.9m) wide which generally affords a secondary means of access to abutting lots. Alleys are not intended for general public use.

055. Alteration, structural.

"Alteration structural" shall mean any change or repair which would tend to prolong the life of the supporting members of a building or structure. Any change in the external dimensions of the building is a structural alteration.

060. Animal Hospital.

"Animal hospital" shall mean a place where animals or pets are given medical or surgical treatment, and are cared for during the time of such treatment.

065. Apartment.

"Apartment" shall mean a dwelling unit in a multiple-family building.

070. Apartment house.

"Apartment house" shall mean the same as "Dwelling-Multiple-family."

075. Automobile Repair.

"Automobile repair" shall mean upholstering of; replacement of parts for; motor service; rebuilding or reconditioning of engines; motor vehicles, or trailers; and partial painting or paint shop.

080. Automobile Service Station.

"Automobile service station" shall mean a building or lot having pumps and storage tanks where fuels or oils for motor vehicles are dispensed, sold, or offered for sale at retail only, and where repair service is secondary.

090. Automobile wrecking or wrecking yard.

"Automobile wrecking or wrecking yard" shall mean a place where damaged, inoperable or obsolete machinery such as cars, trucks and trailers, or parts thereof, is stored, bought, sold, accumulated, exchanged, disassembled or handled.

095. Bed and Breakfast house.

"Bed and breakfast house" shall mean an owner occupied dwelling which is used to provide overnight guest lodging for compensation in not more than four (4) guest rooms and which usually provides a morning meal as part of the room rate structure.

100. Board.

"Board" shall mean the Kitsap County Board of County Commissioners.

105. Boarding house.

"Boarding house" shall mean a building other than a facility provided for under another definition or chapter of this Ordinance, or a hotel, where for compensation, meals, or lodging and meals are provided for four (4) or more persons.

110. Boat Yard.

"Boat yard" shall mean a place where boats are constructed, dismantled, stored, serviced, or repaired, including maintenance work thereon.

115. Breezeway.

"Breezeway" shall mean a structure for the principal purpose of connecting the main building or buildings on a property with other main buildings or accessory buildings.

120. Buffer, buffering.

"Buffer, buffering" shall mean space, either landscaped or in a natural state intended to separate potentially conflicting uses and to reduce visual, noise, odors and other impacts.

125. Building.

"Building" shall mean any structure used or intended for supporting or sheltering any use or occupancy.

130. Building Height.

"Building Height" is the vertical distance above a reference datum measured 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 reference datum shall be selected by either of the following, whichever yields a greater height of building:

- A. The elevation of the highest adjoining sidewalk or ground surface within a 5-foot (1524 mm) horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet (3048mm) above lowest grade.
- B. An elevation 10 feet (3048mm) higher than the lowest grade when the sidewalk or ground surface described in Item 1 above is more than 10 feet (3048mm) above lowest grade.

The height of a stepped or terraced building is the maximum height of any segment of the building.

135. Building line.

"Building line" shall mean the perimeter of that portion of a building or structure nearest a property line but excluding open space, terraces, cornices and other ornamental features projecting from the walls of the building or structure.

140. Bulk plant.

"Bulk plant" shall mean an establishment where flammable liquids are received by tank vessel, pipelines, tank car, or tank vehicle, and are stored or blended in bulk for the purpose of distributing such liquids by tank vessel, pipe line, tank car, tank vehicle, or container.

145. Carport.

"Carport" shall mean a roof designed to cover, but not enclose, automobile parking spaces and should be open on two or more sides.

155. Clinic.

"Clinic" shall mean a building or portion of a building containing offices for providing chiropractic, medical, dental, or psychiatric services not involving overnight housing of patients.

160. Club.

"Club" shall mean a place where an association of persons organized for some common purpose meet but excluding groups organized primarily for business purposes.

165. Commission or Planning Commission.

"Commission or Planning Commission" shall mean the Kitsap County Planning Commission.

170. Conditional Use.

"Conditional use" shall mean an activity specified by this Ordinance as a principal or an accessory use, permitted when authorized by the Hearing Examiner and subject to certain conditions.

175. Contiguous.

"Contiguous" shall mean the same as "abutting".

contractors storage yard?

180. Convalescent, Nursing or Rest Home.

"Convalescent, Nursing or Rest Home" shall mean any building or premises in and on which two (2) or more sick, injured, or infirm persons are housed, for a period in excess of twenty-four (24) consecutive hours, and furnished with meals and nursing care for hire.

185. Court.

"Court" shall mean an open, uncovered, and unoccupied space within an allotted property line, and free from automotive drives and parking, except for any necessary entrance or exit drive.

190. Courtyard height.

"Courtyard height" shall mean a measurement from the floor level of the lowest story in the building in which there are windows from rooms served by the court, to the highest point of the enclosing walls of the court.

200. Day-care center.

"Day-care center" shall mean a building and premise in and on which more than twelve (12) individuals are cared for during some portion of a twenty-four (24) period. In no case shall these individuals be housed in the building or on the premises.

205. Day-care center, family.

"Day-care center, family" or "family day-care center" shall mean a dwelling and premise in and on which not more than twelve (12) unrelated individuals, not residing in the dwelling, are cared for during some portion of a twenty-four (24) hour period. "Family day-care centers" shall be considered an accessory use in any residential zone.

210. Density.

"Density" shall mean a ratio comparing the number of dwelling units with land area, and is expressed as the number of residential dwelling units per acre of land in a residential development, including, but not limited to, one (1) house on one (1) lot. Density is expressed as "gross density", which includes all land included within a project.

215. Department.

"Department" shall mean the Kitsap County Department of Community Development.

220. Development.

"Development" shall mean any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

225. Director.

"Director" shall mean the Director of the Kitsap County Department of Community Development or a duly authorized designee.

235. Drive-in restaurants.

"Drive-in restaurants" shall mean those restaurants with facilities allowing take-out foods and beverages without leaving a vehicle. They generally also have the characteristics of high turnover restaurants.

240. Reserved

245. Dwelling.

"Dwelling" shall mean any building or portion thereof, designed or used as the residence or sleeping place of one (1) or more persons.

250. Dwelling, single-family.

"Dwelling, single-family" or "single-family dwelling" shall mean a building designed or used for residence purposes by not more than one (1) family, and containing one (1) dwelling unit only.

A. "Attached" shall mean sharing common walls.

B. "Detached" shall mean physically separated.

255. Dwelling, two-family or duplex.

"Dwelling, two-family or duplex" shall mean a building designed or used for residence purposes by not more than two (2) families, and containing two (2) dwelling units.

260. Dwelling, multiple-family.

"Dwelling, multiple-family" or "multi-family dwelling" shall mean a building or portion thereof designed or used as a residence by three (3) or more families, and containing three (3) or more dwelling units.

265. Dwelling unit.

"Dwelling unit" is any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, for not more than one family provided a recreational vehicle or bus is not a dwelling unit.

270. Employees.

"Employees" shall mean all persons, including proprietors, working on the premises during the largest shift at peak season.

275. Family.

"Family" shall mean two (2) or more persons customarily living together as a single house-keeping unit and using common cooking facilities, as distinguished from a group occupying a hotel, club, boarding or lodging house, or other group of unrelated individuals not exceeding ten (10) in number.

280. Fence, sight-obscuring.

"Fence, sight-obscuring" shall mean a fence or evergreen planting, or combination of fence and planting arranged in such a way as to obstruct vision.

282. Forestry.

"Forestry" shall mean the use of land for producing and caring for a forest, including the harvesting of timber.

285. Foster home.

"Foster home" shall mean a dwelling unit in which a full-time resident provides care and supervision on a full-time basis to not more than six (6) children or to not more than three (3) expectant mothers.

290. Frontage.

"Frontage" shall mean that portion of a parcel of property which abuts a dedicated public street or highway, or private road or driveway approved by the County.

300. Garage, private.

"Garage, private" shall mean an accessory building or part of a main building intended primarily for the storage of motor vehicles owned or used by occupants of the main building.

305. Garage, public.

"Garage, public" shall mean a structure or portion thereof, other than a private or community garage used for the storage, sale, hire, or repair of self-propelled vehicles or trailers.

310. Grade.

"Grade" shall mean the average point of elevation of the finished surface of the ground within five (5) feet of a building or structure.

315. Reserved.

320. Gross floor area.

"Gross floor area" shall mean the sum of horizontal areas of floors of a building when measured from the exterior faces of exterior walls or, if appropriate, from the center line of dividing walls; provided, gross floor area shall include decks, or porches when covered by a roof or portion of the floor above.

330. Habitable floor.

"Habitable floor" shall mean any floor usable for living purposes including working, sleeping, eating, cooking, or recreating uses, or any combination of these uses. A floor used only for storage purposes is not a "habitable floor".

335. Hearing examiner.

"Hearing examiner" shall mean a person appointed to hear or review certain land use decisions pursuant to RCW 36.70.970.

340. Heavy equipment.

"Heavy equipment" shall mean, but shall not be limited to self-powered, self-propelled or towed mechanical devices, equipment and vehicles of the nature customarily used for commercial purposes such as tandem axle trucks, graders, backhoes, tractor trailers, cranes and lifts but excluding automobiles, recreational vehicles, boats and their trailers and equipment used for agricultural purposes.

345. Heavy equipment storage area.

"Heavy equipment storage area" shall mean a place where two or more items of heavy equipment are stored.

350. Height of building.

"Height of building" shall mean the same as "Building Height".

355. High turnover restaurants.

"High turnover restaurants" shall mean retail establishments providing food or beverages for sale, and which are distinguished by one (1) or more of the following: (a) food containers and utensils are disposable; (b) restaurants are self-service; (c) take-out foods and beverages are advertised as the principal business; or (d) drive-in facilities are available.

360. Home business.

"Home business" shall mean a use conducted within a residence or within an accessory building, which use is clearly secondary to the use of the parcel for rural residential purposes, or for which is provided in section 430.020 (G).

365. Home occupation.

"Home occupation" shall mean a use conducted entirely within a dwelling, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and as regulated by section 430.020 (G).

370. Home owners association.

"Home owners association" shall mean a non-profit organization as defined by the State of Washington operating under recorded land agreements through which the following take place:

- A. Each person owning or purchasing a lot in a planned unit or other described land area is automatically a member by such ownership or purchase;
- B. Each lot may be automatically subject to a charge for a proportionate share of the expenses for the organization's activities, including but not limited to maintaining a common property, such as streets, walkways, recreational facilities, or grounds policing; and
- C. Construction and maintenance responsibilities for any undivided property are identified and assigned.

375. Hospital.

"Hospital" shall mean any institution, place, building, or agency which maintains and operates organized facilities for twenty (20) or more persons for the diagnosis, care, and treatment of human illness, including convalescence and also including care during and after pregnancy; or which maintains and operates organized facilities for any such purpose, and to which persons may be admitted for overnight stay or for a longer period.

380. Hotel.

"Hotel" shall mean a building in which lodging is provided and offered to the public for compensation, and which is open to transient guests.

385. Junk yard.

"Junk yard" shall mean a place where waste or scrap materials are stored, bought, sold, accumulated, exchanged, baled, packaged, disassembled or handled including, but not limited to, scrap metals, paper, rags, tires, and bottles, and such worn out or discarded material.

390. Kennel.

"Kennel" shall mean a place where five (5) or more adult dogs are kept, for compensation or not, but excluding veterinary clinics and hospitals, pet shops and zoos, provided, however, that a place where more than five (5) adult dogs weighing less than twenty (20) pounds (9.07kg) each are kept within a dwelling unit shall not be construed as a kennel.

395. Landscaping.

"Landscaping" shall mean the placement, preservation, and the replacement of not only trees, grass, shrubs, plants, flowers, and other vegetative materials but also the arrangement of fountains, patios, decks, street furniture, and ornamental concrete or stonework areas and artificial turf or carpeting in accordance with an approved landscaping plan meeting adopted landscaping plan, design, and installation standards. Artificial plants, shrubs, bushes, flowers, and materials in movable containers shall not be considered "landscaping" for purposes of this Ordinance.

400. Livestock.

"Livestock" shall mean horses, bovine, sheep, goats, swine, reindeer, donkeys, mules, llamas and any other hoofed animal (large and small; small being 150 lbs. (67.5 KG) or less).

405. Lot.

"Lot" shall mean a single parcel of land, legally severed from a larger parcel, which is described and delineated in a long or short plat or which is described in a real estate conveyance.

410. Lot area.

"Lot area" shall mean the computed area contained within the lot lines; said area to be exclusive of public or private street or alley rights-of-way, tidelands, stormwater detention-retention facilities, shore lands and the panhandle of a flag lot if the panhandle is less than thirty (30) feet (9.9m) in width.

415. Lot, corner.

"Lot, corner" or "corner lot" shall mean a lot abutting upon two (2) or more streets at their intersection, or upon two (2) parts of the same street; such street or parts of the same street forming an interior angle of less than 130 degrees within the lot lines.

420. Lot coverage.

"Lot coverage" shall mean that percentage of the total lot area covered by structures, including all projections except eaves.

425. Lot depth.

"Lot depth" shall mean the horizontal distance between the midpoint of the front and opposite, usually, the rear lot line. In the case of a corner lot, the depth shall be the length of its longest front lot line.

430. Lot, interior.

"Lot, interior" or "interior lot" shall mean a lot or parcel of land other than a corner lot where access is off a minor easement or the lot does not abut a street.

435. Lot line.

"Lot line" shall mean any line bounding a lot as herein defined. Lot lines for unusual lot configurations may be determined by the Director.

440. Lot line, front.

"Lot line, front" or "front lot line" shall mean that boundary of a lot which is along a street or approved private road or easement, or, for a flag lot, approximately parallel to a street or approved private road or easement; and thus generally where access is from.

445. Lot line, rear.

"Lot line, rear" or "rear lot line" shall mean that boundary of a lot which is most distant from the front lot line; or that boundary which adjoins the ordinary high water line on waterfront property.

450. Lot line, side.

"Lot line, side" or "side lot line" shall mean any boundary of a lot which is not a front or rear lot line.

455. Lot of record.

"Lot of record" shall mean a lot as shown on the records of the County Assessor or County Auditor at the time of the passage of this Ordinance provided, however, this shall not include lots that may appear on the records of the County Assessor which were created contrary to the provisions of laws and regulations in effect prior to the passage of this ordinance. Any lots created after the adoption of this Ordinance shall comply with the standards contained herein.

460. Lot, through.

"Lot, through" or "through lot" shall mean an interior lot having frontage on two (2) streets and/or highways.

465. Lot width.

"Lot width" shall mean the average horizontal distance between the side lot lines.

470. Maintain.

"Maintain" shall mean to cause or allow to continue in existence. When the context indicates, the word shall mean to preserve and care for a structure, improve or condition an area to such an

extent that it remains attractive, safe, presentable, and carry out the purpose for which it was installed, constructed, or required.

480. Marina.

"Marina" shall mean a facility which for compensation provides moorage or wet or dry storage for watercraft and may offer marine-related sales and services.

485. Mini-storage warehouse.

"Mini-storage warehouse" shall mean storage facilities located within a totally enclosed structure used for the storage of nonflammable or nonexplosive materials. This storage shall not be used for commercial or industrial purposes. This storage may be in connection with residential uses.

487. Minor Easement.

"Minor easement" shall mean a access way with a width of twenty (20) feet (6.1m) or less.

490. Mobile home.

"Mobile home" shall mean a factory-assembled dwelling having more than three hundred and twenty (320) square feet (29.75m²) of gross floor area, capable of being towed on public highways through the use of its own axles and wheels; provided, a mobile home shall not lose its character as a mobile home by the removal of its wheels and axles or its placement on a permanent foundation and; provided further, recreational vehicles are not mobile homes.

500. Mobile home park.

"Mobile home park" shall mean a tract of land developed and operated as a unit with individual sites and facilities to accommodate two (2) or more mobile homes.

502. Mobile home, single-wide.

"Mobile home, single-wide" or "single-wide mobile home" shall mean a mobile home which is designed to be transported on a single chassis.

505. Motel.

"Motel" shall mean a building or group of buildings used for transient purposes, continuing guest rooms or dwelling units with automobile storage space provided in connection therewith; which building or group is designed, intended, or used primarily for the accommodation of transient automobile travelers, including groups designated as auto cabins, motor courts, motor hotels, and similar designations.

510. Nonconforming lot.

"Nonconforming lot" shall mean a lot which was lawfully created but which does not conform to the lot requirements of the zone in which was located as established by this Ordinance or other ordinances or amendments thereto.

515. Nonconforming use or structure.

"Nonconforming use or structure" shall mean a use of land or structure which was lawfully established or built and which has been lawfully continued but which does not conform to the regulations established by this Ordinance or amendments thereto.

520. Nuisance.

"Nuisance" shall mean in addition to those definitions contained in RCW 9.66 and RCW 7.48, any violation of this Ordinance shall constitute a nuisance, per se.

522. Nursery.

"Nursery" shall mean an establishment where trees, shrubs and other plant materials are grown, propagated and/or stored for purpose of sale.

525. Nursing or rest home.

See Section 110.180. Convalescent, Nursing or Rest Home.

530. Open space.

"Open space" shall mean land used for outdoor recreation, critical area or resource land 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 or impervious surfaces not related to the open space uses.

535. Ordinary high water mark.

"Ordinary high water mark" shall mean 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 June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department; provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high and the ordinary high water mark adjoining fresh water shall be the line of mean high water.

540. Owner.

"Owner" shall mean the owner of record of real property or person purchasing a piece of property under contract. For the purposes of this Ordinance, in terms of violations and binding agreements between the County and the owner, "owner" shall also mean a leaseholder, tenant, or other person in possession or control of the premises or property at the time of agreement, violations of agreement, or the provisions of this Ordinance. For the purpose of processing an application for a land use approval or permit under this Ordinance, where such application or permit must be filed by an owner, the term "owner" also includes a governmental entity contemplating acquisition of a parcel for a use which would require such permit or approval.

545. Park.

"Park" shall mean public or private areas of land, with or without buildings, intended for outdoor active or passive recreational uses including, but not limited to, arboretums, horticultural gardens and nature preserves.

550. Parking area, public.

"Parking area, public" or "public parking area" shall mean an open area other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free of charge, or as an accommodation for clients or customers.

555. Parking space.

"Parking space" shall mean a permanently surfaced and marked area not less than nine (9) feet (2.7m) wide and twenty (20) feet (6.0m) long, excluding paved area necessary for access, for the parking of a motor vehicle.

557. Parking space, barrier free.

"Parking space, barrier free" or "barrier free parking space" shall mean a parking space conforming with WAC.51.30.

560. Parking space, compact.

"Parking space, compact" or "compact parking space" shall mean a permanently surfaced and marked area not less than eight (8) feet (2.4m) wide and eighteen (18) feet (5.4m) long, excluding paved area necessary for access, for the parking of a compact motor vehicle.

565. Perimeter setback.

"Perimeter setback" shall mean in a PUD the horizontal distance between a building line and the exterior boundary of the PUD.

567. Person.

"Person" shall mean an individual owner (regardless of relationship or legal capacity), partnership, corporation, association, unincorporated organization, trust, or any other legal or commercial entity, including a joint venture or other such affiliated ownership.

570. Pier.

"Pier" shall mean a fixed structure built over tidelands or shorelands used as a landing for marine or recreational purposes.

573. Place of Worship.

"Place of Worship" shall mean a permanently located building primarily used for religious worship.

575. Planning Commission.

"Planning Commission" shall mean the Kitsap County Planning Commission.

580. Planning Director.

"Planning Director" shall mean the Director of the Kitsap County Department of Community Development or a duly authorized designee.

585. Portable sign.

"Portable sign" shall mean a sign which has no permanent attachment to a building or the ground which include, but is not limited to, A-frame, pole attachment, banners and reader board signs.

590. Premise.

"Premise" shall mean a tract or parcel of land with or without habitable buildings.

595. Principal uses permitted outright.

"Principal uses permitted outright" shall mean those uses allowed as a matter of right within certain land use zones without public hearing, zoning permit, conditional use permit, or variance; provided, that such use is in accordance with the requirements of the particular zone and general conditions stated elsewhere in this Ordinance, and other applicable provisions of the County Code.

600. Prohibited use.

"Prohibited use" shall mean any use which is not specifically enumerated or interpreted as allowable in that zone.

605. Public facilities.

"Public facilities" shall mean facilities which are owned, operated, and maintained by a public agency or an approved private contractor.

610. Recreation space.

"Recreation space" shall mean an area that shall be improved and maintained for its intended use. Exterior as well as interior areas can constitute recreation space. Examples of usable recreation space include swimming pools, community buildings, interior gyms, picnic areas, tennis courts, community gardens, improved playgrounds, paths and passive seating areas.

615. Recreational vehicle.

"Recreational vehicle" shall mean a vehicle such as a motor home, travel trailer, truck and/or camper combination or camp trailer which is designed for temporary human habitation for recreational or emergency purposes and which may be moved on public highways without any special permit for long, wide or heavy loads.

620. Recreational vehicle park.

"Recreational vehicle park" shall mean a tract of land developed as a unit with individual sites to accommodate, on a transient basis, two (2) or more recreational vehicles.

625. Residential care facility.

"Residential care facility" shall mean a facility, which is required to be licenced by the state, which provides training, care, supervision, treatment and/or rehabilitation to the aged, disabled, those convicted of crimes or those suffering from the effects of drugs or alcohol; provided, Residential care facility shall not include day care centers, family day care centers, foster homes, schools, hospitals, jails or prisons.

630. Rooming house.

"Rooming house" shall mean a building wherein furnished rooms without cooking facilities are rented for compensation to three (3) or more nontransient persons, not included in the family unit of the owner or tenant of the premises.

635. Reserved.

640. Setback.

"Setback" shall mean the minimum allowable horizontal distance from a given point or line of reference, such as a street right-of-way, to the nearest vertical wall or other element of a building or structure as defined herein.

645. Sign.

"Sign" shall mean a collection of letters, numbers or symbols which calls attention to a business, product, activity, person or service.

650. Sign permit.

"Sign permit" shall mean a permit which authorizes the placement or alteration of a sign on a particular parcel of property or building.

655. Single-wide mobile home.

"Single-wide mobile home" shall mean a mobile home which is designed to be transported on a single chassis.

660. Site plan.

"Site plan" shall mean a plan prepared to scale, showing accurately and with complete dimensions, all proposed and existing buildings, landscaping, open space, structures and features on abutting properties, and parking proposed for a specific parcel of land.

663. Small Animal

"Small Animal" shall mean any animal other than livestock.

665. Street.

"Street" shall mean all roads, streets, highways, freeways, easements, and public rights-of-way used for or designed for vehicular access or use including private roads serving or intended to serve five or more lots.

670. Structural alteration.

"Structural alteration" shall mean any change or repair which would tend to prolong the life of the supporting members of a building or structure. Any change in the external dimensions of the building is a structural alteration..

675. Structure.

"Structure" shall mean that which is built or constructed.

680. Temporary sign.

"Temporary sign" shall mean a sign intended for use for a short period of time which shall include, but is not limited to portable signs, banners, A-Boards and pennants.

685. Temporary structure.

"Temporary structure" shall mean a structure which does not have or is not required by the Uniform Building Code to have a permanent attachment to the ground. Like permanent structures, temporary structures are subject to building permits.

690. Temporary use.

"Temporary use" shall mean a use which may occur on a lot on a seasonal basis or for a prescribed period of time which usually would not exceed one year's duration.

695. Townhouse.

"Townhouse" shall mean a dwelling containing two (2) or more dwelling units which share one (1) or more common walls with other dwelling units, and with each dwelling unit individually occupying an individually owned parcel of land with no side yards between adjacent townhouses.

700. Use.

"Use" shall mean the nature of occupancy, type of activity or character and form of improvements to which land is devoted.

705. Veterinary clinic.

"Veterinary clinic" shall mean the same as "animal hospital".

710. Visual obstruction.

"Visual obstruction" shall mean any fence, hedge, tree, shrub, device, wall, or structure exceeding three and one-half (3½) feet (1.0m) in height above the elevation of the top of the curb, as determined by the County; and so located at a street or alley intersection as to dangerously limit the visibility of persons in motor vehicles on said streets or alleys. This does not include trees kept trimmed or branches limbed up to a minimum height of at least six (6) feet (1.8m).

715. Wrecking yard.

"Wrecking yard" shall mean the same as "junk yard".

720. Yard.

"Yard" shall mean any area on the same lot with a building or a structure, which area is unoccupied and unobstructed by any structure from the ground upward to the sky.

725. Yard, front.

"Yard, front" or "front yard" shall mean an area extending the full width of the lot between a building and the front lot line, and thus generally where access is from unoccupied and unobstructed from the ground upward, except as specified elsewhere in this Ordinance.

730. Yard, rear.

"Yard, rear" or "rear yard" shall mean an open space area extending the full width of the lot between a building and the rear lot line, unoccupied, and unobstructed from the ground upward, except as specified elsewhere in this Ordinance.

735. Yard, side.

"Yard, side" or "side yard" shall mean an area extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward, except as specified elsewhere in this Ordinance.

740. Zone.

"Zone" shall mean a section or sections of Kitsap County within which the standards governing the use of land, buildings, and premises are uniform, which is provided for in Chapter 200 of this Ordinance.

200. Establishment of Zones and Maps

010. Classification of Zones

For the purposes of this Ordinance, the County is divided into zones designated as follows:

| <u>Zones</u> | <u>Map Symbol</u> |
|----------------------------------|----------------------------|
| Rural Wooded | RW |
| Rural Low Density Residential | RL |
| Rural Medium Density Residential | RM |
| Urban Low Density Residential | UR-6, UR-9 (Duplex Zone) |
| Urban Medium Density Residential | UR-10, UR-12, UR-15, UR-18 |
| Urban High Density Residential | UR-20, UR-24, UR-30, UR-43 |
| Village Commercial | CV |
| Highway Commercial | CH |
| Convenience Commercial | CC |
| Neighborhood Commercial | CN |
| Community Commercial | CM |
| Regional Commercial | CR |
| Business Park | BP |
| Industrial Park | IP |
| Light Industrial | IL |
| Heavy Industrial | IH |
| Airport | A |
| Surface Mining Combining | SM |
| Shoreline Combining (reserved) | SC |

020. Original Zoning Maps

The designations, locations, and boundaries of the Zones set forth in this Chapter shall be shown on the zoning map of Kitsap County, Washington. Said maps and all notations, references, data, and other information shown thereon shall be and are hereby adopted and made a part of this Ordinance. The signed copies of the zoning maps containing the zoning zones designated at the time of the adoption of this Ordinance shall be maintained without change. Any land or property not specifically identified with a zone designation shall be considered to be zoned as the most

200. Establishment of Zones and Maps

restrictive zone classification designated on adjacent and/or abutted properties, until such time as it is determined otherwise by a rezone action.

