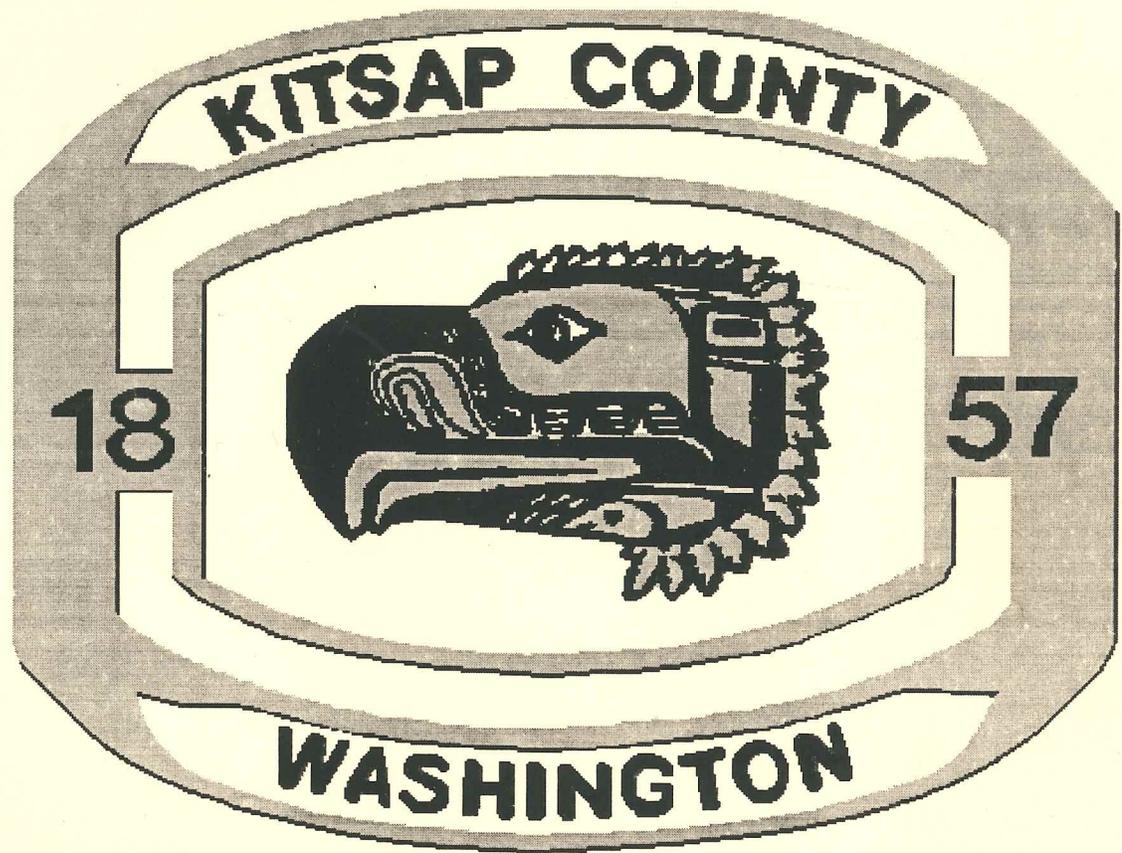


# KITSAP COUNTY

## Interim Zoning Ordinance



June 22, 1998

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# KITSAP COUNTY *INTERIM* ZONING ORDINANCE

## 100. General Provisions

### 010. Title.

This ordinance may be cited as either the Kitsap County Zoning Ordinance or Title-KCC.

### 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 for predictable, 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 approvals are subject to the provisions of this Ordinance and other ordinances and laws, which include, but are not limited to the following:

- A. The Kitsap County Building Code, adopted pursuant to the authority of RCW.19.27, 43.22, and portions of RCW 36.70A, 84.56, and 70.77. The Kitsap County Building Code regulates construction, alteration, demolition, abatement of hazards, use and occupancies of building and structures; and, essential elements of buildings or systems serving buildings such as plumbing, heating and air conditioning, fire alarm, and suppression; and site development such as grading of a site; and, location of a building on the site.
- B. Ordinance No. 20 and RCW 58.17, which concern subdivisions;
- C. Ordinance No. 108-E-1991, which concerns short-plats;

**100. General Provisions**

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- 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 Management Master Program;
- G. Bremerton-Kitsap County Health District 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 Critical Areas Ordinance as adopted;
- K. RCW 47.42, the Highway Advertising Control Act - Scenic Vistas Act;
- L. RCW 18.27.100, Contractor's License;
- M. Ordinance No. 101, which concerns a Land Use Hearing Examiner and the Kitsap County Procedures Ordinance as adopted;
- N. RCW 36.70A and RCW 36.70B, Growth Management Act;
- O. Ordinance No. 149-1993 and RCW 70.94.521-551, Commute Trip Reduction;
- P. Kitsap County Code, 1971 (A Codification of the General Ordinances of Kitsap County);
- Q. Ordinance No. 194-1996, Binding Site Plan;
- R. Ordinance No. 93-0-1992, concerning the regulation of solid waste;
- S. Ordinance No. 50-C-1994, regarding the discharge of firearms; and
- T. Ordinance No. 199-1996, regarding standards relating to stormwater management as adopted.

**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, conditions of approval as referred to in the Changes to Zones, Amendments and Alterations Section, and the existing uses referred to in the Interpretations and Exceptions Section, 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.

**040. Permitted Uses.**

When a use is not specifically listed in this Ordinance, it shall be understood that the use may be permitted if it is determined by the Director that the use is similar to other uses listed. It is further recognized that every conceivable use **cannot** be identified. In anticipation that new uses will evolve over time, this section establishes the Director's authority to compare a proposed use and measure it against those listed in this Ordinance for determining similarity.

In determining "similarity" the Director shall make all of the following findings:

1. The proposed use shall meet the intent of, and be consistent with the goals, objectives and policies of the Comprehensive Plan;
2. The proposed use shall meet the stated purpose and general intent of the zone in which the use is proposed to be located;
3. The proposed use shall not adversely impact the public health, safety and general welfare of the residents of the County; and
4. The proposed use shall share characteristics common with, and not be of greater intensity, density or generate more environmental impact, than those uses listed in the land use zone in which it is to be located.

**050. Conflict with other Regulations.**

Where conflicts occur between the provisions of this Ordinance and the Building and Fire Codes, or other regulations from other jurisdictions with authority, the more restrictive shall apply.

**060. Relationship to Procedures Ordinance.**

To the extent that there is a conflict regarding the requirements of the Zoning Ordinance and the Kitsap County Procedures Ordinance the Procedures Ordinance shall apply.





## **110. Definitions**

For the purpose of this code, certain terms, phrases, words and their derivatives shall be construed as specified in this Section and elsewhere in this code where specific definitions are provided. Terms, phrases and words used in the singular include the plural and the plural the singular. Terms, phrases and words used in the masculine gender include the feminine and the feminine the masculine. Where terms, phrases and words are not defined, they shall have their ordinary accepted meanings within the context with which they are used. *Webster's Third New International Dictionary of the English Language, Unabridged*, copyright 1993, shall be considered as providing ordinary accepted meanings.

### **010. 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 or greater in a single direction.

### **015. 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.

### **020. Accessory dwelling unit.**

"Accessory dwelling unit" shall mean separate living quarters detached from the primary residence. No mobile home or recreational vehicle shall be an accessory dwelling unit. Such dwelling shall be subject to the requirements and conditions provided in Section 430.020.N.

### **025. Accessory living quarters.**

"Accessory living quarters" shall mean separate living quarters contained within the primary residence. Accessory living quarters are subject to the requirements and conditions provided in Section 430.020.O.

### **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.

### **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".

## 110. Definitions

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**045. Adult family home.**

"Adult family home" shall mean a facility licensed pursuant to RCW 70.128 or the regular family abode of a person or persons who are providing personal care, room and board to more than one but not more than four adults who are not related by blood or marriage to the person or persons providing the services.

**050. Agricultural uses.**

"Agricultural uses" shall mean the use of the land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, wholesale nurseries, floriculture, viticulture and wineries, apiaries, and animal and poultry husbandry, and the necessary accessory uses; 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.