030. Revised Maps

The Board of Commissioners may, from time to time, direct the Director to replace the official zoning maps, or portions thereof, with a map or maps, or portions thereof, which include all lawful changes of zone-to-date. Such maps, or portions thereof, filed as replacements, shall bear dated, authenticating signatures of the Board of Commissioners and County Auditor. Any maps or portions thereof thereby replaced, shall be retained in a separate file. Any revisions or replacement of said maps, when duly entered, signed, and filed with the County Auditor as authorized by this Chapter, are part of this Ordinance.

040. Copies of Maps

The Director shall maintain up-to-date copies of the zoning maps. The Director shall cause the copies of the zoning maps to be revised so that they accurately portray changes of zone boundaries and the location of conditional use permits and planned unit developments; and shall endorse on the maps adjacent to such change, conditional use, planned unit development, the number of the ordinance or resolution authorizing the same.

050. Interpretations of Zone Boundaries

The zone boundary lines are indicated on the zoning maps. Where uncertainty exists as to the boundaries of any zone as shown on the zoning maps, the following rules shall apply:

- A. Wherever the zone boundary is indicated as being along or approximately along a street, alley, the centerline of a block, or a property line, then, unless otherwise definitely indicated on the maps, the centerline of the street, alley, or block or the property line, shall be construed to be the boundary of the zone.
- B. Where the location of a zone boundary line is not determined by the above rule, and is not indicated by a written dimension, the boundaries shall be located by the use of the scale appearing on the maps.
- C. Wherever any street, alley, or other public way is vacated in the manner authorized by law, the zone adjoining each side of such street, alley, or public way shall be automatically extended to the center of the former right-of-way and all of the area included in the vacation shall then henceforth be subject to all regulations of the extended zones.
- D. Where the application of the above rule does not clarify the zone boundary location, the Director shall interpret the maps, and by written decision, determine the location of the zone boundary and shall advise the County Planning Commission and Board of Commissioners of the decision. Said written decision shall be filed with the County Auditor.

305. Rural Wooded (RW)

010. Purpose

To encourage the preservation of forest uses on land which is best suited for timber production. This zone is further intended to discourage activities and facilities which can be considered detrimental to the maintenance of timber production. This zone is further intended to provide for other activities which can be considered accessory to timber production. The RW zone is intended to retain an area's rural character and conserve the natural resources while providing for some rural residential use. Residents of rural wooded residential tracts shall recognize that they can be subject to normal and accepted farming and forestry practices on adjacent parcels. The RW zone intends that residential development be allowed in a manner which minimizes wild fire potential.

020. Permitted Uses

The following uses are permitted:

- A. Forestry;
- B. Agricultural uses;
- C. Single-family dwellings, including single-wide mobile homes as defined in 110.502;
- D. Accessory buildings and activities;
- E. Temporary stands for the sale of products grown on the premises, provided, however, advertising for sale of products shall be limited to two (2) on premise signs each not exceeding six (6) square feet (.54m²);
- F. Duplexes on double the minimum lot area required for the zone;
- G. Aggregate extraction sites no greater than two (2) acres (.8HA) for the purposes of construction and maintenance of a timber management road system, provided total parcel is at least twenty (20) acres;

030. Conditional Uses

The following are the conditional uses in the RW Zone in accordance with the provisions of Chapter 420. Conditional Use Permits:

- A. Riding stables
- B. Bed and breakfast house
- C. Kennels
- D. Public facilities, electric power and natural gas utility facilities, substations and community fire stations; but not including storage or repair yards, warehouses, or similar uses.

- E. Rock crusher when needed for the purpose of construction and maintenance of a timber management road system.
- F. Nurseries.
- G. Public recreational facilities

040. Uses Permitted After Review and Approval as Set Forth in Chapter 415. Uses Permitted Subject to Review and Approval by the Director of this Ordinance:

- A. Accessory dwellings, subject to the provisions of Chapter 430. Provisions Applying to Special Uses.

050. Height Regulations

No building or structure shall be hereafter erected, enlarged, or structurally altered to exceed thirty-five (35) feet in height.

060. Lot Requirements

- A. Lot area. Minimum lot area for permitted uses shall be twenty (20) acres (8.08HA).
- B. Lot Width. Minimum lot width shall be one hundred forty (140) feet (42.4m) for permitted uses; non-residential lot width shall be determined appropriate by the Director.
- C. Lot Depth. No requirement.
- D. Front Yard. Minimum front yard setback shall be fifty (50) feet (15.2m).
- E. Side Yard. Minimum side yard setback on each side of the residential dwelling and incidental buildings shall be twenty (20) feet (6.1m), and fifty (50) feet (15.2m) for accessory buildings used for agricultural purposes.
- F. Rear Yard. Minimum rear yard setback shall be twenty-five (25) feet (7.6m).
- G. Perimeter Yard. For Planned Unit Developments, a perimeter yard of not less than one hundred (100) feet (30m) when adjacent to land used for forestry.

070. Signs

Signs shall be permitted according to the provisions of Chapter 445. Signs.

080. Off-Street Parking

Off-street parking shall be provided according to the provisions of Chapter 435. Off-street Parking and Loading.

090. Other Provision

See Chapter 430. Provisions Applying to Special Uses, where applicable.

310. Rural Low Density Residential Zone (RL)

010. Purpose

The RL Zone is intended to protect and maintain the rural residential character and environment of Kitsap County and to provide for acreage home sites in areas which may have significant natural development problems or concerns such as aquifer recharge areas and/or which may be within or near forestry or farming uses. This zone is applied to areas without many public services at housing densities consistent with the physical characteristics of the area included in this zone.

020. Permitted Uses

The following uses are permitted:

- A. Single-family dwellings, including single-wide mobile homes as defined in 110.502, and accessory buildings.
- B. Agricultural, including any accessory buildings and activities.
- C. Forestry, including any accessory buildings and activities.
- D. Roadside stands not exceeding two hundred (200) square feet (18m²) in area, exclusively for the sale of agricultural products locally grown, and set back a minimum of twenty (20) feet (6.1m) from any abutting right-of-way or property line.
- E. Publicly-owned recreational facilities, services, parks, and playgrounds.
- F. Duplexes on double the minimum lot area required for the zone.
- G. Planned Unit development's subject to section 425.

030. Conditional Uses

The following are the conditional uses in the RL Zone in accordance with the provisions of Chapter 420. Conditional Use Permits:

- A. Place of Worship.
- B. Cemeteries and mausoleums, crematories, columbaria, and mortuaries within cemeteries.
- C. Public or private schools, but not including business, dancing or technical schools.
- D. Golf courses.
- E. Kennels.
- F. Riding stables.

310. Rural Low Density Residential Zone (RL)

- G. Private recreational facilities, such as country clubs and golf courses, including such intensive commercial recreation uses as a golf driving range, race track, amusement park, or golf driving range, race track, amusement park, or gun club.
- H. Veterinary clinics
- I. Day-care centers.
- J. Public facilities and electric power and natural gas utility facilities, including fire stations, libraries, museums, substations, ferry terminals, commuter park-and-ride lots, and post offices; but not including storage or repair yards, warehouses, or similar uses.
- K. Nurseries.
- L. Contractor's storage yards.

040. Uses Permitted after Review and Approval as set forth in Chapter 415. Uses Permitted Subject to Review and Approval by the Director of this Ordinance:

- A. Home Occupations, subject to the provisions of chapter 430. Provisions Applying to Special Uses.
- B. Home Businesses.
- C. Bed and breakfast house.
- D. Accessory dwellings, subject to the provisions of Chapter 430. Provisions Applying to Special Uses..

050. Height Regulations

No building or structure shall be hereafter erected, enlarged, or structurally altered to exceed thirty-five (35) feet (10.6m) in height.

060. Lot Requirements

- A. Lot area. Minimum lot area for permitted uses shall be ten (10) acres (4.04HA).
- B. Lot Width. Minimum lot width shall be one hundred forty (140) feet (42.2m).
- C. Lot Depth. No requirement.
- D. Front Yard. Minimum front yard setback shall be fifty (50) feet (15.2m).

310. Rural Low Density Residential Zone (RL)

- E. Side Yard. Minimum side yard setback on each side of the residential dwelling and incidental buildings shall be twenty (20) feet (6.1m), and fifty (50) feet (15.2m) for accessory buildings used for agricultural purposes.
- F. Rear Yard. Minimum rear yard setback shall be twenty-five (25) feet (7.6m).

070. Signs

Signs shall be permitted according to the provisions of Chapter 445. Signs.

080. Off-Street Parking

Off-street parking shall be provided according to the provisions of Chapter 435. Off-street Parking and Loading.

090. Other Provisions

See Chapter 430. Provisions Applying to Special Uses, where applicable.

315. Rural Medium Density Residential Zone (RM)

010. Purpose

The intent of the Rural Medium Density Zone (RM) is to recognize rural areas which have been committed or developed for rural residential uses on smaller lots than found in farm and forestry areas. These areas are provided with limited public services. This Zone is intended to encourage the aggregation of existing smaller rural lots by clustering homesites on larger tracts.

020. Permitted Uses

The following uses are permitted:

- A. Single-family dwellings, including single-wide mobile homes as defined in 110.502., and accessory buildings. ✓
- B. Agricultural, including any accessory buildings and activities, provided, agricultural uses must be accessory to single-family dwellings unless the site size is five (5) acres (2HA) or more in contiguous ownership.
- C. Forestry, including any accessory buildings and activities.
- D. Roadside stands not exceeding two hundred (200) square feet (18m²) in area, exclusively for the sale of agricultural products locally grown, and set back a minimum of twenty (20) feet (6.1m) from any abutting right-of-way or property line.
- E. Publicly-owned recreational facilities, services, parks, and playgrounds.
- G. Duplexes on double the minimum lot area required for the zone.
- H. Planned Unit Developments subject to section 425.

030. Conditional Uses

The following are the conditional uses in the RM Zone in accordance with the provisions of Chapter 420. Conditional Use Permits:

- A. Places of Worship.
- B. Cemeteries and mausoleums, crematories, columbaria, and mortuaries within cemeteries.
- C. Public or private schools, but not including business, dancing or technical schools.
- D. Golf courses.
- E. Kennels.
- F. Riding stables.

315. Rural Medium Density Residential Zone (RM)

- G. Private recreational facilities, such as country clubs and golf courses, including such intensive commercial recreation uses as a golf driving range, race track, amusement park, or gun club.
- H. Veterinary clinics.
- I. Day-care centers.
- J. Public facilities and electric power and natural gas utility facilities, including fire stations, libraries, museums, substations, ferry terminals, commuter park-and-ride lots, and post offices; but not including storage or repair yards, warehouses, or similar uses.
- K. Nurseries
- L. Contractor's storage yards. ✓

040. Uses Permitted after Review and Approval as Set Forth in Chapter 415. Uses Permitted Subject to Review and Approval by the Director of this Ordinance:

- A. Home Businesses.
- B. Bed and breakfast house.
- C. Accessory dwellings, subject to the provisions of Chapter 430. Provisions Applying to Special Uses.

050. Height Regulations

No building or structure shall be hereafter erected, enlarged, or structurally altered to exceed thirty-five (35) feet (10.6m) in height.

060. Lot Requirements

- ✓ A. Lot area. Minimum lot area for permitted uses shall be five (5) acres (5.05 HA).
- B. Lot Width. Minimum lot width shall be one hundred forty (140) feet (42.4m).
- C. Lot Depth. No requirement.
- ✓ D. Front Yard. Minimum front yard setback shall be fifty (50) feet (15.2m).
- E. Side Yard. Minimum side yard setback on each side of the residential dwelling and incidental buildings shall be twenty (20) feet (6.1m), and fifty (50) feet (15.2m) for accessory buildings used for agricultural purposes.

315. Rural Medium Density Residential Zone (RM)

F. Rear Yard. Minimum rear yard setback shall be twenty-five (25) feet (7.6m).

070. Signs

Signs shall be permitted according to the provisions of the Chapter 445. Signs.

080. Off-Street Parking

Off-street parking shall be provided according to the provisions of Chapter 435. Off-street Parking and Loading.

090. Other Provisions

See Chapter 430. Provisions Applying to Special Uses, where applicable.

335. Urban Low Density Residential Zone (UR-6)

010. Purpose

This zone is intended to:

- A. Recognize, maintain, and protect established urban low density residential areas.
- B. Establish higher densities where a full range of community services and facilities are present or will be present at the time of development in accordance with the urban growth areas as depicted on the comprehensive plan.
- C. Create energy-efficient residential areas which are capable of allowing the provision of community services in a more economical manner.
- D. Provide for additional related uses such as schools, parks, and utility uses necessary to serve immediate residential areas.

020. Permitted Uses

The following uses are permitted:

- A. Single-family detached dwellings, provided, single-wide mobile homes as defined in 110.502 shall not be allowed.
- B. Publicly-owned recreational facilities, services, parks, and playgrounds.
- C. Agriculture, including any accessory buildings and activities, provided, agricultural uses must be accessory to single-family dwellings unless the site size is five (5) acres (2HA) or more in contiguous ownership.
- D. Accessory uses and structures normal to a residential environment.
- E. Forestry
- F. Duplexes on double the minimum lot area required for the zone.

030. Conditional Uses

The following are the conditional uses in the UR-6 Zone in accordance with the provisions of Chapter 420. Conditional Use Permits:

- A. Cemeteries and mausoleums, crematories, columbaria, and mortuaries within cemeteries, provided that no mortuary or crematorium is within one hundred (100) feet (30.3m) of a boundary street, or where no street borders the cemetery, within two hundred (200) feet (60.6m) of a lot in a residential zone.
- B. Place of Worship.

335. Urban Low Density Residential Zone (UR-6)

- C. Public or private schools, but not including business, dancing or technical schools.
- D. Private recreational facilities, such as marinas, country clubs and golf courses, but not including such intensive commercial recreation uses as a golf driving range (unless within a golf course), race track, amusement park, or gun club.
- E. Day-care centers.
- F. Public facilities and electric power and natural gas utility facilities, including fire stations, libraries, museums, substations, ferry terminals, commuter park-and-ride lots, and post offices; but not including storage or repair yards, warehouses, or similar uses.
- G. Single-family attached.
- H. Mobile Home Parks in UR-6, subject to the density limitations of the zone.

040. Uses Permitted After Review and Approval as set forth in Chapter 415. Uses Permitted Subject to Review and Approval by the Director of this Ordinance:

- A. Home occupations.
- B. Planned Unit Developments.
- C. Temporary offices and model homes.
- D. Zero lot line developments.
- E. Urban In-fill developments.
- F. Bed and breakfast house.
- G. Accessory dwellings, subject to the provisions of Chapter 430. Provisions Applying to Special Uses.

050. Height Regulations

No building or structure shall be hereafter erected, enlarged, or structurally altered to exceed thirty-five (35) feet (10.6m) in height.

060. Lot Requirements

The minimum lot requirements shall be as shown in Table 335.060.

335. Urban Low Density Residential Zone (UR-6)

TABLE 335.060

| Classification | Density† (Du/Acre) | Minimum Lot Area | Minimum Lot Width | Minimum Lot Depth | Front Yard | Side Yard ¹ | Opposite Side Yard | Rear Yard |
|----------------|-----------------------|-------------------------------|----------------------|----------------------|---------------|---------------------------|-----------------------|--------------|
| UR-6 | 6 | 5,800 (527m ²) | 60 (18.2) | 60 (18.2m) | 20 (21.2m) | 5 (1.5m) | 5 (1.5m) | 5 (1.5m) |

¹The minimum street side yard shall be ten (10) feet (3.0m).

065. Maximum Allowable Density

Through planned unit development or urban infill developments the density may be increased up to twenty percent (20%) provided, however, the maximum densities allowed will be dependent upon site characteristics, adjacent land uses, and other considerations.

070. Lot Coverage

Maximum lot coverage by buildings and structures shall not exceed fifty percent (50%).

080. Signs

Signs shall be permitted according to the provisions of Chapter 445. Signs.

090. Off-Street Parking

Off-street parking shall be provided according to the provisions of Chapter 435. Off-street Parking and Loading.

100. Other Provisions

See Chapter 430. Provisions Applying to Special Uses, where applicable.

340. Residential Zone (UR-9)

010. Purpose

This zone is intended to provide for higher densities where a full range of community services and facilities are present or will be present at the time of development, and to create energy-efficient residential areas by allowing common wall construction, as well as to facilitate residential development which utilizes energy-efficient design.

020. Permitted Uses

- A. Single-family attached and detached, provided, single-wide mobile homes as defined in 110.502 shall not be allowed.
- B. Duplexes.
- C. Publicly-owned recreational facilities, services, parks, and playgrounds.
- D. Agriculture, including any accessory buildings and activities, provided, agricultural uses must be accessory to single-family dwellings unless the site size is five (5) acres (2HA) or more in contiguous ownership.
- E. Accessory uses and structures normal to a residential environment.
- F. Forestry

030. Conditional Uses

The following are the conditional uses in the UR-9 Zone in accordance with the provisions of Chapter 420. Conditional Use Permits:

- A. Cemeteries and mausoleums, crematories, columbaria, and mortuaries within cemeteries, provided that no mortuary or crematorium is within one hundred (100) feet (30.3m) of a boundary street, or where no street borders the cemetery, within two hundred (200) feet (60.6m) of a lot in a residential zone.
- B. Place of worship.
- C. Public or private schools, but not including business, dancing or technical schools.
- D. Private recreational facilities, such as country clubs and golf courses, but not including such intensive commercial recreation uses as a golf driving range (unless within a golf course), race track, amusement park, or gun club.
- E. Day-care centers.

340. Residential Zone (UR-9)

- F. Public facilities and electric power and natural gas utility facilities, including fire stations, libraries, museums, substations, ferry terminals, commuter park-and-ride lots, and post offices; but not including storage or repair yards, warehouses, or similar uses.
- G. Apartments, subject to the density limitations of the zone.
- H. Mobile Home Parks, subject to the density limitations of the district.

040. Uses Permitted after Review and Approval as set forth in Chapter 415. Uses Permitted Subject to Review and Approval by the Director of this Ordinance:

- A. Home occupations.
- B. Planned Unit Development subject to the provisions of Chapter 425. Planned Unit Development Approval.
- C. Temporary offices and model homes.
- D. Urban Infill Developments subject to the provisions of Chapter 430. Provisions applying to special uses.
- E. Bed and breakfast house.
- F. Accessory living quarters.

050. Height Regulations

No building or structure shall be hereafter erected, enlarged, or structurally altered to exceed thirty-five (35) feet (10.6m) in height.

060. Lot Requirements

The minimum lot requirements shall be as shown in Table 340.060.

TABLE 340.060

| Classification | Density [†] (DU/Acre) | Minimum Lot Area ² | Minimum Lot Width | Minimum Lot Depth | Front Yard | Side Yard ¹ | Opposite Side Yard | Rear Yard |
|----------------|-----------------------------------|----------------------------------|----------------------|----------------------|---------------|---------------------------|-----------------------|--------------|
| UR-9 | 9 | 5,800 (527m ²) | 60 (18.2m) | 60 (18.2m) | 20 (6.1m) | 5 (1.5m) | 5 (1.5) | 5 (1.5m) |

¹The minimum street side yard shall be ten (10) feet (3m).

²A minimum lot area of nine thousand six hundred (9,600) square feet (864m²) is required for each duplex.

065. Maximum Allowable Density

Through planned unit development or urban infill developments the density may be increased up to twenty percent (20%) provided, however, the maximum densities allowed will be dependent upon site characteristics, adjacent land uses, and other considerations.

070. Lot Coverage

Maximum lot coverage by buildings and structures shall not exceed fifty percent (50%).

080. Signs

Signs shall be permitted according to the provisions of Chapter 445. Signs.

090. Off-Street Parking

Off-street parking shall be provided according to the provisions of Chapter 435. Off-street Parking and Loading.

100. Other Provisions

See Chapter 430. Provisions Applying to Special Uses, where applicable.

345. Urban Medium Density Res. Zones (UR-10,12,15, and 18)

010. Purpose

These zones are intended to provide for exclusively multiple-family residential development based upon compatibility with surrounding land uses. The following factors will be considered in the application of one of these zones to a particular site: proximity to major streets and the available capacity of these streets, availability of public water and sewer, vehicular and pedestrian traffic circulation in the area, proximity to commercial services and proximity to public open space and recreation opportunities. Development within these zones will be reviewed to ensure compatibility with adjacent uses including such considerations as privacy, noise, lighting and design. The Zone is further intended to facilitate public transit, and encourage efficient use of commercial services and public open space. Generally, these zones are not intended to be located within existing single-family neighborhoods.

020. Uses (See Table 345.020)

- "P" - Permitted uses;
- "R/A" - Uses permitted upon review and approval of the Director;
- "C" - Conditional uses which may be permitted subject to the approval of a conditional use permit;
- "X" - Uses specifically prohibited.

TABLE 345.020

| | UR-10 | UR-12 | UR-15 | UR-18 |
|--|--------------|--------------|--------------|--------------|
| A. Residential | | | | |
| 1. Existing Residential | P | P | P | P |
| 2. Accessory uses and structures normal to a residential environment | P | P | P | P |
| 3. Single Family Dwellings Attached | R/A | R/A | R/A | R/A |
| 4. Single Family Dwellings Detached | R/A | R/A | R/A | R/A |
| 5. Duplex and other multiple dwellings | P | P | P | P |
| 6. Mobile Home Parks | R/A | R/A | R/A | R/A |

345. Urban Med Density Res Zones (UR-10, UR-12, UR-15, and UR-18)

| | UR-10 | UR-12 | UR-15 | UR-18 |
|---|--------------|--------------|--------------|--------------|
| 7. Residential PUD | R/A | R/A | R/A | R/A |
| 8. Boarding or Rooming house | P | P | P | P |
| 9. Retirement Housing Facility (Subject to provisions applying to special uses) | C | C | C | C |
| 10. Structures exceeding two stories in height | C | C | C | C |
| 11. Structures exceeding 35 feet (10.6m) in height | C | C | C | C |
| 12. Home occupations | R/A | R/A | R/A | R/A |
| B. Services, Business | | | | |
| 1. Mini-storage Warehouses | C | C | C | C |
| 2. Temporary Sales Offices | R/A | R/A | R/A | R/A |
| C. Services, Medical and Health | | | | |
| 1. Convalescent, Nursing or Rest Home | R/A | R/A | P | P |
| 2. Residential Care Facility | C | C | C | C |
| D. Services, Amusement | | | | |
| 1. Private Recreation Facility | C | C | C | C |
| E. Services, Membership Organizations | | | | |
| 1. Place of Worship | C | C | C | C |
| 2. Clubs, Lodges and Charitable Institutions | C | C | C | C |

345. Urban Med Density Res Zones (UR-10, UR-12, UR-15, and UR-18)

| | UR-10 | UR-12 | UR-15 | UR-18 |
|--|--------------|--------------|--------------|--------------|
| F. Services, Educational | | | | |
| 1. Public and Private Schools | P | P | P | P |
| 2. Day-Care Centers | R/A | R/A | R/A | R/A |
| G. Public Services and Facilities | | | | |
| 1. Parks and Recreational Facilities | P | P | P | P |
| 2. Governmental Structures including Fire Stations | P | P | P | P |
| 3. Utility Substation and related facilities | R/A | R/A | R/A | R/A |
| H. Food and Fiber Production | | | | |
| 1. Agriculture | P | P | P | P |
| 2. Forestry | P | P | P | P |
| I. Other | | | | |
| 1. Cemeteries and Mausoleums | C | C | C | C |

030. Height Regulations

No building or structure shall be hereafter erected, enlarged or structurally altered to exceed two (2) stories or thirty-five (35) feet (10.5m) in height, except as provided for in 345.020.A.10, 11 with concurrence from the appropriate fire district and Fire Marshal. In instances where the maximum building height may be increased upon approval of the fire district, Fire Marshal, and/or Director, any such increases shall be based on criteria which must first be approved by the Board of County Commissioners.

040. Lot Requirements

A. Minimum lot size shall be 5,800 square feet (527 m²). In addition, lot area shall be as provided in Table 345.040.

345. Urban Med Density Res Zones (UR-10, UR-12, UR-15, and UR-18)

TABLE 345.040

| Zone | First Unit | Second Unit¹ | Each additional unit over two units | Maximum Density |
|-------------|----------------------------|--------------------------------|--|------------------------|
| UR-10 | 5,000 (450m ²) | 5,000 (450m ²) | 4,000 (360m ²) | 10 units/ac |
| UR-12 | 5,000 (450m ²) | 5,000 (450m ²) | 3,500 (315m ²) | 12 units/ac |
| UR-15 | 5,000 (450m ²) | 5,000 (450m ²) | 3,000 (270m ²) | 15 units/ac |
| UR-18 | 5,000 (450m ²) | 5,000 (450m ²) | 2,400 (216m ²) | 18 units/ac |

¹ Three thousand (3,000) (270m²) for duplexes unless the lot is less than 8,000 square feet (720m²), then the second unit shall have a minimum of 1,500 square feet (135m²) for duplexes.

- B. Lot width - Minimum lot width shall be sixty (60) feet (18.2m).
- C. Lot depth - Minimum lot depth shall be sixty (60) feet(18.2m).
- D. Front Yard - Minimum front yard setback shall be twenty (20) feet (6.1m).
- E. Side yard - Minimum side yard on each side of the residential dwelling shall be ten (10) feet (3m), except on corner lots, the street side yard shall be twenty (20) feet (6.1m). The side yards, except for street side yards, shall be increased by one-half (½) foot (15cm) for each foot (30cm) by which the building height exceeds fifteen (15) feet (4.5m).
- F. Rear yard - Minimum rear yard shall be ten 10 feet (3m). The rear yard shall be increased by one-half (½) foot (15cm) for each foot (30cm) by which the building height exceeds fifteen (15) feet (4.5m).
- G. Lot coverage - Maximum lot coverage by buildings and structures shall be fifty percent (50%) of the total lot area. Detached and attached carports and detached garages are excluded from this provision.
- H. Peripheral yards - Minimum side and rear yards shall be fifteen (15) feet when abutting any R Zone. Said yards shall be increased by one-half (½) foot (15cm) for each foot (30cm) by which the building height exceeds fifteen (15) feet (4.5m). For the purpose of this section "Peripheral Yard" shall mean a side or rear yard exclusive of street side yard.

050. Special Yards and Distances Between Buildings.

- A. There shall be a minimum distance of fifteen (15) feet (4.5m) between buildings or structures with a height of less than twenty-five (25) feet (7.6m) on the same parcel or in the same development. There shall be an additional minimum distance of one-half (½) foot

345. Urban Med Density Res Zones (UR-10, UR-12, UR-15, and UR-18)

(15cm) for each foot (30cm) buildings or structures exceed twenty-five (25) feet (7.6m) of height on the same parcel or in the same development.

- B. For the purpose of calculating special yards, the determination of special yard distance shall be calculated based on the average height of the facing sides of the buildings or structures.

060. Off-Street Parking

Off-street parking shall be provided according to the provisions of Chapter 435. Off-street Parking and Loading.

070. Signs

Signs shall be permitted according to the provisions of Chapter 445. Signs.

080. Landscaping

- A. All yards and setback areas shall be landscaped as approved, except for those areas designated as driveways, parking areas, or other similar improvements.
- B. Twenty percent (20%) of the total lot area shall be landscaped.
- C. Any identifiable and usable recreation space, which is developed in plant material, may be counted towards meeting the requirements of this section.
- D. All landscaped areas shall be maintained as approved.

090. Recreation Space

In multiple dwelling developments of twelve (12) units or more with a density of twelve (12) units or more per acre, the following usable recreation space per unit, shall be required:

- A. Each ground level living unit in a residential development subject to site plan review shall have an accessible outdoor private space of not less than forty-eight (48) square feet (4.3m²) in area. The area shall be designed to provide privacy for unit residents and their guests.
- B. In multiple dwelling developments of twelve (12) units or more with a density of twelve (12) units or more per acre, useable open space and/or, outdoor/indoor recreational space or a combination of both shall be provided for the shared use of residents and their guests as follows:
 - 1. One (1) bedroom or efficiency units: 150 square feet (13.5m²) per unit.
 - 2. Two (2) bedroom units: 250 square feet (27.5m²) per unit.

345. Urban Med Density Res Zones (UR-10, UR-12, UR-15, and UR-18)

3. Three (3) or more bedroom units: 350 square feet (31.5m²) per unit. Usable recreation space shall be improved and maintained for its intended use. Examples of usable recreation space include swimming pools, community buildings, picnic areas, tennis courts, community gardens and improved playgrounds, paths and passive seating areas.

100. Other Provisions

See Chapter 430. Provisions Applying to Special Uses, where applicable.

350. Urban High Density Res. Zones (UR-20,24,30 and 43)

010. Purpose

These zones are intended to provide for multiple-family residential and professional office development based upon compatibility with surrounding land uses. It is intended that office developments within these zones will be of a higher standard in recognition of their residential setting. The following factors will be considered in the application of one of these zones to a particular site: proximity to major streets and the available capacity of these streets, availability of public water and sewer, vehicular and pedestrian traffic circulation in the area, proximity to commercial services and proximity to public open space and recreation opportunities. Development within these zones will be reviewed to ensure compatibility with adjacent uses including such considerations as privacy, noise, lighting and design.

020. Uses (See Table)

- "P" - Permitted uses;
- "R/A" - Uses permitted upon review and approval of the Director;
- "C" - Conditional uses which may be permitted subject to the approval of a conditional use permit;
- "X" - Uses specifically prohibited.

TABLE 350.020

| | UR-20 | UR-24 | UR-30 | UR-43 |
|---|-------|-------|-------|-------|
| A. Residential | | | | |
| 1. Existing Residential | P | P | P | P |
| 2. Accessory uses and structures normal to a residential environment | P | P | P | P |
| 3. Single Family Dwellings Attached | P | P | P | P |
| 4. Single Family Dwellings Detached | R/A | R/A | R/A | R/A |
| 5. Duplex and other multiple dwellings | P | P | P | P |
| 6. Residential PUD | R/A | R/A | R/A | R/A |
| 7. Boarding or Rooming house | P | P | P | P |
| 8. Retirement Housing Facility (Subject to provisions applying to special uses) | P | P | P | P |
| 9. Structures exceeding two stories in height | R/A | R/A | P | P |

350. Urban High Density Residential Zones (UR-20, UR-24, UR-30, (UR-43)

| | UR-20 | UR-24 | UR-30 | UR-43 |
|---|--------------|--------------|--------------|--------------|
| 10. Structures exceeding 35 feet (10.6m) in height | R/A | R/A | P | P |
| 11. Home occupations | R/A | R/A | R/A | R/A |
| B. Retail Sales -Restaurants, Drinking Places | | | | |
| 1. Restaurants within residential or office complex | P | P | P | P |
| C. Services, Business | | | | |
| 1. Mini Storage Warehouses | C | C | C | C |
| 2. Temporary Sales Offices | R/A | R/A | R/A | R/A |
| D. Services, Medical and Health | | | | |
| 1. Hospital | C | C | C | C |
| 2. Veterinary Clinics (Subject to Provisions Applying to Special Uses | C | C | C | C |
| 3. Medical and Dental Clinics | P | P | P | P |
| 4. Convalescent, Nursing or Rest Home | R/A | R/A | R/A | R/A |
| 5. Residential Care Facility | C | C | C | C |
| E. Services, Professional Offices | | | | |
| 1. Professional and business offices | P | P | P | P |
| F. Services, Amusement | | | | |
| 1. Private recreational facility | C | C | C | C |
| G. Services, Membership Organizations | | | | |
| 1. Place of Worship | R/A | R/A | R/A | R/A |
| 2. Clubs, Lodges and Charitable Institutions | R/A | R/A | R/A | R/A |
| H. Services, Educational | | | | |
| 1. Public and Private Schools | R/A | R/A | R/A | R/A |
| 2. Dance Schools | P | P | P | P |

350. Urban High Density Residential Zones (UR-20, UR-24, UR-30, (UR-43)

| | UR-20 | UR-24 | UR-30 | UR-43 |
|--|--------------|--------------|--------------|--------------|
| 3. Day-Care Centers | R/A | R/A | R/A | R/A |
| I. Public Services and Facilities | | | | |
| 1. Parks and Recreational Facilities | P | P | P | P |
| 2. Governmental Structures including Fire Stations | P | P | P | P |
| 3. Utility Substation and related facilities | R/A | R/A | R/A | R/A |
| J. Food and Fiber Production | | | | |
| 1. Agriculture | P | P | P | P |
| 2. Forestry | P | P | P | P |
| K. Other | | | | |
| 1. Cemeteries and Mausoleums | C | C | C | C |

030. Height Regulations

No building or structure shall be hereafter erected, enlarged, or structurally altered to exceed two (2) stories or thirty five (35) feet (10.5m) in height, except as provided for in 350.020.A.9,10, with concurrence from the appropriate fire district and Fire Marshal. In instances where the maximum building height may be increased upon approval of the fire district, Fire Marshal, and/or Director, any such increases shall be based on criteria which must first be approved by the Board of County Commissioners.

040. Lot Requirements

- A. Minimum lot size shall be 5,800 square feet (527 m²). In addition, lot area shall be as provided in Table 350.040.

350. Urban High Density Residential Zones (UR-20, UR-24, UR-30, (UR-43)

TABLE 350.040

| | First Unit | Second Unit¹ | Each Additional Unit Over Two Units | Maximum Density |
|-------|----------------------------|--------------------------------|--|------------------------|
| UR-20 | 5,000 (450m ²) | 5,000 (450m ²) | 2,200 (198m ²) | 20 units/acre |
| UR-24 | 5,000 (450m ²) | 5,000 (450m ²) | 1,800 (162m ²) | 24 units/acre |
| UR-30 | 5,000 (450m ²) | 5,000 (450m ²) | 1,400 (126m ²) | 30 units/acre |
| UR-43 | 5,000 (450m ²) | 5,000 (450m ²) | 1,000 (90m ²) | 43 units/acre |

¹ Three thousand (3,000) square feet (270m²) for duplexes, unless the lot is less than 8,000 square feet (720m²), then the second unit shall have a minimum of 1,500 square feet (135m²) for duplexes.

- B. Lot width. Lot width - Minimum lot width shall be sixty (60) feet (18.18m).
- C. Lot depth. Minimum lot depth shall be sixty (60) feet (18.18m).
- D. Front Yard. Minimum front yard setback shall be twenty (20) feet (6.1m).
- E. Side yard. Minimum side yard on each side of the residential dwelling shall be ten (10) feet (3m), except on corner lots, the street side yard shall be twenty (20) feet (6.1m). The side yards, except for street side yards, shall be increased by one-half (½) foot (15cm) for each foot (30cm) by which the building height exceeds fifteen (15) feet (4.6m).
- F. Rear yard. Minimum rear yard shall be ten (10) feet (3m). The rear yard shall be increased by one-half (½) foot (15cm) for each foot by which the building height exceeds fifteen (15) feet (4.6m).
- G. Lot coverage. Maximum lot coverage by buildings and structures shall be fifty percent (50%) of the total lot area. Carports and detached garages are excluded from this provision.
- H. Peripheral yards. Minimum side and rear yards shall be fifteen (15) feet (4.6m) when abutting any R Zone. Said yards shall be increased by one-half (½) foot (15cm) for each foot (30cm) by which the building height exceeds fifteen (15) feet (4.6m). For the purpose of this section "Peripheral Yard" shall mean a side or rear yard exclusive of street side yard.

350. Urban High Density Residential Zones (UR-20, UR-24, UR-30, (UR-43)

050. Special Yards and Distances Between Buildings

- A. There shall be a minimum distance of fifteen (15) feet (4.6m) between buildings or structures with a height of less than twenty-five (25) feet (7.6m) on the same parcel or in the same development. There shall be an additional minimum distance of one-half ($\frac{1}{2}$) foot (15cm) for each foot (30cm) buildings or structures exceed twenty-five (25) feet (7.6m) of height on the same parcel or in the same development.
- B. For the purpose of calculating special yards, the determination of special yard distance shall be calculated based on the average height of the facing sides of the buildings or structures.

060. Off-Street Parking

Off-street parking shall be provided according to the provisions of Chapter 435. Off-street parking and loading.

070. Signs.

Signs shall be permitted according to the provisions of Chapter 445. Signs.

080. Landscaping

- A. All yards and setback areas shall be landscaped as approved, except for those areas designated as driveways, parking areas, patios, or other similar improvements.
- B. Twenty percent (20%) of the total lot area shall be landscaped.
- C. Any identifiable and usable recreation space, which is developed in plant material, may be counted towards meeting the requirements of this section.
- D. All landscaped areas shall be maintained as approved.

090. Recreation Space

In multiple dwelling developments of twelve (12) units or more with a density of twelve (12) units or more per acre, the following usable recreation space per unit, shall be required:

- A. Each ground level living unit in a residential development subject to site plan review shall have an accessible outdoor private space of not less than forty-eight (48) square feet (4.3m^2) in area. The area shall be designed to provide privacy for unit residents and their guests.
- B. In multiple dwelling developments of twelve (12) units or more with a density of twelve (12) units or more per acre, useable open space and/or, outdoor/indoor recreational space or

350. Urban High Density Residential Zones (UR-20, UR-24, UR-30, (UR-43)

a combination of both shall be provided for the shared use of residents and their guests as follows:

1. One (1) bedroom or efficiency units: 150 square feet (13.5m²) per unit.
2. Two (2) bedroom units: 250 square feet (22.5m²) per unit.
3. Three (3) or more bedroom units: 350 square (31.5m²) feet per unit. Usable recreation space shall be improved and maintained for its intended use. Examples of usable recreation space include swimming pools, community buildings, picnic areas, tennis courts, community gardens and improved playgrounds, paths and passive seating areas.

100. Other Provision

See Chapter 430. Provisions Applying to Special Uses, where applicable.

355. Commercial Zones

010. Purpose

A. Village Commercial (CV)

Village commercial zones are associated with established rural villages. The zone is intended to provide for the daily shopping and service needs of rural village residents. New development within this zone shall be designed to be compatible with the character of the village in which it is located.

B. Highway Commercial (CH)

This zone is intended to recognize the existing commercial development patterns of some areas of the County. These commercial areas are intended to serve the traveling public and provide for those commercial establishments which require large sites and a high degree of visibility.

C. Convenience Commercial (CC)

These commercial centers are intended to provide for the quick stop shopping needs of the immediate neighborhood in which they are located. New centers shall range in size from a minimum of one-fourth ($\frac{1}{4}$) (.1HA) to a maximum of one-half ($\frac{1}{2}$) acre (.2HA) of contiguous land and shall be designed to be compatible with a residential setting.

D. Neighborhood Commercial (CN)

These commercial centers are intended to provide for medium-sized shopping and service facilities. These centers shall range in size from one (1) (.4HA) to ten (10) acres (4HA) unless a larger site is needed to accommodate requirements of approval such as stormwater facilities. These commercial centers are intended to provide for the daily or frequent shopping needs of the immediate neighborhood in which they are located. In some cases these centers, depending upon site location and size or other characteristics, may provide for professional services and offices.

E. Community Commercial (CM)

These commercial centers are intended to provide for the shopping and service needs for large sections of the County. These centers may also include neighborhood commercial and service uses. New centers shall range in size from a minimum of ten (10) (4HA) to a maximum of twenty (20) acres (8HA) unless a larger site is needed to accommodate requirements of approval such as stormwater facilities.

F. Regional Commercial (CR)

These centers are intended to provide for the shopping and service needs of the region. New centers shall be at least forty (40) acres (16HA) in size.

G. Tourist Commercial (CT)

This zone is intended to serve the needs of Kitsap County's growing tourist industry. Uses are focused on visitor services and accommodations for both destination and

355. Commercial Zones

en route travelers. Certain historic settlements, highway locations, and tourism "gateways" are most appropriately suited for this CT zone.

020. Uses (See Table 355.020)

The uses set out in Table 355.020 are examples of uses allowable in the various zone zones. The appropriate review authority is mandatory.

- "P" - Permitted uses;
- "R/A" - Uses permitted upon review and approval of the Director;
- "C" - Conditional uses which may be permitted subject to the approval of a conditional use permit;
- "X" - Uses specifically prohibited.

TABLE 355.020

| ZONE | CV | CH | CC | CN | CM | CR | CT |
|--|----|----|----|----|----|----|----|
| A. Residential (Not on ground floor of a structure) | | | | | | | |
| 1. Medium and High Density (UR-10 to UR-43 Density) | C | X | C | C | C | C | C |
| 2. Planned unit developments subject to the provisions of the planned unit development chapter | C | X | C | C | C | C | C |
| 3. Existing residences without any increase in density | P | P | P | P | P | P | P |
| B. Retail Sales - Food | | | | | | | |
| 1. Supermarkets in excess of 25,000 square feet (2250m ²) gross floor area | X | P | X | P | P | P | X |
| 2. Markets - 5,000 to 25,000 square feet (450 - 2250m ²) gross floor area | P | P | X | P | P | P | P |
| 3. Markets - less than 5,000 square feet (450m ²) gross floor area | P | P | P | P | P | P | P |
| 4. Delicatessen | P | P | C | P | P | P | P |
| 5. Meat and fish markets | P | P | C | C | P | P | P |
| 6. Fruit and vegetable markets | P | P | C | C | P | P | P |

355. Commercial Zones

| ZONE | CV | CH | CC | CN | CM | CR | CT |
|--|----|----|----|----|----|----|----|
| 7. Dairy products, including egg and poultry store | P | P | C | C | P | P | P |
| 8. Other specialized food stores | P | P | X | C | P | P | P |
| 9. Bakery-where baked foods manufactured elsewhere are sold on premises | P | P | C | P | P | P | P |
| 10. Bakery-manufacturing where on-site baked foods are sold on the premises-less than 5,000 sq. ft. or more gross floor area. | P | P | X | C | P | P | P |
| 11. Bakery-manufacturing where on-site baked foods are sold on premises-5,000 sq. ft. (450m ²) or more gross floor area. | X | P | X | X | X | P | X |
| C. Retail Sales-Apparel and Accessories | | | | | | | |
| 1. Apparel and accessory stores-men's, women's and children's | P | P | X | P | P | P | P |
| 2. Shoe stores | P | P | X | P | P | P | P |
| 3. Tailor shops | P | P | X | X | P | P | P |
| 4. Furrier shops | P | P | X | X | P | P | P |
| D. Retail Sales-General Merchandise | | | | | | | |
| 1. Department Stores-Major over 50,000 sq. ft. (4500m ²) gross floor area | X | P | X | X | X | P | X |
| 2. Department Stores-Junior under 50,000 sq. ft. (4500m ²) gross floor area | C | P | X | X | P | P | X |
| 3. Variety stores and gift shops | C | P | X | P | P | P | P |
| 4. Mail order houses (principal use) | X | P | X | X | P | P | P |
| 5. General Merchandise stores | P | P | C | P | P | P | P |
| E. Retail Sales-Restaurants, Drinking Places | | | | | | | |
| 1. Restaurants | C | P | X | C | P | P | P |
| 2. Restaurants-Fast food including drive up service windows | C | P | X | C | P | P | X |
| 3. Drinking places, alcoholic beverages with or without entertainment | C | P | X | C | P | P | P |

355. Commercial Zones

| ZONE | CV | CH | CC | CN | CM | CR | CT |
|--|----|----|----|----|----|-----|----|
| F. Retail Sales-Furniture, Home Furnishings, and Home Equipment | | | | | | | |
| 1. Household furniture, home furnishing and home equipment stores | P | P | X | C | P | P | P |
| 2. Appliance sales and service | P | P | X | C | P | P | X |
| G. Retail Sales-Automotive and Related | | | | | | | |
| 1. Motor vehicle dealers-new and used | C | P | X | X | C | R/A | X |
| 2. Tire, battery and accessory stores | P | P | X | X | C | C | X |
| 3. Service stations | P | P | C | P | P | P | P |
| 4. Boat, marine supplies, and trailers | P | P | C | C | C | C | P |
| 5. Motorcycles-sales and repair | C | P | X | X | C | R/A | P |
| 6. Auto parts, new or remanufactured | C | P | X | X | C | C | X |
| 7. Mobile home and/or recreational vehicle dealers, new and used | X | P | X | X | X | C | X |
| 8. Car washes | C | P | C | C | P | P | X |
| H. Retail Sales-Building Material and Farm Equipment | | | | | | | |
| 1. Lumber and other building material stores and yards with only incidental cutting and planing of products sold | C | P | X | X | X | C | X |
| 2. Heating and plumbing equipment, including incidental fabrication (operated entirely within enclosed building) | C | P | X | X | C | C | X |
| 3. Paint, glass, and wallpaper store | P | P | X | X | C | P | X |
| 4. Electrical supplies store | P | P | X | X | C | P | X |
| 5. Hardware store | P | P | X | C | P | P | P |
| 6. Farm equipment and implement dealer | C | P | X | X | C | R/A | X |
| I. Retail Sales-Miscellaneous StoresP | | | | | | | |
| 1. Antique, stamp and coin shopsP | P | P | X | X | P | P | P |
| 2. Bicycles-sales and repairP | C | P | X | X | C | R/A | P |

355. Commercial Zones

| ZONE | CV | CH | CC | CN | CM | CR | CT |
|--|----|---------|----|----|----|----|----|
| 3. Books and stationeryP | P | P | X | X | P | P | P |
| 4. Camera and photograPphic supplies | P | P | X | X | P | P | P |
| 5. Drug and proprietaryP | P | P | C | C | P | P | P |
| 6. Fabric (yard goods) | P | P | X | X | P | P | P |
| 7. Farm and garden supplies including nurseries | P | P | C | C | P | P | P |
| 8. Florists | P | P | C | C | P | P | P |
| 9. Fuel dealers | C | R/ A | X | X | X | X | X |
| 10. Gift, novelty and souvenirs | P | P | X | X | P | P | P |
| 11. Hay, grain, and feed stores | P | P | C | C | C | C | C |
| 12. Ice dealers | P | P | X | X | X | X | X |
| 13. Jewelry | P | P | X | X | P | P | P |
| 14. Liquor | P | P | X | X | P | P | X |
| 15. News and magazine dealers | P | P | X | X | P | P | P |
| 16. Pharmacies | P | P | C | P | P | P | X |
| 17. Secondhand stores (providing that merchandise displayed and sold is from within an entirely enclosed building) | C | P | C | C | C | C | P |
| 18. Sporting goods | C | P | X | X | P | P | P |
| 19. Tobacco and smoker supplies | C | P | X | X | P | P | P |
| 20. Yarn shop | C | P | X | X | P | P | P |
| J. Retail Sales--Products (Custom Fabricated, Processed, Assembled, Installed, Repaired, or Printed on the Premises Within an Entirely Enclosed Building) | | | | | | | |
| 1. Cabinet shop | C | P | X | X | X | X | X |
| 2. Electrical shop | C | P | X | X | X | X | X |
| 3. Plumbing shop | C | P | X | X | X | X | X |
| 4. Sheet metal shop | C | P | X | X | X | X | X |
| 5. Welding shop | C | P | X | X | X | X | X |

355. Commercial Zones

| ZONE | CV | CH | CC | CN | CM | CR | CT |
|---|----|----|----|----|----|----|----|
| 6. Electroplating shop | C | P | X | X | X | X | X |
| 7. Heating and air-conditioning shop | C | P | X | X | X | X | X |
| 8. Sign shop | C | P | X | X | X | X | X |
| 9. Upholstery shop | C | P | X | X | X | X | X |
| 10. Printing, publishing, and lithographic shop | C | P | X | C | C | C | X |
| 11. Radio and television repair shop | P | P | X | C | C | P | X |
| 12. Home appliance repair shop | P | P | X | C | C | P | X |
| K. Services--PersonalX | | | | | | | |
| 1. Laundry, cleaning and dyeing plants | X | P | X | X | X | X | X |
| 2. Self-service laundries and cleaning places | P | P | P | P | P | P | P |
| 3. Laundry and cleaning drop and pick-up places | P | P | P | P | P | P | X |
| 4. Pressing, alteration and garment repair | P | P | X | P | P | P | X |
| 5. Barber and beauty shops | P | P | P | P | P | P | X |
| 6. Shoe repair shops | P | P | X | P | P | P | X |
| 7. Photographic studios | P | P | X | C | P | P | P |
| 8. Clothing rental establishments | P | P | X | X | P | P | P |
| 9. Transportation Terminals | C | P | X | X | C | C | P |
| 10. U.S. Post Office | P | P | P | P | P | P | P |
| 11. Mortuaries | C | P | X | X | X | X | X |
| L. Services--Business | | | | | | | |
| 1. Adjustment and collection agencies | P | P | X | X | P | P | P |
| 2. Advertising agencies | P | P | X | X | P | P | P |
| 3. Auto, truck, and trailer rental or repair | C | P | X | X | X | C | X |
| 4. Business and management services | P | P | X | X | P | P | P |
| 5. Car wash | C | P | C | C | P | P | X |
| 6. Credit agencies | P | P | X | X | P | P | P |

355. Commercial Zones

| ZONE | CV | CH | CC | CN | CM | CR | CT |
|--|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| 7. Duplicating, addressing, blueprinting, photocopying, mailing, and stenographic services | P | P | X | X | P | P | P |
| 8. Employment agencies | P | P | X | X | P | P | X |
| 9. Equipment rental agencies | C | P | X | C | C | C | X |
| 10. Equipment service and repair shop | X | P | X | X | X | X | X |
| 11. Office housing personnel who provide special services to business | P | P | X | X | P | P | P |
| 12. Off-street parking facilities | P | P | X | X | P | P | P |
| 13. Services to buildings (including dwellings), cleaning and exterminating | C | P | X | X | C | C | X |
| 14. Telephone answering service | P | P | P | P | P | P | P |
| 15. Miscellaneous business services, including auctioneers, bondsmen, drafting, detective agencies, notary public, and other like services | P | P | X | X | P | P | P |
| 16. Moving and storage | X | P | X | X | C | C | X |
| 17. Vehicle repair shops (located within an enclosed building) | C | P | X | X | X | P | C |
| 18. Mini-warehouses | X | P | X | C | C | C | C |
| 19. Auction barns | C | P | X | X | X | X | P |
| 20. Vehicle towing service storage | C | P | X | X | X | C | C |
| 21. Office and Electrical Equipment (located within an enclosed building with no outside storage) | P | P | X | C | C | P | P |
| M. Services--Finance, Insurance, and Real Estate | | | | | | | |
| 1. Financial and banking institutions | P | P | X | P | P | P | X |
| 2. Insurance and bond carriers, agents, brokers, and services | P | P | X | P | P | P | P |
| 3. Real estate brokers, agents, and services | P | P | X | P | P | P | P |
| 4. Branch banks | P | P | X | P | P | P | P |