**055. Alley.**

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

**060. Animal.**

"Animal" shall mean any live vertebrate creature, reptile, amphibian or bird, except man.

**065. Animal, small.**

"Small animal" shall mean any animal other than livestock used for agricultural purposes.

**070. 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.

**075. Apartment.**

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

**080. Apartment house.**

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

**085. Aquaculture practices.**

"Aquaculture practices" shall mean the harvest, culture or farming of food fish, shellfish or other aquatic plants and animals; which includes fisheries enhancement and the mechanical harvesting of shellfish and hatchery culture.

**090. Automobile repair.**

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

**095. Automobile service station.**

"Automobile service station" shall mean a building or lot having dispensers and storage tanks where fuels or oils for motor vehicles are dispensed, sold, or offered for sale at retail only; including convenience stores where this activity takes place, and where repair service is secondary.

**100. 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, are stored, bought, sold, accumulated, exchanged, disassembled or handled.

**103. Barrier buffer.**

A landscape buffer intended to provide screening between different uses and shall consist of:

- A. Two offset rows of evergreen trees planted ten (10) feet on center and ground cover; or
- B. A six (6) foot screening fence and a single row of evergreen trees planted ten (10) feet on center, and ground cover.

**105. 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 (5-10 bedrooms will be reviewed as a Conditional Use) and which usually provides a morning meal as part of the room rate structure.

**110. Board.**

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

**115. Boarding house.**

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

**120. Boat yard.**

"Boat yard" shall mean a place where boats are constructed, dismantled, stored, serviced, or repaired, including maintenance work thereon and may include such facilities as a marine railway, drydock or tidal grid.

## 110. Definitions

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### 125. 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.

### 130. Buffer, buffering.

"Buffer, buffering" shall mean space, either landscaped or in a natural state intended and dedicated by easement or condition of approval to separate uses that may or may not conflict with each other and to reduce visual, noise, odors and other impacts.

### 135. Building.

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

### 140. 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 horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above lowest grade.
- B. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in Item 1 above is more than 10 feet above lowest grade.

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

### 145. Building line.

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

### 150. 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.

### 155. Carport.

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

**160. 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.

**165. 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.

**168. Co-location.**

The use of a single support structure by more than one (1) wireless services provider where appropriate, and/or placement of up to four (4) support structures for co-location on a specific site. This may include shared facilities with Kitsap County Central Communications or Public Safety Emergency Communications equipment.

**170. Commission or planning commission.**

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

**175. 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.

**177. Conference center.**

"Conference center" shall mean a building or group of buildings with overnight accommodations and meeting space, primarily intended for conferences, meetings, and retreats. Conference centers may include facilities such as dining and banquet rooms, recreation rooms and other amenities.

**180. Congregate care facility.**

"Congregate care facility" shall mean any building in and on which 10 or more people who live in individual housing units generally contained within the same building or series of buildings which provide for independent living while providing common living areas and limited services such as health care, meals and housekeeping. Congregate care facilities are not subject to the density limitations of the zone. Congregate care facilities provide independent and assisted care for identified groups of people with special needs such as the elderly or mentally impaired.

**185. Contiguous.**

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

**190. Convalescent, Nursing or Rest Home.**

"Convalescent, Nursing or Rest Home" shall mean any building or premises in and on which seven (7) 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.

## **110. Definitions**

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### **195. Contractor's storage yard.**

"Contractor's storage yard" shall mean a place where heavy equipment, vehicles, construction equipment or any material commonly used in the erection of any structure, is stored or accumulated. Sites that involve current construction of projects with active permits involving the materials on site shall not be considered a contractor's storage yard.

### **200. Day-care center.**

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

### **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.

### **223. Directional Panel Antenna.**

Generally, a rectangular antenna designed to transmit and receive radio frequency signals in a specific directional pattern.

### **225. Director.**

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

### **230. 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. This definition includes those facilities with drive through windows where food and beverage may be obtained from a vehicle.