355. Commercial Zones

| ZONE | CV | CH | CC | CN | CM | CR | CT |
|---|----|----|----|----|----|----|----|
| N. Services--Lodging Places | | | | | | | |
| 1. Hotels | C | P | X | X | C | P | P |
| 2. Motels | C | P | X | X | C | P | P |
| 3. Recreational vehicle camping parks | C | P | X | X | X | X | P |
| O. Services--Medical and Health | | | | | | | |
| 1. Hospitals | X | C | X | X | C | C | X |
| 2. Medical and dental laboratories | P | P | X | X | C | P | X |
| 3. Sanitaria, convalescent, and rest homes | X | C | X | X | X | X | P |
| 4. Orthopedic equipment and supplies, rental, sales and service | P | P | X | X | X | C | X |
| 5. Animal hospital | C | C | X | X | X | X | P |
| 6. Ambulance service | C | C | X | X | C | C | C |
| P. Services--Professional Offices | | | | | | | |
| 1. Accounting, auditing and bookkeeping | P | P | C | X | P | P | P |
| 2. Architectural | P | P | C | X | P | P | P |
| 3. Artists studio | P | P | C | X | P | P | P |
| 4. Engineering, including surveying | P | P | C | X | P | P | P |
| 5. Law | P | P | C | X | P | P | P |
| 6. Landscape architecture | P | P | C | X | P | P | P |
| 7. Clinic, outpatient | P | P | C | C | P | P | C |
| 8. Professionals, Other | P | P | C | X | P | P | P |
| Q. Services--Amusement | | | | | | | |
| 1. Amusement centers | C | C | X | X | C | C | C |
| 2. Art galleries | P | P | X | X | P | P | P |
| 3. Billiard and pool parlors | P | P | X | X | P | P | C |
| 4. Bowling alleys | P | P | X | X | P | P | X |

355. Commercial Zones

| ZONE | CV | CH | CC | CN | CM | CR | CT |
|---|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| 5. Carnival (temporary) and circus (temporary) | R/A | P | X | R/A | R/A | R/A | C |
| 6. Dance studios and dance schools | P | P | X | X | P | P | P |
| 7. Golf, miniature | P | P | X | X | X | P | P |
| 8. Skating rinks, ice and/or roller | P | P | X | X | P | P | C |
| 9. Health and racquet clubs | C | P | X | X | C | C | C |
| 10. Theaters, indoor | P | P | X | X | C | C | P |
| 11. Theaters, outdoor (drive-in) | X | C | X | X | X | X | P |
| 12. Sports facilities, including stadium and arena facilities | X | C | X | X | X | X | X |
| 13. Skateboard facilities, indoor | X | P | X | X | X | C | X |
| R. Services--Educational, Recreational | | | | | | | |
| 1. Nursery, day-care centers | P | P | X | R/A | P | P | C |
| 2. Libraries | P | P | X | X | C | P | X |
| 3. Vocational Schools | P | P | X | X | C | C | C |
| 4. Music Schools | P | P | X | X | C | C | P |
| 5. Public Parks, parkways, recreational facilities, trails and related facilities | P | P | P | P | P | P | P |
| 6. Marinas | C | P | C | C | C | C | X |
| S. Services--Membership Organizations | | | | | | | |
| 1. Business and professional | P | P | X | X | P | P | X |
| 2. Civic, social and fraternal | P | P | X | X | P | P | X |
| 3. Charitable | P | P | X | X | P | P | X |
| 4. Labor | P | P | X | X | P | P | X |
| 5. Political | P | P | P | P | P | P | X |
| 6. Religious, not including places of worship | P | P | X | X | P | P | X |
| 7. Places of worship | C | C | C | C | C | C | P |

355. Commercial Zones

| ZONE | CV | CH | CC | CN | CM | CR | CT |
|--|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| T. Public Services and Facilities | | | | | | | |
| 1. Buildings and other structures such as police and fire substations | C | C | C | C | C | C | P |
| 2. Educational Institutions | C | C | C | C | C | C | P |
| 3. Sewer, water and utility transmission lines | P | P | P | P | P | P | P |
| 4. Sewer, water supply, water conservation and flood control and installations other than transmission lines | P | P | P | P | P | P | P |
| 5. Zoos, museums, historic and cultural exhibits and the like | C | C | X | X | C | C | P |
| U. Food and Fiber Production | | | | | | | |
| 1. Forestry | P | P | P | P | P | P | X |
| 2. Agriculture | P | P | P | P | P | P | X |

030. Height Regulation

No building or structure shall be hereafter erected, enlarged, or structurally altered to exceed two (2) stories or thirty-five (35) feet (10.5m) in height, except a greater height may be allowed upon review and approval by the Director with concurrence from the appropriate fire district and fire marshal. In instances where the maximum building height may be increased upon approval of the fire district, Fire Marshal, and/or Director, any such increases shall be based on criteria which must first be approved by the Board of County Commissioners.

040. Lot Requirements

For lot requirements, see Table 355.040.

TABLE 355.040

| ZONE | CV | CH | CC | CN | CM | CR | CT |
|---|-------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|
| A. Minimum area of new zone | None | None | 1/4 ac. (.1HA) | 1 ac. (.4HA) | 10 ac. (4HA) | 40 ac. (16HA) | 1 ac. (.4HA) |
| B. Maximum area of new zone | None | None | 1/2 ac. (.2HA) | 10 ac. (4HA) | 20 ac. (8HA) | None | 10 ac. (4HA) |
| C. Minimum lot area in square feet | None | 5,800 (522m ²) | 5,800 (522m ²) | 5,800 (522m ²) | 5,800 (522m ²) | 5,800 (522m ²) | 5,800 (522m ²) |
| D. Minimum lot width in feet | None | 60 (18.2) | 60 (18.2) | 60 (18.2) | 60 (18.2) | 60 (18.2) | 60 (18.2) |
| E. Minimum lot depth in feet | None | 60 (18.2) | 60 (18.2) | 60 (18.2) | 60 (18.2) | 60 (18.2) | 60 (18.2) |
| F. Minimum front yard setback in feet | 20 (6.1) | 20 (6.1) | 20 (6.1) | 20 (6.1) | 20 (6.1) | 20 (6.1) | 20 (6.1) |
| G. Minimum side yard setback abutting RH, R2, VR, and UR Zones | 10 (3) | 20 (6.1) | 20 (6.1) | 20 (6.1) | 20 (6.1) | 20 (6.1) | 20 (6.1) |
| H. Minimum side yard setback not abutting zone listed in G. above | None | None | 10 (3) | 10 (3) | 10 (3) | 10 (3) | 10 (3) |
| I. Maximum building coverage | 40% | 40% | 40% | 40% | 40% | 40% | 40% |

J) Minimum rear yard. 10 feet (3m) plus an additional 1/2 foot (15cm) for (only if adjacent to residential zones) each foot (30cm) the building exceeds 20 feet (6.1m) in height.

050. Signs

Signs shall be permitted according to the provisions of Chapter 445.Signs.

060. Off-street parking and loading

Off-street parking shall be provided according to the provisions of Chapter 435. Off-street Parking and Loading.

070. Landscaping

Not less than fifteen (15%) of the total lot area shall be landscaped. See Chapter 410. Site Plan Approval.

080. Other provisions

See Chapter 430. Provisions Applying to Special Uses, where applicable.

360. Business Park Zone (BP)

010. Purpose

The Business Park Zone is intended to provide for integrated grouping of small to medium size businesses within an attractive park-like setting. The BP Zone allows flexibility in the amount of space within each business dedicated to office use, warehousing, and/or light manufacturing operations. Permitted businesses are intended to support the professional and technical uses, and not general retail commercial needs of the area.

020. Permitted uses

The following uses and their accessory uses are examples of uses allowable in the BP Zone:

A. Light manufacturing, warehousing

1. Printing, publishing, allied products
2. Signs, advertising display (operated within an enclosed building.)
3. Office machine equipment
4. Electrical equipment-electronics
5. Instruments, scientific-photographic control
6. Warehousing, inside storage and services (excluding livestock)

B. Business and Professional Services

1. Duplicating, blueprints, printing
2. Stenographic, clerical
3. Credit unions, branch banks
4. Office supplies-machines
5. Data processing
6. Building Maintenance Service
7. Research
8. Computers, camera equipment, electronics equipment
9. Legal
10. Engineering
11. Medical, dental
12. Architectural, planning
13. Finance, Insurance, Real Estate
14. Restaurants, drinking places

C. Public-Recreational

1. Athletic-Health clubs
2. Public and private parks

D. Retail sales of products which are custom fabricated, processed, assembled, installed, repaired, or printed on the premises within an entirely enclosed building. Outside storage shall be screened to keep up the park like appearance of the business park.

1. Plumbing shop
2. Electrical shop

E. Existing Residence without any increase in density.

030. Conditional uses

The following are examples of uses which may be allowed in accordance with the Chapter 420.Conditional Use Permits:

A. Industrial/Storage

1. Utility and communications, substations
2. Mini-storage warehouses

B. Business Services

1. Security living quarters

C. Other services

1. Preschool, daycare
2. Government services and public utilities

040. Uses permitted after review and approval

The following are uses which may be allowed in accordance with Chapter 415.Uses Permitted Subject to Review and Approval by the Director: None

050. Height regulation

No structure shall exceed thirty-five (35) feet (10.6m) in height unless the Director finds that appropriate setbacks and/or screening of the site can maintain the character of the surrounding area. In instances where the maximum building height may be increased upon approval of the fire district, Fire Marshal, and/or Director, any such increases shall be based on criteria which must first be approved by the Board of County Commissioners.

060. Lot requirements

- A. Lot area-5,800 square feet (522m²)
- B. Lot width-60 feet (18.2m)
- C. Lot depth-60 feet (18.2m)
- D. Lot setback

1. Front yard-Minimum front yard setback shall be twenty (20) feet (6.1m)
2. Side yard-There shall be no minimum side yard setback
3. Rear yard-There shall be no minimum rear yard setback

070. Site requirements

- A. Site area - The minimum site area shall be seven (7) acres (2.8HA), except that a lesser site size may be approved by the Director based upon a master plan that integrates the site with adjacent properties.
- B. Site setback - The minimum site setback shall be seventy-five (75) feet (22.7m) for any yard abutting a residential zone, unless berming and landscaping approved by the Director is provided which will effectively screen and buffer the business park activities from the residential zone which it abuts; in which case, the minimum site setback may be reduced to less than seventy-five (75) feet (22.7m) but no less than twenty-five (25) feet (7.6m). In all other cases, minimum site setbacks shall be twenty (20) feet (6.1m).
- C. Site coverage - The maximum site coverage by buildings and other structures shall be fifty percent (50%) of the total site area.
- D. Service Roads, Spur tracks, and hard stands. No service road, spur track, or hard stand shall be permitted within required yard areas that abut residential zones.
- E. Yards are required where side or rear lot lines abut railroad right-of-way or spur tracks.
- F. Fences, Walls, Hedges Fencing will be allowed inside of a boundary planting screen where it is necessary to protect property of the industry or business concerned; or to protect the public from a dangerous condition. Fences may not be constructed in a required yard adjacent to a public right-of-way.

080. Signs

Signs shall be permitted according to the provisions of Chapter 445. Signs, except that a free standing sign not to exceed thirty-five (35) square feet shall be allowed at each main entrance to the Business Park. Any additional signs shall be limited to a maximum total area of ten (10) square feet for each individual tenant business.

A. Site Signs

No signs shall be constructed or installed above the highest point of a building roof, any perimeter signs adjacent to residential zones shall not be illuminated.

B. Tenant Signs

Tenant signs shall be wall mounted. Signs painted onto building surfaces or windows shall be considered signs for the purposes of this section, and shall be measured by calculating a square based on the widest and highest dimension of the image or images.

090. Off-street parking and loading

Off-street parking and loading shall be provided as required by Chapter 435. Off-street Parking and Loading.

100. Site landscaping and design plan

Development within this zone shall subject to review and approval of a site landscape and design plan by the Director. In addition to the requirements of the Site Plan Approval Chapter, the following requirements shall apply:

- A. All required landscaping shall be installed prior to occupancy, unless installation is bonded (or other method) for a period not to exceed six (6) months in an amount to be determined by the Director.
- B. Required rear and side yard setback areas abutting a residential zone shall provide and maintain a dense evergreen buffer which attains a mature height of at least eleven (11) feet (3.3m), or other screening measure as may be prescribed by the Director.
- C. Required setback acres adjacent to streets and those abutting a residential zone shall be continuously maintained in lawn or live ground cover, with such live ground cover and trees or shrubs established and maintained in a manner providing a park-like character to the property.
- D. Areas which are to be maintained in their natural setting shall be so designated on a landscape plan, and subject to the review and approval of the Director.
- E. All mechanical heating and ventilating equipment shall be visually screened whether on grade or building mounted.

110. Performance Standards

No land or structure shall be used or occupied within this zone unless there is compliance with the following minimum performance standards:

- A. **Maximum permissible noise levels.**
Shall be as determined by WAC 173-60 as amended or by local ordinance which ever is more restrictive.
- B. **Vibration.**
Vibration other than that caused by highway vehicles, trains, and aircraft which is discernible without instruments at the property line of the use concerned is prohibited.
- C. **Smoke and Particulate Matter.**
Air emissions must be approved by the Puget Sound Air Pollution Control Authority.

D. Odors.

The emission of noxious gases or matter in such quantities as to be readily detectable at any point beyond the property line of the use causing such odors is prohibited.

E. Heat and Glare.

Except for exterior lighting, operations producing heat and glare shall be conducted within an enclosed building. Exterior lighting shall be designed to shield surrounding streets and land uses from nuisance and glare.

115. Administration

As a condition for the granting of a building permit and/or site plan approval, at the request of the Director, information sufficient to determine the degree of compliance with the standards in this Title, shall be furnished by the applicant. Such request may include continuous records of operation, for periodic checks to assure maintenance of standards or for special surveys.

365. Industrial Park Zone (IP)

010. Purpose

The Industrial Park Zone is intended to provide centers or clusters of not less than twenty (20) acres (8HA) for most manufacturing and industrial uses under controls which will minimize the effect of such industries on nearby uses. The IP Zone is intended to encourage industrial activities to occur within a park-like environment.

020. Permitted uses

The following uses and their accessory uses are permitted:

- A. Any use permitted outright, by review and approval or by conditional use in the IL or IH Zones. See Table 370.020.
- B. Public or private utility
- C. Research laboratory
- D. Railroad tracks and facilities serving permitted uses, but not within three hundred (300) feet (91m) of a residential zone; provided that railroad tracks may be located within one hundred (100) feet (30.3m) of a residential zone if appropriately bermed so as to maintain compatible visual and sound levels and approved by appropriate authority.
- E. Public Parks and recreation facilities.
- F. Commercial uses permitted within the Highway Commercial Zone provided they are established within the same building as the industrial use, and occupy no more than eight percent (8%) of the gross building floor area. Such ancillary commercial uses, other than offices, will not be located adjacent to or within two hundred (200) feet (60.6m) of the centerline of public rights-of-way. An administrative office necessary for the ongoing operation of the industrial development will be permitted within the industrial complex.
- G. Agriculture.
- H. Forestry.

030. Conditional uses

The following conditional uses may be permitted in the IP Zone, in accordance with the provisions of Chapter 420. Conditional Use Permits:

- A. Private use airports and heliports, subject to the provisions of 'Chapter 430. Provisions Applying to Special Uses.'
- B. Mechanical facilities related to utility distribution.
- C. Truck terminals.

- D. Restaurants.
- E. Clerical support services.

040. Uses Permitted after Review and Approval as set forth in Chapter 415. Uses Permitted Subject to Review and Approval by the Director of this Ordinance:

None.

050. Height regulation

Buildings and structures may exceed thirty-five (35) feet (10.6m) in height by conditional use permit. In instances where the maximum building height may be increased upon approval of the fire district, Fire Marshal, and/or Director, any such increases shall be based on criteria which must first be approved by the Board of County Commissioners.

060. Lot requirements

- A. Lot area - None.
- B. Lot width - None.
- C. Lot depth - Minimum lot depth shall be two hundred (200) feet (60.6m).
- D. Lot setback - Minimum lot setback shall be seventy-five (75) feet (22.7m) for any yard abutting a residential zone, unless berming and landscaping approved by the Director is provided, which will effectively screen and buffer the industrial activities from the residential zone which it abuts; in which case, the minimum setback may be twenty-five (25) feet (7.6m), otherwise for lots not abutting a residential zone:
 - 1. Front Yard - Minimum front yard setback shall be forty (40) feet (12.2m).
 - 2. Side Yard - Minimum side yard setback shall be twenty-five (25) feet (7.6m).
 - 3. Rear Yard - Minimum rear yard setback shall be twenty (20) feet (6.1m).
- E. Lot Coverage - Maximum lot coverage by buildings and structures shall be fifty percent (50%) of the total lot area.
- F. No service roads, spur tracks, hard stands, or outside storage areas shall be permitted with required yard areas adjacent to residential zones.
- G. No yards are required at points where side or rear yards abut a railroad right-of-way or spur track.
- H. Fences, walls, hedges; fencing will be allowed inside of a boundary planting screen where it is necessary to protect property of the industry concerned, or to protect the public from

a dangerous condition with no fence being constructed in a required yard adjacent to public right-of-way.

070. Signs

Signs shall be permitted according to the provisions of Chapter 445.Signs.

080. Off-street parking and loading

Off-street parking shall be provided as required by Chapter 435.Off-street Parking and Loading.

- A. No off-street parking shall be allowed within twenty-five (25) feet (7.6m) of an adjacent residential zone or within twenty-five (25) feet (7.6m) of a public right-of-way or access easement. Off-street parking may be permitted within side yards, but not within required front yard area.
- B. Off-street loading shall not be permitted in a required side or rear yard setback abutting a residential zone. No off-street loading may be permitted within twenty-five (25) feet (7.6m) of a public right-of-way or access easement.

090. Site Landscaping and Design Plan

Development within this zone shall subject to review and approval by the Director of a site landscape and design plan. In addition to the requirements of Chapter 410.Site Plan Approval, the following requirements shall apply:

- A. All required landscaping shall be installed prior to occupancy, unless installation is bonded (or other method) for a period not to exceed six (6) months in an amount to be determined by the Director.
- B. Required rear and side yard setback areas abutting a residential zone shall provide and maintain a dense evergreen buffer which attains a mature height of at least eleven (11) feet (3.3m), or other screening measure as may be prescribed by the Director.
- C. Required setback areas adjacent to streets and those abutting a residential zone shall be continuously maintained in lawn or live ground cover, with such live ground cover and trees or shrubs established and maintained in a manner providing a park-like character to the property.
- D. Areas which are to be maintained in their natural setting shall be so designated on a landscape plan, and subject to the review and approval of the Director.
- E. All mechanical heating and ventilating equipment shall be visually screened.

100. Performance Standards

No land or structure shall be used or occupied within this zone unless there is compliance with the following minimum performance standards:

- A. **Maximum permissible noise levels.**
Shall be as determined by WAC 173-60 as amended.
- B. **Vibration.**
Vibration other than that caused by highway vehicles, trains, and aircraft which is discernible without instruments at the property line of the use concerned is prohibited.
- C. **Smoke and Particulate Matter.**
Air emissions must be approved by the Puget Sound Air Pollution Control Authority.
- D. **Odors.**
The emission of noxious gases or matter in such quantities as to be readily detectable at any point beyond the property line of the use causing such odors is prohibited.
- E. **Heat and Glare.**
Except for exterior lighting, operations producing heat and glare shall be conducted within an enclosed building. Exterior lighting shall be designed to shield surrounding streets and land uses from nuisance and glare.

110. Administration

As a condition for the granting of a building permit and/or site plan approval, at the request of the Director, information sufficient to determine the degree of compliance with the standards in this Ordinance, shall be furnished by the applicant. Such request may include continuous records of operation, for periodic checks to assure maintenance of standards or for special surveys.

370. Industrial Zones

010. Purpose

A. Light Industrial (IL)

The Light Industrial Zone is intended to provide sites for activities which require processing, fabrication, storage, and wholesale trade. Generally, these activities require reasonable accessibility to the highway network.

B. Heavy Industrial (IH)

The Heavy Industrial Zone is intended to preserve, enhance, and create areas containing industrial and manufacturing activities which are potentially incompatible with most other uses. The Zone is appropriate for areas which have extensive shipping or rail facilities.

C. Waterfront Industrial (IW)

This zone is intended to facilitate the County's goal of "economic diversification" and permit the establishment of industrial uses which have an orientation to waterfront based activities. These uses must be compatible with the functional and visual character of areas in the immediate vicinity including both land and water.

020. Uses

The following table 370.020 is a list of examples of allowable uses in the IL and IH Zones. The appropriate review, as listed, is mandatory.

"P" - Permitted Uses

"C" - Conditional Uses which may be permitted, subject to the provisions of the Conditional Use Chapter

"R/A"- Uses which may be permitted, subject to the review and approval by the Director

"X" - Uses specifically prohibited

TABLE 370.020

| Uses | | IL | IH | IW |
|---------------------------------------|---|-----------|-----------|-----------|
| A. Services, Retail Amusements | | | | |
| 1. | Laundry for carpets, overalls, rugs, and rug cleaning, using non-explosive and non-flammable cleaning fluids. | P | P | X |
| 2. | Parcel delivery service. | P | P | X |
| 3. | Veterinary or dog and/or cat hospital, and kennels or boarding places. | P | P | X |
| 4. | Ambulance service. | P | P | X |
| 5. | All types of automobile, motorcycle, truck, and equipment sales, service, repair, and rental. | P | P | X |

370. Industrial Zones

| Uses | | IL | IH | IW |
|---|---|-----------|-----------|-----------|
| 6. | Boat building, sales, and repair. | P | P | X |
| 7. | Fuel oil distributors. | P | P | X |
| 8. | Service commercial uses such as banks, restaurants, cafes, drinking places, automobile service stations, and other business services located to serve adjacent industrial areas. | R/A | R/A | X |
| 9. | Retail or combination retail/wholesale lumber and building materials yard. | P | P | X |
| 10. | Mobile home, trailer sales, storage, and rental. | P | P | X |
| 11. | Amusement Park. | C | C | X |
| 12. | Circus, carnival or other type of transient and outdoor amusement enterprises. | R/A | R/A | X |
| 13. | Race track; auto or motorcycle. | C | P | X |
| 14. | Commercial fishing facilities and services | X | X | P |
| 15. | Recreational boating and fishing facilities and services | X | X | P |
| 16. | Museums, aquariums, historic, or cultural exhibits | X | X | P |
| 17. | Eco-tourism facilities including outfitters, guides, and seaplane and tourboat terminals | X | X | P |
| B. Assembly -- Manufacture of Products | | | | |
| 1. | Assembly and fabrication of sheet metal products. | P | P | X |
| 2. | Assembly, manufacture, compounding, or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, lacquer, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood (excluding sawmills, lumber mills and planing mills), yarns, and paint. | P | P | X |
| 3. | Manufacture, compounding, processing, packaging, or the treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, food, and beverage products. | P | P | X |

370. Industrial Zones

| Uses | | IL | IH | IW |
|------|---|----|----|----|
| 4. | Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay. | P | P | X |
| 5. | Manufacture and maintenance of electric and neon signs, billboards, or commercial advertising structures. | P | P | X |
| 6. | Manufacture of musical instruments, toys, novelties, rubber or metal stamps. | P | P | X |
| 7. | Manufacture of optical scientific and precision instruments and equipment. | P | P | X |
| 8. | Manufacture of artificial limbs, hearing aids, dentures, surgical instruments, and dressings, and other devices employed by the medical and dental professions. | P | P | X |
| 9. | Manufacture and/or assembly of communication equipment and electronic equipment and supplies. | P | P | X |
| 10. | Printing, publishing, and bookbinding. | P | P | X |
| 11. | Manufacture of asbestos products. | X | C | X |
| 12. | Manufacture of cable. | P | P | X |
| 13. | Manufacture of cans. | X | P | X |
| 14. | Manufacture of candles. | X | P | X |
| 15. | Manufacture of guns. | C | P | X |
| 16. | Ship building, dry dock, ship repair, dismantling. | X | P | X |
| 17. | Manufacture of ammonia | X | C | X |
| 18. | Manufacture of anti-knock compounds for gasoline. | X | P | X |
| 19. | Manufacture of abrasives. | X | P | X |
| 20. | Manufacture of cellulose and cellulose products. | X | P | X |
| 21. | Manufacture of insecticide and herbicide. | X | C | X |
| 22. | Manufacture of paper and by-products of paper. | X | P | X |
| 23. | Manufacture of paint, oil (linseed), shellac, turpentine, lacquer, or varnish. | X | P | X |
| 24. | Manufacture of phenol or phenol products. | X | C | X |
| 25. | Manufacture of roofing paper or shingles, asphalt. | X | P | X |

370. Industrial Zones

| Uses | | IL | IH | IW |
|----------------------------------|--|-----------|-----------|-----------|
| 26. | Manufacture of acid. | X | C | X |
| 27. | Manufacture of mobile and manufactured homes. | P | P | X |
| 28. | Manufacture and storage of explosives. | X | P | X |
| 29. | Forest products manufacturing or shipping facilities | X | X | P |
| C. Processing and Storage | | | | |
| 1. | Spinning or knitting of cotton, wool, flax, or other fibrous materials. | P | P | X |
| 2. | Wholesale business, storage buildings, and warehouses. | P | P | X |
| 3. | Cold storage plants, including storage and office. | P | P | X |
| 4. | Processing uses such as bottling plants, creameries, laboratories, blue printing, and photocopying, tire retreading, recapping, and rebuilding. | P | P | X |
| 5. | Storage or sale yard for building materials, contractors' equipment, house mover, delivery vehicles, transit storage, trucking terminal, and used equipment in operable condition. | C | P | X |
| 6. | Brewery, distillery, or winery. | C | P | X |
| 7. | Junkyards or wrecking yards. | C | P | X |
| 8. | Grain elevator and flour milling. | X | P | X |
| 9. | Sawmills, lumber mills, planing mills, and molding plants. | X | P | X |
| 10. | Animal or boneblack processing. | X | P | X |
| 11. | Junk, rags, paper, or metal salvage, storage or processing. | C | P | X |
| 12. | Rolling, drawing, or alloying ferrous and nonferrous metals. | X | P | X |
| 13. | Rubber, treatment or reclaiming plant. | X | P | X |
| 14. | Slaughterhouse. | X | P | X |
| 15. | Distillation of bones. | X | P | X |
| 16. | Major petroleum storage and/or refining. | X | P | X |
| 17. | Fat rendering | X | P | X |

370. Industrial Zones

| Uses | | IL | IH | IW |
|------------------------------|---|----|----|----|
| 18. | Incinerator or reduction of garbage, offal, dead animals or refuse. | X | P | X |
| 19. | Marine-related storage of equipment, supplies, materials, boats, nets, and vehicles | X | X | P |
| 20. | Cold storage facilities for marine or agricultural products. | X | X | P |
| D. Aggregate Products | | | | |
| 1. | Stone, marble, and granite monument works. | X | P | X |
| 2. | Manufacture of brick, tile, or terra cotta. | X | P | X |
| 3. | Manufacture of clay products. | X | P | X |
| 4. | Concrete mixing plant. | C | P | X |
| 5. | Manufacture of concrete products. | X | P | X |
| 6. | Crusher, stone, or rock. | X | P | X |
| 7. | Manufacture of cement, gypsum, or plaster of paris. | X | P | X |
| 8. | Manufacture of concrete products entirely within an enclosed building. | P | P | X |
| 9. | Surface mining and quarries, subject to the provisions of the Surface Mining Zone. | X | P | X |
| E. Other | | | | |
| 1. | Welding shop. | P | P | X |
| 2. | Existing residential use without any increase in density. | P | P | X |
| 3. | Residential dwelling for caretaker on the industrial property. | P | P | X |
| 4. | Administrative, educational, and other related activities and facilities in conjunction with a permitted use. | P | P | X |
| 5. | Agriculture. | P | P | X |
| 6. | Forestry. | P | P | X |
| 7. | Cabinet, electrical, plumbing, sheet metal/welding, electroplating and similar fabrication shops. | P | P | X |
| 8. | Marine manufacturing repairs and services | X | X | P |

370. Industrial Zones

| Uses | | IL | IH | IW |
|--|--|-----------|-----------|-----------|
| 9. | Marinas | X | X | P |
| F. Public Services and Facilities | | | | |
| 1. | Buildings and other structures such as police and fire substations. | P | P | X |
| 2. | Educational institutions. | P | P | X |
| 3. | Sewer, water, and utility transmission line. | P | P | X |
| 4. | Sewer, water supply, water conservation and flood control and installations other than transmission lines. | P | P | X |
| 5. | Zoos, museums, historic and cultural exhibits and the like. | P | P | X |
| 6. | Land/water transshipment facilities, including docks, wharves, marine rails, cranes, and barge facilities. | X | X | P |
| 7. | Shellfish hatcheries and processing facilities. | X | X | P |
| 8. | Essential public facilities including intermodel transportation terminals, sewage treatment plants, and utilities. | X | X | P |
| 9. | Gravel, sand, and soil transshipment facilities | X | X | P |

030. Height regulations

None in the IH Zone. Buildings and structures may exceed thirty-five (35) feet (10.6m) in the IL Zone by conditional use permit. In instances where the maximum building height may be increased upon approval of the fire district, Fire Marshal, and/or Director, any such increases shall be based on criteria which must first be approved by the Board of County Commissioners.