**240. 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.

**245. Dwelling, two-family or duplex.**

"Dwelling, two-family or duplex" shall mean a building designed or used for residential purposes by not more than two (2) families, and containing two (2) dwelling units of similar size and design; provided a duplex may not be considered a primary residence for the purposes of constructing an accessory dwelling unit.

**250. 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.

**255. Dwelling unit.**

"Dwelling unit" is any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, for one or more persons but not more than one family.

**257. Emergency Service Communications.**

Any police, fire, emergency, and/or medical wireless communication of radio frequency (RF) signals through electromagnetic energy.

**260. Employees.**

"Employees" shall mean all persons, including proprietors, working on the premises.

**265. Exotic animal.**

"Exotic animal" shall mean any member of the animal kingdom which is not commonly domesticated or which is not common to North America, or which, irrespective of geographic origin, is of a wild or predatory nature, or any domesticated animal which, because of its size, vicious nature or similar characteristics, would constitute a danger to human life or property if not kept, maintained or confined in a safe manner.

**270. 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.

## **110. Definitions**

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### **275. Fence, sight-obscuring.**

"Fence, sight-obscuring" shall mean a fence or combination of fence and planting arranged in such a way as to screen areas from view.

### **280. 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 as defined in Section 110.690.

### **295. 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.

### **300. 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.

### **305. 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. 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.

### **320. 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".

### **325. Hearing examiner.**

"Hearing examiner" shall mean a person appointed to hear or review certain land use applications and appeals pursuant to Kitsap County Ordinances No.101 and 128 (as amended).



**330. 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.

**335. Heavy equipment storage area.**

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

**340. 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.

**345. Home business.**

"Home business" shall mean a use conducted within a dwelling in a residential zone, which use is clearly secondary to the use of the parcel for residential purposes, or for which is provided in section 430.020.G.

**355. Home owners association.**

"Home owners association" shall mean a non-profit organization as defined by the State of Washington operating under recorded land agreements established 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.

**360. 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.

## **110. Definitions**

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### **365. Hotel/Motel.**

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

### **370. 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, excluding approved recycling centers.

### **375. Kennel.**

"Kennel" shall mean a place where five (5) or more adult dogs are kept, for compensation, but excluding veterinary clinics and hospitals, pet shops and zoos.

### **380. Kennel, hobby.**

"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.

### **390. 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.

### **393. Lattice support structure.**

A guyed or self-supporting three or four-sided, open, metal frame structure used to support telecommunication equipment.

### **395. 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. or less).

### **400. Lot.**

"Lot" shall mean platted or unplatted parcel of land which has the minimum area, setbacks, widths and open space required by this title for occupancy by a principal use and meets the access requirements of this title.

**405. 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, and the panhandle of a flag lot if the panhandle is less than thirty (30) feet in width, *except, lots in rural designations may compute to the centerline of public or private street or alley rights-of-way.* Further, rural lots shall be considered 5 acres if the lot is 1/128 of a section, 10 acres, if the lot is 1/64 of a section and 20 acres if the lot is 1/32 of a section.

**410. 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.

**415. Lot coverage.**

"Lot coverage" shall mean that percentage of the total lot area covered by buildings.

**420. 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.

**425. 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.

**430. 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.

**435. 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.

**440. 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.

**445. 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.

## 110. Definitions

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**450. Lot of record.**

"Lot of record" shall mean a lot which was created in accordance with the laws and regulations in effect at the time it was created and is shown on the records of the County Assessor or County Auditor.

**455. Lot, through.**

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

**460. Lot width.**

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

**462. Macro antenna array.**

An attached wireless communication facility which consists of antennas equal to or less than 15 feet in height or a parabolic antenna up to 40 inches in diameter and with an area not more than 100 square feet in the aggregate as viewed from any one point.

**465. 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.

**470. Manufactured home.**

"Manufactured home" shall mean a single-family residence constructed after June 15, 1976 and in accordance with the US Department of Housing and Urban Development (HUD) requirements for manufactured housing and bearing the appropriate insignia indicating such compliance.

**475. 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.

**480. Micro antenna array.**

An attached wireless communication facility which consists of antennas equal to or less than 4 feet in height (except omni directional antennas which may be up to 6 feet in height) and with an area of not more than 580 square inches in the aggregate.