In Waterfront Industrial Zones no building or structure shall be hereafter erected, enlarged, or structurally attuned to exceed sixty (60) feet in height.

040. Lot requirements

- A. Minimum area of new zone -- None.
- B. Maximum area of new zone -- None.
- C. Minimum lot area -- None.

- D. Minimum lot width -- None.
- E. Minimum lot depth -- None.
- F. Minimum front yard setback --Twenty-five (25) feet (7.6m).
- G. Minimum side yard setback -- None.
- H. Rear yard setback -- None.
- I. Yard abutting a residential zone -- fifty (50) feet (15.2m).*

* *Wherever a IL or IH zone abuts a residential zone, a fifty (50)-foot (15.2m) landscaped setback area shall be provided with plantings, as approved by the Director. No structures, open storage, or parking shall be allowed. The plan for landscaping may only be approved if the landscaping is designed to preserve the quality of the residential zone. The minimum lot setback shall be fifty (50) feet (15.2m) for any yard abutting a residential zone unless berming and landscaping or other screening approved by the Director is provided, which will effectively screen and buffer the industrial activities, from the residential zone which it abuts; in which case, the minimum setback may be twenty-five (25) feet (7.6m).*

050. Lot coverage.

Maximum lot coverage by buildings and structures shall not exceed sixty percent (60%). In IW zone the maximum lot coverage by buildings and structures (not including impervious ground surfaces such as paving) shall not exceed sixty percent (60%).

060. Signs

Signs shall be permitted according to the provisions of Chapter 445.Signs.

070. Off-street parking and loading

Off-street parking and loading shall be provided as required by Chapter 435. Off-street Parking and Loading. In addition, no off-street parking or loading shall be allowed within fifty (50) (15.2m) feet of an adjacent residential zone, unless the Director finds that a buffer will exist that effectively screens the parking and loading from the adjacent residential zone, in which case, no off-street parking or loading shall be allowed within twenty-five (25) feet (7.6m) of an adjacent residential zone, or within ten (10) feet (3m) of a public right-of-way or access easement. Off-street parking or loading may be permitted within the side yard but not within a required front yard area.

080. Site Landscaping and Design Plan

Development within this zone shall subject to review and approval of a site landscape and design plan by the Director.

090. Other provisions

- A. In any IL or IH Zone directly across the street from any residential zone, the parking and loading area and outdoor display or storage areas shall be set back at least ten (10) feet (3m) from the right-of-way and said areas shall be appropriately landscaped along the residential street frontage to protect the character of the adjoining residential property. Such landscaping shall be maintained.
- B. All business, service repair, processing, storage, or merchandise display on property abutting or across the street from a lot in any residential zone, shall be conducted wholly within an enclosed building unless screened from the residential zone by a site-obscuring fence or wall.
- C. Uses within the IW zone shall be in conformance with the Kitsap County Shoreline Management Master Program.

375. Airport Zone (A)

010. Purpose

The Airport Zone is intended to recognize and protect those areas devoted to public use aviation. It is also intended to provide areas for those activities supporting or dependent upon aircraft or air transportation, when such activities benefit from a location within or immediately adjacent to primary flight operations and passenger or cargo service facilities.

020. Permitted uses

The following uses are permitted:

- A. Uses necessary for airport operation such as runways, hangars, fuel storage facilities, control towers, etc.
- B. Repair, service and storage of aircraft.
- C. Helicopter pads
- D. Aerial mapping and surveying
- E. Government structures, including fire stations, libraries, museums, and post offices, but not including storage or repair yards, warehouses, or similar uses.
- F. Agriculture.

030. Conditional uses

The following are the conditional uses in the Airport Zone, in accordance with the provisions of Chapter 420. Conditional Uses Permits:

- A. Buildings or structures which exceed thirty-five (35) feet (10.6m) in height.
- B. Restaurants.
- C. Business activities which utilize air travel and transportation in their daily business activities.
- D. Air pilot training schools.
- E. Air cargo warehousing and distribution facilities.
- F. Aviation clubs.
- G. Auto rental agencies.
- H. Taxi, bus, and truck terminals.

I. Service to commuter airlines.

040. Uses Permitted After Review and Approval as Set Forth in Chapter 415. Uses Permitted Subject to Review and Approval by the Director:

None

050. Height regulations

No building or structure shall be hereafter erected, enlarged, or structurally altered to exceed thirty-five (35) feet ((10.6m) in height, unless a conditional use permit is granted. In instances where the maximum building height may be increased upon approval of the fire district, Fire Marshal, and/or Director, any such increases shall be based on criteria which must first be approved by the Board of County Commissioners.

060. Lot requirements

A. Lot area - None.

B. Lot width - None.

C. Lot depth - Minimum lot depth shall be one hundred (100) feet (30.3m).

D. Front yard setback - Minimum front yard setback shall be twenty (20) feet (6.1m).

E. Side yard setback - Minimum side yard setback shall be fifty (50) feet (15.2m) when abutting a residential zone.

F. Rear yard setback - Minimum rear yard setback shall be fifty (50) feet (15.2m) when abutting a residential zone.

G. Lot coverage - No requirement.

070. Signs

Signs shall be permitted according to the provisions of Chapter 445.Signs.

080. Off-street parking and loading

Off-street parking and loading shall be provided as required by Chapter 435.Off-street Parking and Loading.

090. Special provisions

When an Airport Zone abuts a residential zone, there shall be a minimum of five hundred (500) feet (151.5m) from the end of any runway and the residential zone.

100. Other provisions

See Chapter 430.Provisions Applying to Special Uses where applicable.

380. Surface Mining Combining Zone (SM)

010. Purpose

It is the intent of this combining zone to protect and enhance significant sand, gravel and rock deposits as identified mineral resource lands and ensure their continued or future use without disrupting or endangering adjacent land uses, while safeguarding life, property, and the public welfare. Provisions of State Statutes applicable to Kitsap County pertaining to surface mining, are hereby adopted by reference. No use provided for shall be established until the Director issues a certificate of compliance with the standards contained herein.

020. Uses

The following uses are permitted outright or by conditional use permit within this zone:

A. Permitted.

1. All uses allowed in the zone with which this zone is combined.
2. Extractions from deposits of rock, stone, gravel, sand, earth and minerals.

B. Conditional.

1. Asphalt mixing.
2. Rock crushing.
3. Concrete batching.
4. Clay bulking.

030. Special standards or requirements

- A. Site area. When the activity includes both extraction, along with any one of the uses listed in Section 380.020. (B1-4), the site area shall be a minimum of twenty (20) acres (8HA). Activities which are limited to extractions only, shall not have a minimum site size.
- B. Lot width. There shall be minimum lot width of three hundred thirty (330) feet (100m), unless the activity does not include any one of the uses listed in Section 380.020. (B1-4); in which case, there shall be a minimum lot width of sixty (60) feet (18.1m).
- C. Fencing. The periphery of all sites within the gross site area being actively mined or reclaimed shall be fenced.
- D. Berms. Berms of sufficient height, width, and mass to screen the site from adjacent land uses shall be provided to protect health, property and welfare. Suitable planting shall be determined by the Director.
- E. Setbacks. The tops and toes of cut and fill slopes shall be set back from property boundaries according to the State Department of Natural Resources standards for safety of adjacent properties, and to prevent water runoff or erosion of slopes.

380. Surface Mining Combining Zone (SM)

- F. Maximum permissible noise levels. Maximum permissible noise levels shall be according to the provisions of the Washington Administrative Code (WAC) 173-60 and or Kitsap County Noise Ordinance.
- G. Hours of operation. Hours of operation unless otherwise authorized by the Director, shall be between 6 a.m. and 8 p.m.
- H. Slope. When reclaimed, no slope of cut and fill surfaces shall be steeper than is safe for the intended use, and shall not exceed one and one-half horizontal to one vertical for gravel, and one-fourth horizontal to one vertical for consolidated material, unless otherwise approved by the Director.
- I. Erosion control. All disturbed areas, including faces of cuts and fill slopes, shall be prepared and maintained to control erosion. This control may consist of planting sufficient in amount or type to stabilize the slope (as approved by the Director).
- J. Drainage. Provisions shall be made to:
 - 1. Prevent any surface water or seepage from damaging the cut face of any excavations or the sloping face of a hill.
 - 2. Drain any surface waters that are or might be concentrated as a result of a fill or excavation to a natural watercourse, or by other means approved by the Department of Public Works' Director.
 - 3. Prevent sediment from leaving the site in a manner which violates RCW 90.48.080 and/or WAC 173-201A-100.
- K. Bench/terrace. Benches shall be back-sloped, and shall be established at not more than forty (40)-foot (12.1m) vertical intervals, to control surface drainage and debris. Swales or ditches on benches shall have a maximum gradient of five percent (5%).
- L. Access roads maintenance. Access roads to mining and quarrying sites shall be maintained and located to the satisfaction of the Director of Public Works, to minimize problems of dust, mud, and traffic circulation.
- M. Overburden. Overburden shall only be removed to accommodate aggregate and related activities of this Chapter.

040. Plan approval.

Prior to receiving Hearing Examiner approval, the Director shall first review and approve plans and specifications and other supporting data, as may be required.

050. Information on plans and in specifications.

Plans shall be drawn to an appropriate engineer's scale upon substantial paper, cloth or mylar and shall be of sufficient detail and clarity to indicate the nature and extent of the work proposed, and show in detail that they will conform to the provisions of this Chapter and all other relevant laws, ordinances, rules, and regulations. The first sheet of each set of plans shall give the location of the work, and the person by whom they were prepared. The plans shall include the following minimum information:

- A. General vicinity maps of the proposed site with
- B. Property limits and accurate contours, at an appropriate interval, of existing ground and details of terrain and area drainage.
- C. Dimensions, elevations, or finished contours to be achieved by the grading, proposed drainage channels and related construction.
- D. Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams, berms, settling ponds and other protective devices to be constructed with or as part of the proposed work together with the maps showing the drainage area and the estimated runoff of the area served by any drains.
- E. Location of any buildings or structures on the property where the work is to be performed, and the location of any buildings or structures on land of adjacent property owners which are within fifty (50) feet (15.2m) of the property, or which may be affected by the proposed operations.
- F. Landscape and Rehabilitation Plan as required by Section 380.060.

060. Land restoration.

- A. Upon the exhaustion of minerals or materials, or upon the permanent abandonment of the quarrying or mining operation, all buildings, structures, apparatus, or appurtenances, accessory to the quarrying and mining operation which are nonconforming to the underlying zone, shall be removed or otherwise dismantled to the satisfaction of the Director.
- B. Final grades shall be such so as to encourage the uses permitted within the zone with which this zone is combined or allowed as a conditional use.
- C. Unless approved as a sanitary landfill, grading or back-filling shall be made with non-noxious, nonflammable, noncombustible, and nonputrescible solids.
- D. Such graded or back-filled areas, except for roads, shall be sodded or surfaced with soil of a quality at least equal to the topsoil of the land areas immediately surrounding the site,

380. Surface Mining Combining Zone (SM)

and to a depth of at least four (4) inches(10.2cm), or a depth of that of the topsoil of surrounding land, if less than four (4) inches (10.2cm).

- E. Such topsoil as required by Section 380.060 (D), shall be planted with trees, shrubs, or grasses.
- F. Graded or back-filled areas shall be reclaimed in a manner which will not permit stagnant water to remain. Suitable drainage systems approved by the Director of Public Works shall be constructed or installed if natural drainage is not possible.
- G. Waste or soil piles shall be leveled and the area treated, as required in Sections 380.060 (D) and 380.060 (E).

385. Shoreline Combining Zone (SL)
(Reserved)

405. Pre-application Review

010 Purpose.

In order to provide applicants with the best available information regarding development proposals and processing requirements, and to ensure the availability of complete and accurate information for review prior to a public hearing, a pre-application review process is hereby established.

- A. **Mandatory Participation.** All applicants for Comprehensive Plan annual amendment requests, zone changes, conditional use permits, variances, or other land use actions subject to a public hearing and/or site plan review as required by Section 410.040(C), shall first request and attend a pre-application conference with planning staff.
- B. **Scheduled review meeting.** The review conference shall be held as determined by the Director. Written requests for participation in the conference shall be submitted to the Director. Conference dates shall be no later than three (3) weeks from the receipt of the request.
- C. **Participation at review meeting.** Members of the Community Development Department, Public Works Department, Parks Department, and other agencies that will review the proposal prior to the final decision, will meet with the applicant or his representative to discuss application requirements.
- D. **Written Summary of Conference.** No later than ten (10) working days after the conference, the Director shall transmit to the applicant a written summary of the conference, and list any specific documents, information, legal descriptions, signatures, or other submissions that must be submitted other than those normally required.

020. Technically complete application.

Any application for action under this Ordinance must be "technically complete" before it is accepted for processing. Within 14 calendar days of receipt of all satisfactory application materials identified in the written summary of the pre-application conference as provided for by Section 405.010 (D), the Director shall find the application "technically complete", certify it as such, and schedule it for public hearing.

030. Appeal of Director decision.

Any applicant who wishes an application to be accepted for processing without the Director's determination that it is "technically complete", shall submit in writing to the Director, a letter requesting appeal of the Director's decision under Section 405.020. Such letter shall specifically indicate the submission items requested to be deleted and the reason for the deletion. Upon receipt of such letter, the Director shall schedule the application for public hearing.

040. Hearing Examiner action of appeal.

Prior to commencement of a public hearing on the application, the Hearing Examiner shall consider the appeal request and either proceed to open the public hearing or determine the application is not "technically complete".

410. Site Plan Approval

010. Purpose.

The purpose of Site Plan Approval is to ensure compatibility between new developments, existing uses and future developments in order to create healthful and safe conditions and to protect critical areas. Site Plan Approval is required in order to promote developments that are harmonious with their surroundings and maintain a high quality of life for area residents; to ensure that new developments are planned and designed to protect privacy, to determine appropriate lighting and noise mitigation measures and to ensure adequate and safe access. Site Plan Approval is required for Conditional Use Permits, Planned Unit Developments, zero lot line developments, infill developments, and developments in UR9 (duplexes only), UR-10, UR-12, UR-15, UR-18, UR-20, UR-24, UR-30, UR-43, B-P, all Commercial and Industrial, A, and SM Zones.

020. Review authority.

- A. The Director shall review and approve, approve with conditions, or disapprove the site plans for all proposed new developments or structures in those zones where site plan approval is required. In review of the plans, the Director shall be governed by the purposes and objectives set forth in Sections 405.010 and 405.030, or any contract agreement entered into between the County and a property owner as a result of a zoning action of the Board of Commissioners.
- B. Building height, buffering and screening modification.
1. The Director may require increased landscaping, screening and setbacks to minimize conflicts with adjacent uses.
 2. The Director may reduce landscaping, screening, and setback requirements:
 - a) Where the nature of established development on adjacent parcels partially or fully provides the screening and buffering which otherwise would be required hereunder,
 - b) Where the density of the proposed development is less than that permitted by the zoning zone, and
 - c) Where topographical conditions provide natural screening and buffering.
 3. The Director may increase maximum building height to a height no more than forty-five (45) feet (13.6m) in recognition of differences in grade between the subject parcel and the adjacent single-family parcels.
 4. In order to ensure compatibility with surrounding properties, the Director may decrease the height of any building that is proposed to be ten (10) feet (3m) higher and within fifty (50) feet (15.2m) of an existing residential dwelling. The modified building height may not be reduced to less than twenty-five (25) feet (7.6m).

5. A reduction in landscaping/screening requirements may be approved by the Director in conjunction with a joint landscape screening proposal submitted by adjacent landowners for their combined boundaries or for an integrated project located within two (2) or more zoning zones.
 6. The Director may accept natural vegetation which exists on the perimeter of the proposed development site which serves as a buffer in lieu of landscaping and screening otherwise required by this section.
- C. **Exterior Lighting.** In all zones, Planned Unit Developments and Conditional Uses, artificial outdoor lighting shall be arranged so that light is directed away from adjoining properties and so that no more than one (1) foot candle of illumination leaves the property boundaries.
- D. All applicants for site plan review shall attend a pre-application conference as provided for by Section 405 prior to submitting the formal Site Plan Review Application. The Director may grant a waiver from this requirement to those applicants who will accept responsibility for the information and requirements that would have been provided to them at the pre-application conference.

030. Review Required.

No person shall commence any use or erect any structure without first obtaining the approval of a site plan by the Director, as set forth in Section 410.040 below, and no use shall be established, no structure erected or enlarged, and no other grading, improvement or construction undertaken except as shown on an approved site plan which is in compliance with the requirements set out in Section 410.040.

040. Site plan review.

Request for Site Plan Review shall be submitted and processed in the manner prescribed by the Director in the following review categories:

- A. Formal Site Plan Review. Includes all development plans for initial construction, expansions of existing buildings and structures, and changes of zone-use classification on any parcel or lot. The review may be processed concurrent with the processing of building permits. Formal site plan review shall be in two steps: Preliminary and final. Preliminary review shall consist of preliminary site drawings, reports, landscape plans and all other required components needed for a complete application. Preliminary review shall follow the process below.

All applications shall be accompanied with thirteen (13) copies of complete site plans drawn to scale and produced in such a way as to clearly indicate compliance with all applicable requirements, and shall include the following:

1. A vicinity map showing the location of the property and surrounding properties. A copy of Assessor's quarter section map may be used to identify the site.
2. Dimensions and orientation of the parcel.
3. Location of existing and proposed buildings and structures showing the intended use of each, and, if appropriate, the number of dwelling units.
4. Drawings and dimensions of proposed buildings and structures.
5. Location of walls and fences, indication of their height and construction materials.
6. Existing and proposed topography at contour intervals of no more than five (5) feet (1.5m).
7. Streets adjacent to, surrounding or intended to serve the property, curbcuts and internal pedestrian and vehicular traffic circulation routes.
8. Existing and proposed exterior lighting.
9. Location and size of exterior signs and out-door advertising.
10. General location and configuration of proposed landscaping.
11. Location and layout of off-street parking and loading facilities.
12. Location of utility and drainage facilities.
13. Other architectural or engineering data which may be necessary to determine compliance with applicable regulations.

The Director shall preliminarily approve, preliminarily approve with conditions, disapprove, or return the plans to the applicant for revision within fourteen (14) calendar days following SEPA review and fourteen (14) calendar days from date of submittal of a complete application for all other site plans.

In preliminarily approving the plan, the Director shall determine compliance with all provisions of the Chapter and any other applicable regulations which may affect the final plan as submitted or revised.

In final approval of the plan, the director shall determine compliance with all provisions of site development including final engineering plans, final landscaping, building elevations, building color and materials, signage, and other conditions of approval.

- B. Landscaping. Landscaping is required for all developments subject to site plan review.
1. Landscape plans are to be neatly and accurately drawn, at a scale that will enable ready identification and recognition of information submitted. Where a project covers only a portion of a site, the landscape plan need show only the areas where existing soil, contours and vegetation will be disturbed by construction or use, or other areas where landscaping is required. Landscaping plans shall show proposed landscaping details including the location, species, container size and number of trees, shrubs and ground cover.
 2. Installation and Maintenance.
 - a. Landscape plant materials will be installed to current nursery industry standards or better.
 - b. Landscape plant materials shall be properly guyed and staked to current industry standards. Stakes and guy wires shall not interfere with vehicular or pedestrian traffic.
 - c. Minimum sizes at installation:
 - (1) 2 inch caliper street trees and other deciduous trees;
 - (2) 8 feet minimum height multi-stemmed trees (e.g. vine maple);
 - (3) 6 feet minimum height coniferous trees;
 - (4) 18-24 inches minimum height for medium and tall shrubs;
 - (5) 12-18 inches minimum height for small shrubs. Small shrubs shall be less than 3½ feet tall at maturity. Medium shrubs shall be 3½ to 6 feet tall at maturity. Large shrubs shall be more than 6 feet tall at maturity.
 - d. Maximum spacing:
 - (1) Large shrubs shall be spaced five (5) feet on center.
 - (2) Medium shrubs shall be spaced four (4) feet on center.
 - (3) Small shrubs shall be spaced three (3) feet on center.
 - e. Ground covers required in all planting areas shall provide 75% coverage within two (2) years and immediate coverage of 50% spaced as follows:
 - (1) 1 gallon 24 inches on center;
 - (2) 4 inch pots 18-20 inches on center;
 - (3) 2¼ inch pots 12 inches on center;
 - (4) Grass sod areas to be 100%;
 - (5) Bark and mulch do not count as ground cover.

- f. Quality: Plant materials used shall be equivalent to available nursery grown stock or better.
 - g. Landscape-Buffer Types. The Director may require different buffer types depending on the proposed use of the site and adjacent zones and/or uses. These types shall include:
 - (1) Roadside Planting - landscape-buffer treatment along existing public road rights-of-way;
 - (2) Use Separation - landscape-buffer treatment along perimeter of site which shall vary in number and types of vegetation and structures depending on uses;
 - (3) Rural Character Buffer - for rural planned unit developments, a natural buffer of twenty-five to forty (25-40) feet of existing vegetation shall be provided. The Director may modify this requirement for wind throw safety purposes.
 - h. Landscaped area slopes shall not exceed thirty three percent (33%) unless erosion control netting or alternative procedures approved by the Public Works Director are used to prevent erosion.
 - i. Automatic irrigation may be required by the Planning Director in order to insure plant survival.
 - j. Landscaping required under the provisions of this Ordinance or as mitigation under the authority of SEPA shall be maintained in a healthy growing condition.
 - k. Replacement of landscaping lost due to violations of this Ordinance or unforeseen natural events shall be replaced immediately with vegetation that is sufficient in size as required by this Ordinance.
 - l. All landscaping required by this Ordinance and approved by the Planning Director or Hearing Examiner shall be installed prior to the issuance of any Final Certificate of Occupancy Permits, unless installation is bonded (or other method), for a period not to exceed six (6) months in an amount determined appropriately by the Planning Director.
- C. Review of Approved Binding Site Plans. Plans which have been approved by a conditional use permit, or planned unit development, and which are bound by specific conditions and/or a specific building plan, shall be reviewed and approved under the provisions of the final action adopting the plan, and are not required to comply with the requirements of formal site plan review. All requests for review of such plans shall include

five (5) complete sets of plans, and shall be approved by the Director upon finding that all conditions of approval and the binding plan are met.

Any binding site plans which were approved in concept only, or approved in a general form which does not identify the location, size, or use of buildings and structures, shall be reviewed under the formal Site Plan Review process, provided that the Director shall not apply any new conditions of approval which are not part of the applicable approval, provided the uses are consistent with those contained in the original approval.

- D. Minor Site Plan Review. Building or structure alterations, remodels, and installation of minor accessory structures which do not involve a change in use of the property which may conflict with the provisions of the Ordinance, may be reviewed through a "Minor review" process, to minimize processing time and expedite final approval. Requests for "Minor Site Plan Review" shall be approved or denied by the Director within three (3) working days of receipt of a completed application.

050. Public Notice.

Public notice for all site plan review applications, except for applications under "Minor Review", shall be given by posting notices on the property in the vicinity of the site and by mailing a notice to all property owners within four hundred (400) feet (121m) of the subject property (failure to send notice by mail to such property where the address of such owners is not a matter of public record shall not invalidate any proceedings in connection with a proposal) at least ten (10) calendar days prior to final action on the application. The notice shall include a description of the project, project location, staff contact person, deadline for submitting written comments, and the address and phone number of the Department of Community Development.

060. Site plan review exemption.

The Director may determine that a request for building permit does not involve a change in use or structure requiring Site Plan Review under the Chapter, and may issue an exemption from the Site Plan Review process upon written request. Approval of an exemption is not a determination of compliance with requirements of this Ordinance.

070. Certification of compliance.

Any plan approved under the provisions of Section 410.040 shall be certified to comply with the requirements of this Chapter by the Director. Certification may not be revoked unless the Director finds that the plan, use, or development project would violate the requirements of the Kitsap County Code or Revised Code of Washington.

415. Uses Permitted Subject to Review and Approval by the Director

010. Purpose.

Upon the review of the Director, certain uses may be allowed in the various zones, provided that the Director is of the opinion that such uses would not be incompatible with the existing character of the area. Further, the Director, at his or her discretion, may refer any proposal to the Hearing Examiner for his/her review and approval, or denial.

020. Review procedure for director.

It shall be the duty of the Director to review the proposed use to ascertain all pertinent facts, and to state approval or disapproval of the proposed use in writing, together with the findings and reasons for such decision within twenty-one (21) days of the filing of such request upon completion of SEPA process.

030. Findings.

In approving a use, the Director shall first make a finding that all of the following conditions exist:

- A. That the site of the proposed use is adequate in size and shape to accommodate said use along with all yards, spaces, walls and fences, parking, loading, landscaping, and other features required by this Ordinance;
- B. That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use;
- C. That the proposed use will have no substantial adverse effect on abutting property or the permitted use thereof;
- D. That in the case of residential uses, the housing density of the development is consistent with the existing zoning densities, and that all other aspects for the development are consistent with the public health, safety, and general welfare for the development and for adjacent properties.

Said findings shall be sent to the applicant and kept on file in the office of the Clerk to the Board of Commissioners.

040. Reapplication.

In the case of uses subject to review and approval by either the Director or Hearing Examiner, no person, including the original applicant, shall reapply for a similar use on the same land, building, or structure within a period of one (1) year from the date of the final decision on such previous application, unless such decision is a denial without prejudice, or unless in the opinion of the Director, conditions have substantially changed. The applicant or any interested party may appeal a decision of the Director to the Hearing Examiner or Board of Commissioners. The appeal procedures shall be as set forth in Chapter 520.

420. Conditional Use Permits

010. Purpose.

In certain zones, conditional uses may be permitted, subject to the granting of a Conditional Use Permit. Because of their unusual characteristics, or of the special characteristics of the area in which they are to be located, conditional uses require special consideration so that they may be properly located with respect to the objectives of this Ordinance and their effect on surrounding properties.

020. Hearing Examiner Authority.

The Hearing Examiner shall have the authority to approve, approve with conditions, disapprove, or revoke or modify conditional use permits, subject to the provisions of this Chapter. Changes in use, expansion, or contraction of site area, or alteration of structures or uses classified as conditional and existing prior to the effective date of this Ordinance shall conform to all regulations pertaining to conditional uses.

030. Application.

A property owner or any interested person may make application for a conditional use permit which shall be made to the Director in a manner prescribed by the County. Such application shall be accompanied by a site plan as provided by Chapter 410, and following preapplication conference as provided by Chapter 405.

040. Investigation and report.

The Director shall make an investigation of the application and shall prepare a report thereon, which shall be submitted to the Hearing Examiner and made available to the applicant prior to the public hearing.

050. Public Hearings.

Before a conditional use is permitted, the proposed conditional use shall be considered by the Hearing Examiner at a public hearing. Notice of said hearing shall be given as provided in Chapter 515.

060. Action by Hearing Examiner.

The Hearing Examiner may approve, approve with conditions, or disapprove the application for a conditional use permit. In permitting a conditional use the Hearing Examiner may impose, in addition to regulations and standards expressly specified in this Ordinance, other conditions found necessary to protect the best interests of the surrounding property or neighborhood, or the County as a whole. These conditions may include requirements increasing the required lot size or yard dimensions, increasing street widths, controlling the location and number of vehicular access points to the property, increasing the number of off-street parking or loading spaces required, limiting the number of signs, limiting the coverage or height of buildings or structures because of obstructions to view and reduction of light and air to adjacent property, limiting or prohibiting openings in sides of buildings or structures or requiring screening and landscaping where necessary to reduce noise and glare and maintain the property in a character in keeping with the surrounding area, and requirements under which any future enlargement or alteration of the use shall be reviewed by the County and new conditions imposed.

- A. In order to grant any conditional use, the Hearing Examiner must find that the establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case, be significantly detrimental to the health, safety, or general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the County.
- ✓ B. The Hearing Examiner shall render a decision within ninety (90) days after the filing of a technically complete application. The decision of the Hearing Examiner shall be final unless appealed to the Board of Commissioners.
- C. A Conditional Use Permit shall become void one (1) year after approval, or after such greater or lesser time as may be specified as a condition of approval, unless within that time the required building construction, alteration or enlargement has been commenced and diligently pursued, or if no such construction, alteration or enlargement is required, unless the permitted activity is being regularly conducted on the premises. The Hearing Examiner may extend the permit for a period of one (1) year.

070. Appeal.

The applicant or any interested person may appeal the decision of the Hearing Examiner to the Board of Commissioners in the form prescribed by the County. The appeal procedures shall be as set forth in Section 520.020.

080. Effect.

No building or other permit shall be issued in any case where a conditional use permit is required by the terms of this Ordinance until ten (10) working days after the approval of the conditional use by the Hearing Examiner. An appeal from any action of the Hearing Examiner shall automatically stay the issuance of a building or other permit until such appeal has been completed.

090. Revocation.

The Hearing Examiner on his/her own motion, may revoke any conditional use permit for noncompliance with conditions set forth in the granting of said permit after first holding a public hearing as provided in Section 525.030. The foregoing shall not be the exclusive remedy, and it shall be unlawful and punishable hereunder for any person to violate any condition imposed by a conditional use permit.

100. Limitation on new applications.

In a case where an application is denied by the Hearing Examiner, or denied by the Board of Commissioners on appeal from the Hearing Examiner, unless specifically stated to be without prejudice, it shall not be eligible for resubmittal for the period of one (1) year from the date of said denial, unless, in the opinion of the Hearing Examiner, new evidence is submitted or conditions have changed to an extent that further consideration is warranted.

105. Notification of action.

The Director shall transmit to the applicant and parties of record for a conditional use a written notice of the Hearing Examiner's action within three (3) days after the decision has been rendered.

425. Planned Unit Development Approval

010. Purpose.

To allow flexibility in design and creative site planning and, in some cases, density, while providing for the orderly development of the County. A planned unit development is to allow for the use of lot averaging and lot clustering in order to preserve open space, encourage the creation of suitable buffers between incompatible types of development, provide for increased efficiency in the layout of the streets, utilities and other public improvements and to encourage the use of creative techniques for the development of land. The Planned Unit Development Approval is to allow for mixed residential uses, subject to the density limits of the zone in which the planned unit development is located.

020. Authority.

The Director shall have the authority to approve, approve with conditions, disapprove, or revoke residential planned unit developments, subject to the provisions of this Chapter. Residential planned unit developments which warrant Determination of Environmental Significance under the provisions of SEPA, shall be considered by the Hearing Examiner in public hearing. Changes in use, expansion, or contraction of site area, or alteration of structures or uses classified as residential planned unit developments, and existing prior to the effective date of this Ordinance, shall conform to all regulations pertaining to planned unit developments.

030. Uses permitted.

Any use permitted in any of the zones contained in this Ordinance may be permitted in Planned Unit Development Approval in accordance with the development plan. Approval shall be by the following:

- A. The Hearing Examiner for those development plans which include mixed uses such as commercial-residential or industrial-commercial. The Hearing Examiner shall approve, approve with conditions or disapprove within thirty (30) days after a public hearing.

040. Standards and requirements.

A. Size of Planned Unit Development Site.

1. Except as set forth in Section 425.040 (A2b) below, a tract of land to be developed as a planned unit developed shall have a minimum site size of six (6) acres (2.4HA).
2. A planned unit development may have a site size of less than six (6) acres (2.4HA) if the Hearing Examiner makes specific findings of fact to support the conclusion that a planned unit development is in the public interest because one (1) or more of the following conditions exist:
 - a) An unusual physical or topographic feature of importance to the area as a whole exists on the site or in the neighborhood, which can be conserved

425. Planned Unit Development Approval.

and still leave the applicant equivalent use of the land by use of a planned unit development;

- b) The property or its neighborhood has a historical character of importance to the community that will be protected by use of a planned unit development;
- c) The property is adjacent to or across a street from property which has been developed or redeveloped under a planned unit development, and a planned unit development will contribute to the maintenance of the amenities and values of the neighboring planned unit development;
- d) The property will be developed to minimize energy consumption through utilization of energy-efficient design and/or solar energy systems.

B. Building Height. With review and approval of the Hearing Examiner, the height of a proposed building may be allowed a greater height than otherwise permitted in the amount of ten (10) feet (3m) of height for each additional fifteen (15) feet (4.5m) of setback from any property line to a maximum of sixty-five (65) feet (19.7m) in building height. The Hearing Examiner shall require a concurrence from the appropriate fire district and Fire Marshal.

C. Common Open Space. No open area may be accepted as common open space within a planned unit development, unless it meets the following requirements:

- 1. The location, shape, size, and character of the common open space is suitable for the planned unit development, however in no case shall the common open space be less than fifteen percent (15%) of the total site;
- 2. The common open space is suitable for use as an amenity or recreational purposes provided, that the uses authorized are appropriate to the scale and character of the planned density, expected population, topography, and the number and type of dwellings provided;
- 3. Common open space may be suitably improved for its intended use. Common open space containing critical areas or other natural features worthy of preservation may be left unimproved. The buildings, structures, and improvements to be permitted in the common open space are those appropriate to the uses which are authorized for the common open space.
- 4. Land shown in the final development plan as common open space, the landscaping and/or planting contained therein, shall be permanently maintained by and conveyed to one of the following:

425. Planned Unit Development Approval.

- a) An association of owners formed and continued for the purpose of maintaining the common open space. The association shall be created as an association of owners under the laws of the State of Washington and shall adopt articles of incorporation of association and bylaws. The association shall adopt in form acceptable to the Prosecuting Attorney, covenants and restrictions on the open space providing for the continuing care of the area. No common open space may be altered or put to a change in use in a way inconsistent with the final development plan unless the final development plan is first amended. No change of use or alteration shall be considered as a waiver of any covenants limiting the use of the common open space, and all rights to enhance these covenants against any use permitted are expressly reserved; or
- b) A public agency which agrees to maintain the common open space and any buildings, structures, or other improvements which have been placed on it.
- c) A private non-profit conservation trust or similar entity with a demonstrated capability to carry out the necessary duties and approved by the County. Said entity shall have the authority and responsibility for the maintenance and protection of the common open space and all improvements located in the open space.

050. Findings.

In approving the preliminary development plans for Planned Unit Development, conditionally or otherwise, the Hearing Examiner or the Director shall first make a finding that all of the following conditions exist:

- A. That the site of the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features necessary are adequate as required by this Ordinance, to ensure that said use is compatible with neighboring land uses;
- B. That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use;
- C. That adequate public facilities and utilities are adequate to serve the proposal;
- D. That the proposed use will have no significant adverse effect on abutting property or the permitted use thereof;
- E. That the establishment, maintenance, and/or conduct of the use for which the development plan review is sought will not, under the circumstances of the particular

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case, be detrimental to the health, safety or welfare of persons residing or working in a neighborhood of such use and will not, under the circumstances of the particular case, be detrimental to the public welfare, injurious to property or improvements in said neighborhood; nor shall the use be inconsistent with the character of the neighborhood or contrary to orderly development; and

- F. That the project has unique or innovative design concepts.

060. Procedures.

The provisions of this Chapter shall be applied:

- A. By the Director upon the finding of the Director that said approval will allow the highest and best quality development to be achieved.
- B. By the Hearing Examiner when the application is forwarded to the Examiner by the Director.

070. Approval.

- A. The following information shall be submitted to the Director for his/her review, or for Hearing Examiner review of the preliminary development plan:
1. Thirteen (13) copies of the site plan, drawn to scale, showing the proposed layout;
 2. Five (5) copies of the landscaping plan, drawn to scale, showing the location of landscaped areas;
 3. A written statement by the landowner or his agent setting forth the reasons why the planned unit development would be in the public interest.;
 4. Environmental checklist and, if required, environmental impact statement.
- B. The following information shall be submitted to the Director for his/her review, or for the Hearing Examiner of the final development plan:
1. Thirteen (13) copies of the site plan, drawn to scale with dimensions, showing the proposed layout of structures, off-street parking and loading areas, landscape areas, pedestrian walkways, driveways, ornamental lighting, screening, fences and walls;
 2. Five (5) copies of the landscape plan, drawn to scale and dimensioned, showing the location of proposed landscape areas, together with varieties and size of plant materials to be used, together with the method of maintenance. Also, other

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landscape features such as screening, fences, lighting and signing shall be indicated;

3. Final engineering plans including grading contours, drainage systems, sensitive areas, and both on-site and off-site street improvements;
 4. A reduced eight and one-half (8½) x eleven (11)-inch print of the site plan and architectural drawings (for non-residential Planned Unit Developments);
 5. Thirteen (13) copies of architectural drawings or sketches, drawn to scale, including floor plans and elevations, indicating the types of materials and colors to be used may be required by the Director or Hearing Examiner for review of non-residential Planned Unit Developments;
 6. A schedule showing the proposed time and sequence within which the applications for final approval of all sections of the planned unit development are intended to be filed; and
- C. Within five (5) years following the approval of the preliminary development plan, the applicant shall file with the Director a final development plan containing the information required in Section 425.070(D) above. The Director may extend the period in annual increments. If the Director finds that the final development plan is consistent with the preliminary plan as approved, and that all conditions of the preliminary development approval have been satisfied, the Director shall approve the final development plan. The Director may approve the final development plan in phases. The applicant shall apply for final development plan approval within within five (5) years of preliminary development plan approval or the Director may initiate revocation proceedings on the preliminary approval. 7

If the Director finds evidence of a significant deviation from the preliminary development plan, the Director shall advise the applicant to submit an application for amendment of the preliminary development plan. An amendment shall be considered in the same manner as an original application.

- D. In granting any planned unit development, the Director or Hearing Examiner may require adequate guarantees of compliance with the final development plan. Such guarantee may be a performance bond or other form of security in an amount sufficient to assure compliance, and may provide that such security be reduced as stages of construction are completed. Alternatively, or in addition to the security, conditions may be imposed requiring other adequate assurances that the structures and improvements will be completed, subject to the review and approval as to form by the Prosecuting Attorney; or that the County may, in the event of the applicant's failure to comply, take steps necessary to assure compliance, including performing the construction or maintenance itself, and levy a lien for all costs thereof against the property.

080. Appeal.

- A. The applicant or any interested party may appeal any decision from the Director to the Hearing Examiner, or if the Director fails to act within ninety (90) days, an appeal may be forwarded to the Hearing Examiner subject to the timelines in Section 515.010 C.
- B. The applicant or any interested party may appeal any decision from the Hearing Examiner to the Board of Commissioners subject to the provisions of Section 520.020, whose decision is final.

430. Provisions Applying to Special Uses

010. Purpose.

In addition to other standards and requirements imposed by this Ordinance, all uses included in this section shall comply with the provisions stated herein. Should a conflict arise between the requirements of this section and other requirements of this Ordinance, the most restrictive shall apply.

020. Uses.

A. Automobile Service Stations. Where permitted as a conditional use, shall comply with the following provisions:

1. Sale of merchandise shall be conducted within a building except for items used for the maintenance and servicing of automotive vehicles;
2. No automotive repairs other than incidental minor repairs, battery, or tire changing shall be allowed;
3. A sight-obscuring fence or wall, not less than five (5) feet (1.9m) nor more than six (6) feet (1.8m) in height shall be provided between the service station and abutting property in any residential zone. Said wall or fence shall reduce to a three (3) feet (.9m) maximum in any required front yard setback;
4. All lighting shall be of such illumination, direction, and color as not to create a nuisance in adjoining property or a traffic hazard.

B. Animal Feed Yards, Animal Sales Yards, Kennels, Riding Academies, and Public Stables. In a RL, or RM Zone, animal feed yards, animal sales yards, kennels, riding academies, and public stables shall be located not less than two hundred (200) feet (60.6m) from any property line; shall provide automobile and truck ingress and egress; and shall also provide parking and loading spaces so designed as to minimize traffic hazards and congestion. Applicants shall show that odor, dust, noise, and drainage shall not constitute a nuisance, hazard, or health problem to adjoining property or uses.

C. Animal hospital and veterinary clinics. An animal hospital or veterinary clinic shall not be located within fifty (50) feet (15.2m) of a lot line in any RW, RL, or RM Zones and the applicant shall show that adequate measures and controls shall be taken to prevent offensive noise and odor. Animal hospitals or veterinary clinics may be located in the UR-20, UR-24, UR-30, and UR-43 Zones, provided a major part of the site fronts on an arterial street, and preferably, is at an arterial intersection; and provided the Director finds that the proposed use will not interfere with reasonable use of residences by reason of too close proximity to such residential uses, or by reason of a proposed exterior too different from other structures and character of the neighborhood. All such veterinary clinics or animal hospitals must be so constructed and operated that all activities are conducted inside an enclosed building, and no treatment or animal-holding may be done outside the building.

430. Provisions Applying to Special Uses.

- D. Cemeteries, crematorium, mausoleum and columbarium. A cemetery, crematorium, mausoleum, or columbarium shall have its principal access on a County arterial with ingress and egress so designed as to minimize traffic congestion, and shall provide required off-street parking space. Cemeteries located within any RL, RM, or UR Zones, or abutting such Zones, shall establish and maintain appropriate landscaping and screening to minimize the conflict with abutting residential use.
- E. Circuses, carnivals, animal displays, amusement rides. A circus, carnival, animal display, or amusement rides may be permitted in any C, except CC, or I Zones, for a term not to exceed ninety (90) days, with a written approval of the Director. The Director may condition such approval as appropriate to the site. The Director's decision may be appealed to the Hearing Examiner.
- F. Community buildings, social halls, lodges, fraternal organizations, clubs, places of worship, and charitable institutions. In RW, RL, RM, UR Zones all buildings shall be setback a minimum of thirty (30) feet (9.1m) from a side or rear lot line. There shall be no external evidence of any incidental commercial activities taking place within the building. All such uses shall be located on a County arterial or on a road determined to be adequate by the County Engineer, and be able to provide access without causing traffic congestion on local residential streets; and any such use shall prove that there will be no harm to adjacent existing or potential residential development use due to excessive traffic generation, noise, or other circumstances.
- G. Home businesses and home occupations.
- Home business. In the Rural Low Density (RL) and Rural Medium Density (RM) Zones a home business may be carried on within a dwelling, within a structure located behind a dwelling, or in a structure in any other location not visible from any public street or road, and approved by the Director subject to conditions including, but not limited to:
1. Number of employees shall be limited to five (5).
 2. The home business shall occupy no more area than that equal to fifty percent (50%) of the gross floor area of the dwelling.
 3. Any outside storage of goods or equipment shall be fully screened from public streets or roads and adjoining residences.
 4. Such activity shall not infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.
 5. In addition to off-street parking required by section 435.030, the Director may require additional off-street parking spaces for employees and patrons.

430. Provisions Applying to Special Uses.

6. Any business involving the erection or maintaining of a sign shall require the approval of a sign permit by the Director. Signs shall not exceed four (4) square feet (3.6m²) and shall not be illuminated.
7. The Director may require patronage by appointment in order to prevent the outward appearance of a business.
8. Sales are limited to products produced on the premises; provided, one brand of small, consumer product not available in retail stores may be sold.
9. A Conditional Use Permit shall be required for all home businesses involving the repair or servicing of motorized vehicles or engines.

Home Occupation. In the Urban Low Density, Urban Medium Density Zones, a home occupation is an occupation carried on within a dwelling by members of the family occupying the dwelling and/ or other persons being engaged and approved by the Director subject to conditions including, but not limited to:

1. The residential character of the building is maintained and the occupation is conducted in such a manner as not to give an outward appearance, nor manifest any characteristic of a business in the ordinary meaning of the term.
2. The home occupation shall not infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.
3. Such occupations shall be a secondary use on the premises and shall not occupy more than twenty-five percent (25%) of the floor area of one (1) floor of the dwelling.
4. Any signs used in conjunction with a home occupation shall meet the standards of the zone and not exceed 4 square feet (3.6m²).
5. Number of employees shall be limited to two (2).

- H. **Private use landing strips for aircraft and heliports.** All landing strips for aircraft or heliports shall be so designed and the runways and facilities so oriented, that the incidents of aircraft passing directly over dwellings during their landing or taking off patterns is minimized. They shall be located so that traffic shall not constitute a nuisance to neighboring uses. The proponents shall show that adequate controls or measures will be taken to prevent offensive noise, vibrations, dust, or bright lights. New private use landing strips and heliports shall not be allowed in any zone established by this Ordinance except by a conditional use permit. Public use airports and heliports are allowed only within the Airport (A) Zone established by this Ordinance.

430. Provisions Applying to Special Uses.

- I. Nursery schools, kindergartens and day-care centers. Nursery schools, kindergartens, and day-care centers shall have a minimum site size of ten thousand (10,000) square feet (900m²) and shall provide and thereafter maintain outdoor play areas with a minimum area of one hundred (100) square feet (9m²) per child of total capacity. A site-obscuring fence of at least four (4) feet (1.2m), but not more than (6) feet (1.8m) in height shall be provided, separating the play area from abutting lots. Adequate off-street parking and loading space shall be provided.
- J. Poultry farms. In any UR Zone, any building housing poultry, consisting of more than twelve (12) chickens or other poultry, shall be located not less than two hundred (200) feet (60.6m) from every lot line. Odor, dust, noise, flies, or drainage shall not be permitted to create or become a nuisance to surrounding property.
- K. Agricultural uses including the raising of livestock (large and small; small being 150 lbs. (67.5 KG) or less), poultry and small animals (less than 150 lbs. (67.5KG)) are subject to the following conditions:
1. On parcels of land less than five (5) acres (2HA), the number of animals shall not exceed one (1) large and three small adult livestock, six (6) small animals, and twelve (12) poultry per 20,000 square feet (1,800 m²) of area provided that when no dwelling unit or occupied structure exists within 300 feet (91m) of the lot on which the animals are maintained the above specifications may be exceeded by two (2).
 2. On parcels of land platted into lots one (1) acre (.4HA) or less in size or five (5) acres (2HA) or less located within 200 feet (60.6m) of a lake or year round stream, the number of animals shall not exceed one (1) large and three small adult livestock, six (6) small animals, and twelve (12) poultry per 35,000 square feet (3,150 m²) of area, provided that when no dwelling unit or occupied structure exists within 300 feet (91m) of the lot on which the animals are maintained the above specifications may be exceeded by a factor of two (2).
 3. No feeding area or structure or building used to house, confine or feed livestock, small animals or poultry shall be located closer than 100 feet (30.3m) to any residence on adjacent property located within a RW, RL, RM or within 200 feet (60.6m) of any residence on adjacent property within any other Zone; provided, a pasture (greater than 20,000 square feet (1,800m²)) shall not be considered a feed area.
- L. Mines, quarries, gravel pits. Extractions from deposits of rock, stone, gravel, sand, earth, minerals, or building, or construction materials shall not be construed to be permitted use in any zone established by this Ordinance except as provided in the IH and RW Zones, unless a change of zone to Surface Mining Combining Zone has been approved, as provided for in Chapter 380 of this Ordinance, except for on-site excavation and grading

430. Provisions Applying to Special Uses.

in conjunction with a specific construction or improvement project. Odor, dust, noise, or drainage shall not be permitted to create or become a nuisance to surrounding property. The Director may approve a request for an aggregate extraction for a single construction project for a period not to exceed ten (10) days in operation and not requiring a state permit, providing that all applicable provisions of the Code are met by the applicant.

- M. Private stables and paddocks. In any RM or RL Zone, all stables and paddocks shall be located on the rear half of a lot and not closer than fifty (50) feet (15.2m) to any property line. Odor, dust, noise, flies, or drainage shall not be permitted to create or become a nuisance to surrounding property.
- N. Utilities. The erection, construction, alteration, or maintenance by public utility or municipal, other governmental agencies, or approved privately owned public utilities of underground, overhead electrical, gas, steam, or water transmission or distribution systems, collection, communication, supply or disposal system, including poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings, shall be permitted in any zone, provided that any permanent above-ground structures not located within a right-of-way or easement, shall be subject to the review of the Director.

Utility transmission and distribution lines, poles, and towers may exceed the height limits otherwise provided for in this ordinance. Communication and/or water towers, which exceeds thirty-five (35) feet in height, solid waste collection, transfer and/or handling sites, in any zone shall be subject to a conditional use permit.

- O. In-fill incentive densities.
1. Purpose.
To maximize the utilization of public services and facilities. Within the UR-6 Zone, the opportunity to achieve maximum utilization exists on parcels that have been bypassed in the residential development of the urban areas. An increase in the density normally allowed by this Ordinance is deemed an appropriate incentive to accomplish an in-filling of the urban growth areas.
 2. Eligibility.
Within the UR-6 zone, parcels which meet all of the following criteria are eligible for increased densities, upon the approval of the Hearings Examiner or the Director:
 - a. Parcel is less than ten (10) acres (4HA) in size or is of irregular shape which precludes a subdivision under other provisions of this Ordinance.

430. Provisions Applying to Special Uses.

- b. All public services and facilities are immediately available and adequate to the site, or can be made available and adequate prior to completion of development.
- c. The site design of the project is compatible with the residential character of the area.
- d. The public roads and streets serving the site are adequate to carry the additional traffic generated by the development of the site.

3. Lot Requirements.

The Hearings Examiner or Director may approve in-fill developments in the UR-6 Zone, provided the lot requirements set out in Table 430.020 (N) are met:

TABLE 430.020(O)

| | | | | Setbacks | Setbacks | Setbacks | Setbacks |
|-----------------------------|---|---|---|--|---|-------------------------------|----------------------------------|
| Classi- fication | Minimum lot area (sq. ft.) | Minimum lot width (feet) | Minimum lot depth (feet) | Minimum front yard (feet) | Minimum side yard¹ (feet) | Opposite side yard | Rear yard² |
| UR-6 | 4,000 (360) | 40 (12.1) | 80 (24.2) | 20 (60.6) | 5 | 0 | 5 (1.5) |

¹ The minimum street side yard shall be ten (10) feet (3m).

² Where in-fill developments abut developed residential property, the rear yard shall be twenty (20) feet.

4. Height Regulations.

No building or structure shall be hereafter erected, enlarged, or structurally altered to exceed thirty-five (35) feet (10.6m) in height.

P. Accessory Dwelling Units. In order to encourage the provision of affordable housing, accessory dwellings may be located in single-family zones. Accessory dwellings are normally located within the primary residence or in an existing accessory structure. An accessory unit which is not part of the existing single-family residence or an existing accessory structure, may be added to a lot provided, however, that such unit, may not exceed the square footage of the primary residence or fifteen hundred (1,500) square feet (135m²) in size.

430. Provisions Applying to Special Uses.

Q. Waterfront accessory structures

For waterfront properties, accessory structures such as docks, piers, and boathouses are permitted in the rear yards, shorelands or tidelands subject to the following limitations:

1. Such structures or facilities may be used only by the occupants of the lot;
2. All requirements of the Kitsap County Shoreline Master Program must be met;
3. The deck of any dock shall not be any higher than five (5) feet (1.5m) above the ordinary high water line;
4. The building height of any boathouse shall not be greater than fourteen (14) feet (4.2m) above the ordinary high water line;
5. Covered structures must abut or be upland of the ordinary high water line; and
6. No covered structure shall have a width greater than twenty-five (25) feet (7.5m) or twenty-five percent (25%) of the lot width, which ever is less.

R. Heavy equipment Storage

One (1) piece of heavy equipment may be stored in any single family zone provided that it is either enclosed or screened to the satisfaction of the Director.

S. Hobby Kennel. In the Rural Wooded (RW), Rural Low Density (RL), Rural Medium Density (RM) Zones a hobby Kennel is allowed. "Hobby Kennel" shall mean a place where not more than ten (10) adult dogs or cats are kept, not for compensation, boarding or breeding but for personal enjoyment.

T. School sites. Site Plans for public schools shall include an area identified and set aside for the future placement of a minimum of four (4) portable units. The area set aside may not be counted towards meeting landscaping or parking requirements.

435. Off-Street Parking and Loading

010. Off-street parking requirements.

Off-street parking spaces shall be provided and maintained as set forth in this section for all uses in all zones. Such off-street parking spaces shall be provided at the time:

- A. A building is hereafter erected or enlarged;
- B. A building existing on the effective date of this ordinance is enlarged to the extent that the cost of construction exceeds fifty percent (50%) of the market value of the building as shown on the County Assessor's records, or to the extent that the building's capacity is increased by more than fifty percent (50%) in terms of the units used in the "Requirements" provision of this Chapter;
- C. The use of a building existing on the effective date of this Ordinance is changed and the building enlarged, parking spaces shall be provided in proportion to the increase only, provided the increase is less than fifty percent (50%). If the increase exceeds fifty percent (50%), parking shall be provided for the entire structure in accordance with the requirements of this section. If the structure in which the change of use occurs is not enlarged, no additional parking shall be required.

020. General provisions.

- A. More than One Use on One or More Parcels. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately. If the Director finds that a portion of the floor area, not less than a contiguous one hundred (100) square feet (9m²) in a retail store will be used exclusively for storage of merchandise which is not being displayed for sale, he may deduct such space in computing parking requirements, but the owners shall not thereafter use the space for any other purpose without furnishing additional off-street parking as required by section 435.030.
- B. Joint use of facilities. The off-street parking requirements of two (2) or more uses, structures, or parcels of land may be satisfied by the same parking or loading space used jointly, if approved by the Director, to the extent that it can be shown by the owners or operators of the uses, structures, or parcels that their operations and parking needs do not overlap in point of time. If the uses, structures, or parcels are under separate ownership, the right to joint use of the parking space must be evidenced by a deed, lease, contract, or other appropriate written document to establish the joint use.
- C. Location of parking facilities. Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Other required parking spaces shall be located on the same parcel or on another parcel not farther than three hundred (300) feet (91m) from the building or use they are intended to serve, measured in a straight line from the building. The burden of proving the existence of such off-premise parking arrangements rests upon the person who has the responsibility of providing parking.

435. Off-Street Parking and Loading

- D. Use of parking facilities. Required parking space shall be available for the parking of operable passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for the storage of vehicles or materials, or for the parking of trucks used in conducting the business or use.
- E. Parking in front yard. Unless otherwise provided, required parking and loading spaces shall not be located in a required front yard, except in the case of a single- or two (2)-family dwelling, but such space may be located within a required side or rear yard.
- F. Development and maintenance standards for off-street parking areas. Every parcel of land hereafter used as a public or private parking area, including commercial parking lots, shall be developed as follows:
1. An off-street parking area for more than five (5) vehicles shall be effectively screened by a sight-obscuring fence, hedge, or planting, on each side which adjoins property situated in an UR-6 Zone, or the premises of any school or like institution.
 2. Any lighting used to illuminate the off-street parking areas that exceeds one (1) foot candle at the property line shall be so arranged that it will not project light rays directly upon any adjoining property in an UR-6, Zone.
 3. Except for single-family and duplex dwellings, groups of more than two (2) parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street or right-of-way other than an alley.
 4. Areas used for standing and maneuvering of vehicles shall have durable and dustless surfaces maintained adequately for all weather use, and so drained as to avoid flow of water across sidewalks.
 5. Except for parking to serve residential uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents.
 6. Access aisles shall be of sufficient width for all vehicular turning and maneuvering.
 7. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, to provide maximum safety of traffic ingress and egress, and to provide maximum safety of pedestrians and vehicular traffic on the site. The number of service drives shall be limited to the minimum that will allow the property to accommodate and service the traffic to be anticipated. Service drives shall be clearly and permanently marked and defined through the use of rails, fences,

435. Off-Street Parking and Loading

walls, or other barriers or markers on frontage not occupied by service drives. Service drives to drive-in establishments shall be designed to avoid backing movements or other maneuvering within a street, other than an alley.

8. Service drives shall have a minimum vision clearance area formed by the intersection of the driveway centerline, the street right-of-way line, and a straight line joining said lines through points twenty (20) feet (6.1m) from their intersection.
9. Parking spaces along the outer boundaries of a parking area shall be contained by a curb or bumper rail so placed to prevent a motor vehicle from extending over an adjacent property line, pedestrian walkway, or a street.
10. When the parking standards require ten (10) or more parking spaces, up to twenty five percent (25%) of these may be compact car spaces, as identified in section 435.040.

030. Number of spaces required.

Off-street parking spaces shall be provided as follows:

A. Residential

1. Single family, duplex and triplex - Two (2) per dwelling. One additional space shall be provided for accessory units;
2. Multi-family dwelling containing four (4) or more units - one and one-half (1½) per dwelling unit;
3. Elderly, low income and public housing - one (1) per one (1) dwelling unit.
4. Rooming or boarding house - one (1) per sleeping unit.

B. Commercial Residential

1. Motels - one (1) per bedroom plus one (1) per employee,
2. Hotels - one (1) per bedroom. Spaces to meet the combined requirements of the uses being conducted such as hotel, restaurants, auditoriums, etc.;
3. Clubs/Lodges - Spaces to meet the combined requirements of the uses being conducted such as hotel, restaurants, auditoriums, etc.

C. Institutions

1. Hospitals and institutions - one (1) per bed, and one per two (2) employees and one (1) per two (2) guests.

D. Places of public assembly

1. Place of Worship - one (1) per four (4) seats or eight (8) feet (2.4m) of bench length in the main auditorium;
2. Library, art gallery - one (1) per 250 square feet (22.5m²) of gross floor area;
3. Preschool nursery, kindergarten, day care - one (1) per three (3) children;
4. Elementary, junior high school - one (1) per employee and two (2) per classroom;
5. High School - one (1) per employee and teacher and one (1) per ten (10) students;
6. College, commercial school for adults - one (1) per three (3) seats in classrooms;
7. Other auditorium, meeting rooms - one (1) per four seats or eight (8) feet (2.4m) of bench space or, if there is no fixed seating, one (1) per fifty (50) square feet (45.m²) of assembly area.

E. Commercial Amusements

1. Stadium, arena, theater - one (1) per four (4) seats or eight (8) feet (2.4m) of bench length in the main auditorium;
2. Bowling alley - six (6) per alley;
3. Dance hall, skating rink - one (1) per twenty (20) square feet (1.8m²) of gross floor area.

F. Commercial

1. Retail stores generating relatively little automobile traffic such as appliance, furniture, hardware and repair stores - one (1) per 300 square feet (27m²) of gross floor area;
2. Retail and personal service establishments generating heavy automobile traffic such as department, drug, and auto parts stores, supermarkets, ice cream parlors, bakeries and beauty and barber shops - one (1) per 150 square feet (13.5m²) of gross floor area;

435. Off-Street Parking and Loading

3. Drive in and fast food restaurants - one (1) per seventy-five (75) square feet (6.8m²) of gross floor area with a minimum of five (5), provided, drive-in window holding and stacking area shall not be considered parking spaces;
 4. Restaurants, drinking places -
 - a) If under 4,000 square feet (360m²) of gross floor area - one (1) per 200 square feet (18m²) of gross floor area;
 - b) If 4,000 or more square feet (360m²) of gross floor area - twenty (20) plus one (1) per each additional 100 square feet (9m²) of gross floor area over 4,000 (360m²);
 5. Shops and stores for sales, service or repair of automobile, machinery and plumbing, heating, electrical and building supplies - one (1) per 600 square feet (54m²) of gross floor area;
 6. Mortuaries, funeral homes - one (1) per seventy-five (75) square feet (6.8m²) of assembly area;
 7. Medical and dental office or clinic - one (1) per 200 square feet (18m²) of gross floor area;
 8. Bank, professional office (except medical/dental) - one (1) per 400 square feet (36m²) of gross floor area;
 9. Marinas and moorage facilities - one (1) per four (4) moorage slips.
- G. Industrial, warehouse.
1. Warehouse, storage, and wholesale facilities - one (1) per two anticipated employees on duty simultaneously, one (1) per each anticipated company vehicle parked on the site at night on a regular basis and one (1) per 300 square feet (27m²) of office space;
 2. Manufacturing, research, testing, processing and assembly facilities - one (1) per 500 square feet (45m²).
- H. Relaxation of required spaces
1. The Director may authorize a variance to the amount of required off-street parking if a project proponent demonstrates that, due to the unusual nature of the proposed use, it is reasonable that the off-street parking required by Section 435.030 exceeds any likely need.

I. Other uses

1. Other uses not specifically listed above shall furnish parking as required by the Director. The Director shall use the above list as a guide for determining requirements for said other uses.

040. Off-street parking lot design.

Parking spaces shall be a minimum of nine (9) feet (2.7m) in width and twenty (20) feet (6.1m) in length, provided, there shall be six (6) feet between parallel parking spaces for maneuvering and, provided further, where four (4) or more spaces are required twenty-five percent may be eight (8) feet (2.4m) in width and eighteen (18) feet (5.5m) in length if designated for compact cars.

050. Off-street loading.

- A. When required. Off-street loading and unloading spaces are required for all uses having a gross floor area of over 4,000 square feet (360m²) to which or from which deliveries or pickups are made by trucks or truck-trailer combinations over thirty-five feet (10.6m) in length more frequently than monthly.
- B. Design requirements. Loading and unloading spaces shall be minimum forty-five (45) feet (13.6m) in length, ten feet (3m) in width and provide for clearance of fifteen (15) feet (4.5m). Adequate access shall be provided to each space. No area required for off-street parking may be used as a loading or unloading space.
- C. Number of spaces required. The following number of off-street loading and unloading spaces is required:
 1. For uses having more than 4,000 (360m²) but less than 10,000 square feet (900m²) of gross floor area - one (1) space;
 2. For uses having more than 10,000 (900m²) but less than 50,000 square feet (4,500m²) of gross floor area - two (2) spaces;
 3. For uses having more than 50,000 square feet (4,500m²) but less than 100,000 square feet (9,000m²) of gross floor area - three (3) spaces;
 4. For uses having over 100,000 square feet (9,000m²) of gross floor area - three (3) spaces plus one (1) additional space for each additional 100,000 square feet (9,000m²) of gross floor area or fraction thereof in excess of 50,000 square feet (4,500m²).

440. Special Setback Lines

010. Purpose.

Because of heavy or arterial traffic volume and congestion, existing or probable intensive or commercial development of abutting properties, substandard paving widths, the probability of inadequate sight distances, and other like conditions affecting traffic safety and light, air, and vision along streets, the Board of County Commissioners finds that public health, safety and welfare require that building setback lines, as hereinafter specified, be and are hereby, established on all properties abutting the streets and sections of streets referred to in section 440.020. Where applicable, requirements set forth in this provision shall be in addition to the yard requirements specified for the zones. Unless otherwise specified, the distances set forth shall be measured from the centerline and at right angle to the centerline of the right-of-way.

020. Designation of streets.

Development abutting a street for which a standard has been established by the Kitsap County Arterial Plan, shall use as the line of reference for establishing the setback distance, the distance from the centerline necessary to accommodate one-half ($\frac{1}{2}$) of the right-of-way standard established by the arterial plans for the street. The building setback shall be in addition to the special setback and shall be the appropriate setback for that particular zone.

030. Compliance.

The special setback area shall be treated as additional required yard area. The area shall be reserved for future street widening purposes.

040. Variance procedure.

Where practical difficulties, unnecessary hardships, and results inconsistent with the general purposes of this ordinance may result from the strict application of the provisions of this chapter, a variance may be granted pursuant to the provisions and procedures set forth in Chapter 500.

445. Signs

010. Permit required.

No sign shall be placed, erected or displayed without first obtaining a sign permit from the Director except as provided for by section 445.090.

020. Permit application.

An application for a sign permit, which must be signed by the owner, contract vendee, lessee or tenant of the property or building for which the permit is sought, shall contain:

- A. A site plan, drawn at a scale designated by the Director, showing the property or building for which the sign is proposed which shall depict existing and proposed signs;
- B. Textual material or drawings showing structural details, material specifications, means of attachment (if applicable), and means of illumination (if applicable);
- C. Photographs showing the subject property or building marked to indicate the location of the proposed sign.

030. Waiver of application requirements.

Notwithstanding the application requirements set forth in 445.020 above, the Director may waive one (1) or more requirements when it is obvious from the size, nature or location of the proposed sign that the information sought through the required item would not be significant, relevant or helpful to an informed decision.

040. Review by Director.

Upon receipt of a sign permit application, the Director shall review the application and shall issue the sign permit if he/she finds one of the following:

- A. If the proposed sign is in any Residential zone, is not illuminated, is not more than four (4) square feet (.36m²) and is in connection with a home occupation, home business, or conditional use which has already been approved;
- B. If the proposed sign is in a C, I, A, BP, or SM zone, is not illuminated and is not more than twelve (12) square feet (1.1m²); or
- C. That the proposed sign will meet the criteria which follow in section 445.050 and will be compatible or can be made compatible with surrounding properties and uses through the imposition of conditions such as those mentioned in section 445.060, provided, if no amount of reasonable conditions can be imposed which will make the proposed sign compatible, the Director shall deny the sign permit.

050. Sign criteria.

For purpose of determining if a proposed sign permit should be issued pursuant to section 445.040 (C), the following criteria shall apply:

- A. Sign scale is appropriate for size of use it serves, viewer distance and typical observation time;
- B. Sign size, shape, and placement serves to define or enhance, and not interrupt or detract from, such architectural elements of building such as columns, sill lines, cornices and roof edges;
- C. Sign design provides continuity with signage on the same or adjacent properties with respect to mounting location and height, proportions, materials and other significant qualities;
- D. Sign directs attention to products or services to which the majority of the floor or lot area on the premises is devoted;
- E. Sign does not exceed ninety (90) square feet (8.1m²) per face;
- F. Total signage for the use or building does not exceed two-hundred (200) square feet (18m²).
- G. Sign is placed below proposed or existing roof of building; and
- H. The various components of the sign shall be integrated into a single design and shall not have auxiliary projections or attachments.

055. Measurement of sign area.

The allowed area of a sign made up of letters, words or symbols within a frame shall be determined from the outside edge of the frame itself. The allowed area of a sign composed of only letters, words or symbols shall be determined from imaginary straight lines drawn around the entire copy or grouping of such letters, words or symbols.

060. Conditions to enhance compatibility.

In order to enhance compatibility, the Director may impose conditions when he/she issues a sign permit pursuant to section 445.040 C). Such conditions may include, but are not limited to screening, buffering, setbacks, and limitations upon the size or hours and methods of operation. The sign permit shall be revoked if the permittee fails to comply with the conditions imposed.

070. Prohibitions.

- A. No use or building shall have more than two (2) freestanding or projecting signs nor more than one (1) sign for any street frontage;
- B. Signs shall not be animated, audible or illuminated by any intermittent, flashing or scintillating light, provided, this shall not apply to time and temperature display;

- C. Billboards and signs not directing attention to products or services available on the premises where the sign is situated are prohibited;
- D. Signs attached to vehicles or trailers are prohibited unless the vehicle or trailer is routinely used to transport or provide goods or services, provided, signs advertising that a vehicle or trailer is for sale are not prohibited;
- E. No sign shall be placed within a public road right-of-way except for official signs placed by a governmental entity; and
- F. Portable signs are prohibited unless exempt pursuant to section 445.090 or conditionally exempt pursuant to section 445.100.

080. Processing permit applications.

Sign permit applications shall be processed as Director review as provided for by Chapter 415 of this Ordinance.

090. Exempt signs.

The following signs are not regulated by this Ordinance:

- A. Traffic signs;
- B. Street signs;
- C. Political campaign signs;
- D. Legal notices;
- E. "For sale" or "for rent" signs located on the premises for sale or for rent not to exceed four (4) square feet (1.2m) in size; and
- F. Signs advertising officially-sanctioned community festivals.

100. Conditionally exempt signs.

The following signs are not regulated by this Ordinance provided the following conditions are met:

- A. Signs indicating the location of restrooms, addresses, signs indicating hours of operation, building entrance and exit signs, signs indicating locations of public telephones, building directories and "help wanted", "no hunting" and "no trespassing" signs, provided, no such sign shall exceed four (4) square feet (.36m²).
- B. Signs advertising sales of farm products grown or raised on the premises to which the sign pertains, provided, such signs shall not exceed four (4) in number for each farm and, provided further, such signs shall be dated and shall contain the name and telephone

number of the seller and, provided further, such signs shall be removed within ten (10) days after the sale of products ceases;

- C. Signs advertising garage or yard sales, provided, such signs shall not exceed four (4) square feet (.36m²), shall bear the date when first displayed and shall be removed within five (5) days after the sale is completed;
- D. Upon approval by the Director a temporary sign advertising a special event, sale, the opening of a new business or opening of a business under new management, provided, such signs shall not be unreasonably incompatible with surrounding uses or properties and shall not disrupt vehicular or pedestrian traffic and, provided further, no such sign shall be displayed for more than fourteen (14) consecutive days nor may any business use a sign conditionally permitted by this subsection more than twice in a calendar year;
- E. "A"-Board signs, provided, that they meet the following criteria:
 - 1. Signs shall not exceed 24 inches by 30 inches (.6m x .76m);
 - 2. Signs shall be placed on and directly in front of premises being advertised;
 - 3. Signs are placed only during hours the business is open; and
 - 4. Signs shall not be placed within the road right-of-way.
 - 5. Limited to one per road frontage.
- F. Signs advertising subdivisions placed by real estate companies; provided off-site signs require a sign permit.

110. Landscaping.

Freestanding signs shall be landscaped.

455. Interpretations and Exceptions

010. Director authority.

It shall be the responsibility of the Director to interpret and apply the provisions of this Ordinance. Any interpretations shall be subject to appeal to the Hearing Examiner. At the request of the applicant, in writing, the Director may authorize a variation of up to ten percent (10%) of any numerical standard, except lot area and overall density, when unusual circumstances cause undue hardship in the strict application of this Ordinance; provided, a variance shall be made only when all of the following conditions and facts exist:

- A. Unusual circumstances or conditions applying to the property and/or to the intended use that do not apply to other property in the same vicinity or zone;
- B. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity or zone;
- C. The authorization of such variance will not be materially determined to the public welfare or injurious to property in the vicinity or zone in which the property is located;
- D. A variance so authorization shall become void after the expiration of one (1) year if no substantial construction has taken place.

The Director's response, including findings for granting the variation, shall be in writing and kept on permanent file.

020. Exceptions to lot sizes.

For areas zoned Rural Wooded, Rural Low Density, and Rural Medium Density, land dedicated for public right-of-way can be included in the calculation of lot sizes. Also for areas zoned Rural Wooded, Rural Low Density, and Rural Medium Density, land containing drainage facilities included in the separate tracks can be included in the calculation of lot sizes. If at the time of passage of this Ordinance, a lot of record, or the aggregate of contiguous lots or land parcels held in single ownership has an area of dimension less than required for the zone in which the property is located, the lot or aggregate holdings may be occupied by any permitted use in the zone subject to compliance with all other requirements of the zone; provided, however, that the use of a lot in a residential zone which has an area deficiency shall be limited to a single-family dwelling. If at the time of passage of this Ordinance a lot of record was lawfully occupied by two (2) or more single-family residences, such lot may be granted Short Plat Approval in order to permit the segregated sale of such residences, even though some or all of the resulting new lots will have dimensions less than required for the zone in which the property is located, provided, however, that the degree of density nonconformity shall not be increased. All lots shall have a minimum of twenty (20) feet (6.1m) of access to a public or private street.

030. Exceptions to height limitations.

Height limitations set forth elsewhere in this Ordinance shall not apply to the following: barns, silos, water towers and tanks, or other farm buildings and structures, provided they are not less than 50 feet (15.2m) from every lot line; chimneys, spires on places of worship, belfries, cupolas, domes, smokestacks, flagpoles, grain elevators, cooling towers, solar energy systems, monuments, fire house towers, masts, aerials, elevator shafts, and other similar projections, and outdoor theater screens, provided said screens contain no advertising matter other than the name of the theater. The proponent seeking exception to the height limitation shall certify that the object being considered under this provision will not shade an existing solar energy system which, by the determination of the Director, contributes substantially to the space or water-heating requirements of a building.

040. Accessory buildings and uses.

- A. A greenhouse or hothouse may be maintained accessory to a dwelling, provided there are no retail sales of products grown or maintained on site except as provided for in the Rural Wooded (RW), Rural Low Density (RL) and Rural Medium Density Zones.
- B. A guest house may be maintained accessory to a dwelling, provided there are no cooking facilities.
- C. An accessory building shall not be located within six (6) feet (1.8m) of a principal dwelling existing or under construction on the same lot.

050. Development - sight distance triangles.

In order to provide adequate visual clearance for drivers approaching an intersection or service drive, a "corner sight triangle" shall be established measuring a certain distance back on the centerline of the two (2) meeting roads or service drives from their intersection, and connecting the two (2) points established by such measurement. If the right-of-way of intersecting streets is sixty (60) feet (18.2m) or less, that corner of the sight triangle shall be increased by one and one-half (1½) feet (.45m) from the intersection of the two (2) centerlines.

In the case of service drives, the triangle base extends thirty (30) feet (9.1m) along the street right-of-way line in both directions from the centerline of the service drive, with the apex of the triangle thirty (30) feet (9.1m) into the property on the centerline of said service drive.

Fences, walls, hedges, plantings, signs, or other objects exceeding thirty-six (36) inches (.9m) in height shall not be erected or be permitted to be maintained at a height in excess of thirty-six (36) inches (.9m) within the corner sight triangle. Over-hanging objects within a corner sight triangle such as signs, tree limbs, marquees, or other objects which may impair visibility, are allowed only when below the thirty-six (36) inch (.9m) height level, or at least 8 feet (2.4m) above the level of the street pavement at the point of intersection of the two (2) centerlines.

055. Development - Fences, walls, plantings not within site distance triangles.

455. Interpretations and Exceptions

On those portions of the lot which are not within a corner sight triangle, but are within a requirement setback, fences and walls may be erected to a height of seventy-two (72) inches (1.8m), except that no fence, wall, hedge, or other object built along the property line may come within three (3) feet (.9m) of the intersection of any private driveway and the exterior property line.

An ornamental fence not within a corner sight triangle may be erected to a height of ninety-six (96) inches (2.4m) when all of the structures above a seventy-two (72) inch (1.8m) height will have a ratio of open portion-to-solid portion of at least four to one (4:1).

Hedges not within a corner sight triangle shall not be required to conform to any height regulations. Hedges may not extend into or over public streets, alleys, and sidewalks, and must be so maintained as to prevent such encroachment.

The height of walls, fences, hedges, tree limbs, signs and other objects shall be determined by whichever of the following two (2) methods is applicable:

- A. Within a corner sight triangle, the base for measurements shall be the level of the street pavement at the point where the street centerlines intersect.
- B. Outside of a corner sight triangle, the base for measurement shall be the ground level of the lowest grade level within three (3) feet (.9m) of either side of such wall.

060. Exceptions to yard requirements.

- A. Projections into required yards. Certain architectural features may project into required yards or courts as follows:
 - 1. Cornices, canopies, eaves, belt courses, sills or other similar architectural features, or fireplaces; but these may not in any case extend more than twenty four (24) inches (.61m) into any required yard area.
 - 2. Fire escapes, open-uncovered porches, balconies, landing places, or outside stairways may not in any case extend more than twenty four (24) inches (.61m) into any required side or rear yards, and shall not extend more than six (6) feet (1.8m) into any required front yard. This is not to be construed as prohibiting open porches or stoops not exceeding eighteen (18) inches (.45m) in height, and not approaching closer than twenty four (24) inches (.61m) to any lot line.
- B. Exceptions to front yard requirements.
 - 1. If there are dwellings on both abutting lots with front yards less than the required depth for the zone, the front yard for the lot need not exceed the average front yard of the abutting dwellings.

2. If there is a dwelling on one abutting lot with a front yard less than the required depth for the zone, the front yard need not exceed a depth of half-way between the depth of the front yard on the abutting lot and the required front yard depth.
3. If there are dwellings on both abutting lots with front yards greater than the required depth for the zone, or if there is a dwelling on one abutting lot with a front yard greater than the required depth for the zone, the front yard for the lot shall be determined by averages, as specified in paragraphs (1) and (2) above, provided, however, that a front yard need not exceed a maximum depth of thirty (30) feet (9.1m).
4. If a modification to the front-yard requirement is necessary in order to site dwellings in a manner which maximizes solar access, the Director may modify the requirement.
5. An interior lot front yard setback shall be the same as the side yard setback, but no less than twenty (20) feet (6.1m).

C. Historic lots.

1. Building setback lines which do not meet the requirements of this Ordinance, but which were legally established prior to December 29, 1994, shall be considered the building line for alterations, remodels, and accessory structures on the lot or parcel, providing that no structure or portion of such addition may further project beyond the established building line.
2. Any single-family residential lot of record under the provisions of Section 110.405, which has a smaller width or lot depth than that required by this Ordinance, may use that residential zoning classification which most closely corresponds to the dimension or dimensions of the lot of record, for the purpose of establishing setbacks from the property lines.

D. Accommodating sewers and roadways.

Any structure otherwise permitted under this Chapter may be placed on a lot or parcel within a required yard area, if the Director finds that such a location is necessary because existing sewer systems or roadways make compliance with the yard-area requirements of this Ordinance impossible without substantial changes to the site.

070. Authorization for similar uses.

The Hearing Examiner may determine that a use, not specifically named in the allowed uses of a zone, shall be included among the allowed uses, provided, however, that the Hearing Examiner may not allow a use already allowed in any other zone.

080. Existing uses.

- A. Except as hereinafter specified, any use, building, or structure lawfully existing at the time of the enactment of this ordinance may be continued, even though such use, building, or structure may not conform to the provisions of this ordinance for the zone in which it is located. A use or structure not conforming to the zone in which it is located shall not be altered or enlarged in any manner, unless such alteration or enlargement would bring the use into conformity with the uses permitted within the zone in which it is located; provided, however, certain uses, buildings, or structures, as specified by this Chapter, may be improved, and upgraded. "Improve" shall mean alterations such as new fencing, landscaping, or structural modifications which result in increased compatibility with surrounding uses. "Upgrade" shall mean major modifications including the modernization of the use, structure, or building which result in increased compatibility with surrounding uses, along with a more efficient utilization of the site. Modernization may include new buildings or structures.

In order to ensure that new buildings or structures and any nonstructural expansion are located and developed in a manner which is compatible with surrounding land uses, the Director or Hearing Examiner shall apply the lot requirements of the Industrial Park Zone, except in "C" or "I" Zones, in which cases appropriate zone requirements shall prevail. The Director or Hearing Examiner shall determine necessary landscaping, fencing and screening to provide adequate protection for adjacent properties, while accomplishing the objectives of this Ordinance.

New buildings or structures on nonstructural expansion which would result in the enlargement of any use may be approved, provided that the entire site including the area prior to the enlargement meets the applicable lot and landscaping requirements of the Industrial Park Zone. The Hearing Examiner may allow the phasing of the required landscaping improvements for a period not to exceed two (2) years from the date of permit issuance. The applicant may request, in writing, a one (1)-year extension. The Hearing Examiner may find that hardship conditions warrant approval of the requested extension. Any approved phasing of landscaping improvements shall be accompanied by an amount not to exceed one thousand dollars (\$1,000) cash deposit to ensure compliance with the standards.

The Hearing Examiner shall review and approve these certain uses through the Conditional Permit Review procedures as set forth in 420. In no case shall the enlargement of these uses be allowed beyond the limits of existing contiguously owned parcels at the time of the passage of the amended Ordinance.

- B. This section does not apply to any use, building, or structure established in violation of any zoning ordinance previously in effect.

All uses in existence occurring on a specific parcel of land which legally qualified as a permitted "unclassified use" under the provisions of the former Kitsap County Zoning Ordinance, shall continue as conforming uses after the effective date of this ordinance, provided, however, in no case shall any use be allowed to expand into adjoining or contiguous property without an approved zone change or conditional use permit, and further, any expansion on the original parcel shall comply with the standards contained in the zone within which the use is permitted.

090. Pending long or short subdivisions.

Nothing herein shall require any change in the location, plans, construction, size or designated use of any residential plat, for which preliminary official approval has been granted prior to the adoption of this ordinance.

100. Pending zone changes.

Property involving rezone requests pending action by the Hearing Examiner or Board of Commissioners on or before (but subsequent to June, 1983) the adoption of this Ordinance, shall be exempted from any action under this Ordinance or the accompanying zoning maps until the zone change case is legally disposed by final action. Specifically, this provision applies to zone changes involving contractual agreements between the County and applicant, projects involving planned unit development approval, projects for which an environmental impact statement is needed, and zone change or planned unit development proposals which are currently (at the time adoption of this Ordinance) in process. The Zoning Ordinance shall be amended to show the land use decision reflected in that decision. Until such zoning action is completed, the property in question shall comply with all applicable Code provisions in effect prior to the adoption of this Ordinance.

110. Temporary permits.

The Director may approve temporary permits, with conditions to mitigate negative impacts, valid for a period of not more than one (1) year after issuance, for temporary structures or uses which do not conform to this Ordinance.

Prior to granting a temporary permit under this Section, the Director shall require that the applicant provide a cash or surety bond of not less than one thousand dollars (\$1,000), nor more than two thousand five hundred dollars (\$2,500), payable to the Kitsap County Treasurer. Upon the expiration of the temporary permit, the applicant shall have thirty (30) days within which to remove and/or discontinue such temporary use structure. If at the end of this time period such temporary use or structure is not removed or discontinued, said cash or surety bond shall be forfeited.

Upon approval, temporary permits may be issued for the following uses or structures:

- A. Storage of equipment and materials during the building of roads or other developments;

455. Interpretations and Exceptions

- B. Temporary storage of structures for the housing of tools and supplies used in conjunction with the building of roads or other developments;
- C. Temporary office structures;
- D. Temporary housing/construction living quarters for personnel such as watchmen, labor crews, engineering, and management; provided,
 - 1. The building permit for the primary structure must have been issued;
 - 2. The temporary dwelling must not be permanently placed on the site;
 - 3. The temporary dwelling must meet the setback requirements of the zone in which it is located.
- E. Use of equipment essential to and only in conjunction with the construction or building of a road, bridge, ramp, dock, and/or jetty located in proximity to the temporary site; provided that the applicant shall provide a construction contract or other evidence of the time period required to complete the project; and provided further that the following equipment shall be considered essential to and in conjunction with such construction projects:
 - 1. Portable asphaltic concrete-mixing plants.
 - 2. Portable concrete-batching plants.
 - 3. Portable rock-crushing plants.
 - 4. Accessory equipment essential to the use of the aforementioned plants.
 - 5. Limited to one per road frontage.
- F. Temporary uses and structures otherwise permitted within the zone which will remain up to one (1) year on an existing lot or parcel where compliance with site plan review and landscaping requirements are impractical.
- G. Temporary uses and structures not specified in any zone classification subject to applicable provisions of the Kitsap County Code, provided that such uses and structures may not be approved by the Director for a period greater than thirty (30) days.
- H. The occupancy of recreational vehicles (RV) for a period not to exceed three (3) months subject to the following conditions:
 - 1. The subject property must be located in the RW, RL, RM or zones;

455. Interpretations and Exceptions

2. The RV must be occupied by the property owner or immediate family member and may not be stored on the property unoccupied;
3. The RV must be provided with approved utilities including septic or sewer, water, and electrical power.
4. The RV must be located on the property so as to meet the setbacks as provided by this code.
5. The Director may impose additional conditions as appropriate to insure that the RV use is compatible with the surrounding properties.
6. The minimum RV size shall be two hundred (200) square feet or greater.

Temporary permits may be renewed by Hearing Examiner approval following a public hearing and notice as required by Chapter 515, provided that proof that additional time is needed to complete said project.

The second application under this Section on a specific piece of property within three (3) years of the date of the original issuance of the permit shall require a hearing before the Hearing Examiner prior to the issuance of a second permit.

120. Number of dwellings per lot.

Except as provided for elsewhere in this code, there shall be no more than one dwelling unit per lot.

130. Obnoxious things.

In all zones, except as provided for elsewhere in this code, no use shall produce noise, smoke, dirt, dust, odor, vibration, heat, glare, toxic gas or radiation which is materially deleterious to surrounding people, properties or uses. Lighting is to be directed away from adjoining properties so not more than one (1) foot candle of illumination leaves the property boundaries.

460. Nonconforming Uses and Structures

010. Purpose.

A use lawfully occupying a structure or site on the effective date of this Ordinance or of amendments thereto which does not conform to the use regulations for the zone in which it is located, shall be deemed to be a nonconforming use and may be continued, subject to the regulations hereinafter.

020. Nonconforming uses of land.

- A. The Director may grant an application for a change of use if, on the basis of the application and the evidence submitted, the Director makes the following findings:
1. That the proposed use is classified in a more restrictive category than existing or preexisting use by the zone regulations of this ordinance. The classifications of a nonconforming use shall be determined on the basis of the zone in which it is first permitted, provided that a conditional use shall be deemed to be in a less restrictive category than a permitted use in the same category.
 2. That the proposed use will not more adversely affect the character of the zone in which it is proposed to be located than the existing or preexisting use.
 3. That the change of use will not result in the enlargement of the space occupied by a nonconforming use. Except that a nonconforming use of a building may be extended throughout those parts of a building which were designed or arranged to such use prior to the date when such use of the building became nonconforming, provided that no structural alteration, except those required by law, are made. The decision of the Director may be appealed to the Hearing Examiner.
- B. If a nonconforming use not involving a structure has been changed to a conforming use, or if the nonconforming use ceases for a period of six (6) months or more, said use shall be considered abandoned, and said premises shall thereafter be used only for uses permitted under the provisions in the zone in which it is located.
- C. A nonconforming use not involving a structure or one involving a structure (other than a sign) having an assessed value of less than two hundred dollars (\$200), shall be discontinued within two (2) years from the date of passage of this ordinance.
- D. A use which is nonconforming with respect to provisions for screening shall provide screening within a period of five (5) years from the date of passage of this ordinance.
- E. If an existing nonconforming use or portion thereof, not housed or enclosed within a structure, occupies a portion of a lot or parcel of land on the effective date hereof, the area of such use may not be expanded, nor shall the use or any part thereof, be moved to any other portion of the property not theretofore regularly and actually occupied for

such use; provided, that this shall not apply where such increase in area is for the purpose of increasing an off-street parking or loading facility to the area specified in this Ordinance for the activity carried on in the property; and provided further that this shall not be construed as permitting unenclosed commercial activities where otherwise prohibited by this Ordinance.

030. Nonconforming structures.

- A. A structure nonconforming to the dimensional standards of this Ordinance may not be altered or enlarged in any manner unless such alteration or enlargement would bring the structure into conformity with the requirements of the zone in which it is located; provided structural change may be permitted when required to make the structure safe for occupancy or use, provided structural enlargements may be allowed in conformity with the setback requirements of the zone in which it is located, and provided structural enlargements may be allowed if they would not further violate setback requirements, and provided further, that a nonconforming mobile home may be replaced notwithstanding the setback and density provisions of this Ordinance, so long as the structure does not further encroach upon any required yard.
- B. A nonconforming structure may be maintained with ordinary care.

040. Nonconforming uses of structures.

- A. No structure, the use of which is nonconforming, shall be moved, altered, or enlarged unless required by law or unless the moving, alteration, or enlargement will result in the elimination of the nonconforming use.
- B. No structure partially occupied by a nonconforming use shall be moved, altered, or enlarged in such a way as to permit the enlargement of the space occupied by the nonconforming use.
- C. If a nonconforming structure or a structure containing a nonconforming use is destroyed by any cause to an extent exceeding sixty percent (60%) of the appraised value of the structure as determined by the records of the County Assessor for the year preceding destruction, a future structure or use on the property shall conform to the regulations for the zone in which it is located.
- D. The Director may approve another nonconforming use upon finding that the structure could not be reasonably converted to a conforming use, and that the approved use is more consistent with the zone than the existing nonconforming use; or upon finding that the proposed use is classified in a more restrictive category than the existing or preexisting use by the zone regulations of this Ordinance. The classifications of a nonconforming use shall be determined on the basis of the zone in which it is first

460. Nonconforming Uses and Structures

permitted, provided that a conditional use shall be deemed to be in a less restrictive category than a permitted use in the same category.

465. Special Care Mobile Homes

010. Special care mobile homes authorized.

Where a family member is in need of special, frequent and routine care and assistance by reason of advanced age or ill-health, a mobile home may be placed upon the same lot as a single family dwelling for occupancy by the individual requiring or providing such special care subject to the following limitations:

- A. Not more than two individuals shall be the recipients of special care;
- B. No rent, fee, payment or charge in lieu thereof may be made for use of the single family dwelling or mobile home as between the recipients or providers of special care;
- C. The mobile home must meet the setback requirements of the zone in which it is situated;
- D. A permit must be obtained from the Director authorizing such special care mobile home. Such permit shall remain in effect for one year and may, upon application, be extended for one year periods provided there has been compliance with the requirements of this section; and
- E. The mobile home must be removed when the need for special care ceases.

500. Variances

010. Conditions for granting a variance.

The Hearing Examiner may permit and authorize a variance of any numerical standard, excluding housing density, from the requirements of this Ordinance only when unusual circumstances cause undue hardship in the application of this Ordinance. The granting of such a variance shall be in the public interest. A variance shall be made only when all of the following conditions and facts exist:

- A. Unusual circumstances or conditions applying to the property and/or to the intended use that do not apply generally to other property in the same vicinity or zone;
- B. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity or zone;
- C. The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or zone in which property is located;
- D. A variance so authorized shall become void after the expiration of one (1) year if no substantial construction has taken place.

020. Application.

A request for a variance may be initiated by a property owner or his authorized agent by filing an application with the Director. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. The Director may request other drawings or material essential to an understanding of the proposed use and its relationship to the surrounding properties.

030. Hearing and notice.

Within sixty (60) days after technically complete application for a variance has been received by the Director, a public hearing shall be held on the proposed variance. Notice of the public hearing shall be as provided for in Section 515.020.

040. Action of the Hearing Examiner.

The Hearing Examiner shall make his/her findings and decision in writing within thirty (30) days after the hearing on the proposed variance. The Director shall transmit the Hearing Examiner's decision to the applicant, within three (3) days after receipt of the Hearing Examiner's decision. The Hearing Examiner may attach conditions to an authorized variance which he/she feels are necessary to protect the public interest and carry out the purpose of this Ordinance.

050. Time limit on approval of a variance.

Authorization of a variance shall be void after six (6) months, unless a building permit has been issued and substantial construction has taken place. However, the authorization may be extended for an additional six (6) months by the Hearing Examiner.

060. Appeal

The applicant or any interested person may appeal the decision of the Hearing Examiner to the Board of Commissioners subject to the provisions of Section 520.020, whose decision is final.

510. Changes to Zones, Rezones, Amendments, Alterations

010. Procedures, general.

This Ordinance may be amended by changing the boundaries of zones or by changing any other provisions thereof, whenever the public health, safety, and general welfare requires such an amendment. Such a change may be proposed by the Board of Commissioners on its own motion or by motion of the Planning Commission or Hearing Examiner (for change in zone boundaries), or by petition as hereinafter set forth. Any such proposed amendment to the provisions of this Ordinance shall first be submitted to the Planning Commission and it shall, within ninety (90) days after a hearing, recommend to the Board of Commissioners approval, disapproval, or modification of the proposed amendment.

020. Application.

An application for change in zone boundaries by a property owner or his authorized agent shall be filed with the Director. The application shall be made on forms provided by the County, accompanied by a site plan drawn to scale showing the property involved and adjacent land. A fee shall be paid to the County at the time of filing the application in accordance with the provisions of the County fee schedule.

030. Public Hearings.

Before taking final action on a proposed amendment, the Planning Commission (or Hearing Examiner in the case of a rezone or zone boundary changes) shall hold a public hearing thereon. After receipt of the report on the amendment from the Planning Commission or Hearing Examiner, the Board of Commissioners shall hold a public hearing on the amendment. Public hearings by the Planning Commission, Hearing Examiner and Board of Commissioners shall be held in accordance with the provisions of Chapter 515.

040. Suggested Changes.

Interested persons, applicants, citizens, hearing examiner and staffs of other agencies desirous of suggesting development regulation amendments shall submit them in writing to the Department indicating the portion of the regulation that they desire to be modified and the proposed modification to be made. The Department will log the request into a book containing such request along with any supporting documentation.

At the time of the annual review such requests shall be forwarded to the Planning Commission for consideration. A notice of the annual review process and time and location of associated hearings and meetings shall be sent to the initiator of the proposed request for change.

515. Public Hearing Procedures and Notice of Public Hearing

010. Public hearing procedures.

- A. Rules. At such public hearings as are herein required, the Planning Chairman at Planning Commission hearings, the Hearing Examiner at Hearing Examiner hearings, and the Chairman of the Board at Commissioner hearings, may establish rules for the conduct of public hearings. The Chairman, Hearing Examiner, Board Chairman, or in the event of absences, the legal presiding member of the Planning Commission or the Board, as the case may be, shall have the authority to administer oaths to any person testifying.
- B. Recess of Hearing. The Planning Commission, Hearing Examiner or Board may, for any reason deemed necessary or desirable, recess or continue a hearing. Upon recessing or continuing a hearing, the Planning Commission, Hearing Examiner or Board shall announce the time, date and place when the hearings will be resumed and such public announcement shall be sufficient notice thereof to all persons.
- C. Action by the Hearing Examiner. Within sixty (60) days after the filing of a technically complete application for which a hearing is required by this Ordinance, the Hearing Examiner shall hold a public hearing on such application. At such public hearings as herein required to be held by the Hearing Examiner, the Examiner shall make his/her findings and decisions or recommendations in writing within ninety (90) days after filing a technically complete application. The Director shall notify the applicant in writing, of the Hearing Examiner's action within five (5) days after the Examiner has rendered his/her decision or recommendation. The Director shall, within ten (10) working days after the last day of the appeal period, forward the Hearing Examiner's findings, recommendations, or decision to the Board of County Commissioners.
- D. Action by the Board of Commissioners. Within ninety (90) days following the receipt of the Hearing Examiner's recommendations, or within ninety (90) days following the receipt of an appeal from a Hearing Examiner decision, the Board of Commissioners shall hold a public hearing on such recommendations or decisions as necessary. At such public hearings as herein required to be held by the Board of Commissioners, the Board, at the conclusion of the public hearing, may enact an ordinance granting the application or may by motion deny the granting of the application. The Board shall in any event render its decision on any application within ninety (90) days after the public hearing, provided, however, that nothing shall prohibit the Board from, by motion, postponing disposition of the application to a definite time past the said ninety (90)-day period.

020. Notice of public hearing.

Notice of time and place of a public hearing required by this Ordinance before the Planning Commission, Hearing Examiner or Board of Commissioners shall be given in the following manner:

515. Public Hearing Procedures and Notice of Public Hearing

- A. Rezones, conditional uses, mixed use planned unit developments, planned unit developments with density increases exceeding twenty percent (20%) and other similar applications initiated by individual property owners shall include the following:
1. Published notice in a newspaper of general circulation at least ten (10) days prior to the hearing. The notice shall include the time and place of the hearing, description of the property and the request, and the code or ordinance authority.
 - What?* 2. ~~Posting of the publication information with a minimum of posting in one (1) conspicuous locations. The application shall provide documentation of such posting at least ten (10) days before the public hearing.~~
 3. Mailed notice including the publication information to all property owners within four hundred (400) feet (121m) of the property, subject to consideration in the hearing. Failure to send notice by mail to such property owners, where the address of such owners is not a matter of public record, shall not invalidate any proceedings in connection with a proposal.
- B. Adoption of a new zoning map.
1. Published notice in a newspaper of general circulation at least ten (10) days before the hearing. The notice shall include a description of the general geographic area or areas of the County involved, time and place of the hearing, purpose and intent of the action, general summary of ordinance contents, and location of exhibits, including maps and ordinance drafts available for public review and comment. Any additional notice provisions as may be determined by the Board of County Commissioners or Planning Commission.

520. Appeals

010. Appeals, to Hearing Examiner from an administrative decision.

Any decision by the Director may be appealed to the Hearing Examiner, unless otherwise specified, within 10 (ten) working days of transmittal of such decision.

020. Appeal to Board of Commissioners from a Hearing Examiner decision.

✓ Any decision by the Hearing Examiner may be appealed to the Board of Commissioners, within ten (10) working days of transmittal of such decision. —

030. Decision of Board of Commissioners final.

Any decision by the Board of Commissioners shall be final unless appealed in a timely manner to a court with jurisdiction.

525. Revocation of Permits or Variances

010. Revocation of permits or variances, automatic if not used.

Any planned unit development permit or conditional use permit granted in accordance with the terms of this Ordinance, shall be deemed revoked if not used within two (2) years from the date of approval by the Director, Hearing Examiner, or Board of Commissioners, unless an extension has been granted by the approving authority annually. Said permit shall not be deemed used until the applicant has actually obtained a building permit and commenced construction thereunder, or has actually commenced the permitted on the premises. Revocation of variances shall be according to the time limit provisions of Section 500.050.

020. Revocation for noncompliance with conditions.

Any planned unit development permit, conditional use permit, or variance granted in accordance with the terms of this Ordinance, may be revoked if any of the conditions or terms of such permit or variance are violated, or if any law or ordinance is violated in connection therewith. If, after notice and hearing, a planned unit development permit is revoked for a substantial violation of any of its conditions, the Board of Commissioners may reconsider any zone change granted in connection with planned unit development, and restore the zoning existing prior to the permit notwithstanding improvements constructed prior to such revocations; but any such proposed change of zone shall follow the procedures otherwise specified herein for zone changes.

030. Public hearing.

The Hearing Examiner shall hold a public hearing on any proposed revocation after giving written notice to the permittee and to other owners of property. The Hearing Examiner shall render a decision within forty (40) days after the conclusions of the hearing. In case the permittee is not satisfied with the action of the Hearing Examiner, he/she may appeal the Hearing Examiner decision to the Board of Commissioners in the manner provided in Section 520.020.

540. Enforcement

010. Authorization.

The Director is authorized to enforce this Ordinance, and to designate County employees as authorized representatives of the Department to investigate suspected violations of this Ordinance, and to issue orders to correct violations and notices of infraction.

020. Penalties.

The violation of any provision of this Ordinance shall constitute a Class I civil infraction. Each violation shall constitute a separate infraction for each and every day or portion thereof during which the violation is committed, continued or permitted. Infractions shall be processed in accordance with the provisions of the Kitsap County Interim Civil Enforcement Ordinance, Ordinance 171-1994.

030. Nuisance.

Any use, building or structure in violation of this Ordinance is hereby found to be unlawful, and a public nuisance. Notwithstanding any other remedy or means of enforcement of the provisions hereof, a mandatory injunction may be brought by the prosecuting attorney, any person residing on property abutting the property with the proscribed condition, or the owner or owners of land abutting the land with the proscribed condition to abate the nuisance in accordance with the law. The costs of such a suit shall be taxed against the person violating this Ordinance.

040. Permit or License in Violation.

Any permit or license issued by the County which was not in conformity with provisions of the zoning ordinance then in effect is null and void.

050. Written Assurance of Discontinuance.

The Director may accept a written assurance of discontinuance of any act in violation of this Ordinance from any person who has engaged in such act. Failure to comply with the assurance of discontinuance shall be a further violation of this Ordinance.

600. Construction

This Ordinance shall be liberally interpreted and construed to secure the public health, safety, morals and welfare and the rule of strict construction shall have no application.

610. Repealer.

Ordinance 178 1995, and all amendments thereto, and Title 17, Kitsap County Code are hereby repealed.

620. Severability

If any section, subsection, clause or phrase of this Ordinance or amendment thereto, or its application to any person or circumstance, is held by a court of competent jurisdiction to be invalid, the remainder or application to other persons or circumstances shall not be affected.

630. Public Hearings

The Board of County Commissioners shall hold at least one public hearing on this interim zoning ordinance as provided by RCW 36.70.795. Such hearing shall be held no later than December 18, 1995.

640. Permanent Zoning Ordinance

The Department of Community Development is hereby directed to being drafting a procedure for a public process to adopt a permanent Zoning Ordinance.

650. Emergency Declaration

The Board of County Commissioners finds as a fact and declares that an emergency exists under its police power and planning authority as well as under WAC 197-11-880, and further finds that this Ordinance is necessary for the immediate preservation of the public health, safety and welfare.

660. Effective Date and Time Limit

This Ordinance shall be of full force and effect on October 23, 1995 as amended on January 8, 1996.

670. Application Fee Schedule

| APPLICATION TYPE | PROPOSED FEE (INCLUDES SEPA) |
|--|---|
| Variance | \$150.00 |
| Rezone (w/o Comp Amend) | \$550.00 |
| Rezone (w/ Comp Amend - Annual Review) | \$700.00 |
| Conditional Use Residential | \$325.00 |
| Conditional Use Commercial | \$500.00 |
| PUD Residential | \$325.00 |
| PUD Commercial | \$500.00 |
| Site Plan Review | \$500.00 |
| Sign Permit | \$40.00 |
| Review & Approval | \$250.00 |
| Home Business | \$150.00 |
| Home Occupation | \$100.00 |
| SEPA Review Alone | \$150.00 |
| Appeal/Objection | \$125.00 |

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