**483. Mini antenna array.**

An attached wireless communication facility which consists of antennas equal to or less than 10 feet in height or a parabolic antenna up to 40 inches in diameter and with an area not more than 50 square feet in the aggregate as viewed from any one point.

**485. Mini-storage warehouse.**

"Mini-storage warehouse" shall mean storage facilities located within a totally enclosed structure used for the storage of non-hazardous materials. This storage shall not be used for commercial or industrial activities.

**490. Mobile home.**

"Mobile home" shall mean a single-family residence transportable in one or more sections that are eight feet or more in width and thirty-two feet or more in length, built on a permanent chassis, designated to be used as a permanent dwelling and constructed before June 15, 1976.

**493. Mobile home park.**

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

**495. Mobile/portable source.**

Transmitters in vehicles or those which are capable of being moved from one point to another and operated from a given location for temporary use for a period of not more than one (1) year.

**500. Modular home.**

"Modular home" shall mean a structure constructed in a factory in accordance with the Uniform Building Code and bearing the appropriate insignia (gold) indicating such compliance. This definition includes "pre-fabricated", "panelized" and "factory built" units.

**503. Mono-pole.**

A structure composed of a single spire used to support telecommunication equipment.

**505. 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.

**510. 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.

**515. Nuisance.**

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

**520. Nursery.**

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

## **110. Definitions**

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### **525. Nursery, wholesale.**

"Nursery, wholesale" shall mean an establishment where trees, shrubs or other plants are propagated on the property and/or continuously grown to a larger size for a period no less than one complete growing season and that is not open to the public on a regular basis. Temporary outdoor stands for the periodic and occasional sale of plants which are grown on the premises shall not disqualify an establishment for definition as a wholesale nursery. No bark, mulch, fertilizer or other similar landscape supply may be sold.

### **530. Nursing or rest home.**

See Section 110.190. Convalescent, Nursing or Rest Home.

### **535. 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.

### **540. 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.

### **545. 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.

### **547. Parabolic antenna.**

An antenna which is a bowl-shaped device for the reception and/or transmission of radio frequency communication signals in a specific directional pattern. (Also known as a dish antenna.)

**550. 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.

**555. 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.

**560. Parking space.**

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

**565. Parking space, barrier free.**

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

**570. Parking space, compact.**

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

**575. Perimeter setback.**

"Perimeter setback" shall mean in a Performance Based Development (PBD), the horizontal distance between a building line and the exterior boundary of the PBD.

**580. 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.

**585. Pet.**

"Pet" shall mean any animal less than 150 pounds in weight, other than exotic animals, kept for companionship, recreation or other non-agricultural purposes.

**590. Pet, non-traditional.**

"Non-traditional pet" shall mean any pet other than a dog, cat, fish or non-raptor bird.

**595. Pier.**

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

## 110. Definitions

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**600. Places of worship.**

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

**605. Performance Based Development (PBD).**

"Performance Based Development" (PBD) shall mean a property development characterized by comprehensive planning of the total project, though it may contain a variety of individual lots and/or uses. Typically a project may include clustering of structures and preservation of open space with a number of flexible and customized design features specific to the natural features of the property and the uses sought to be implemented. Specific lot area and setback requirements may be reduced or deleted in order to allow flexibility and innovation in building design or placement and to allow maximization of open space, sensitive areas and other components of the project.

**610. Planning Commission.**

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

**615. Planning Director.**

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

**620. 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.

**625. Premise.**

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

**630. Principal uses permitted outright.**

"Principal uses permitted outright" shall mean those uses allowed as a matter of right within certain land use zones without requiring a 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.

**635. Prohibited use.**

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



**640. Public facilities.**

"Public facilities" shall include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, waste handling facilities designated as public facilities in the comprehensive solid waste management plan, parks and recreational facilities, schools, public works storage facilities and road sheds, and utilities such as power, phone and cable television.

**645. Recreational open space.**

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

**650. 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.

**655. 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.

**660. Residential care facility.**

"Residential care facility" shall mean a facility that cares for at least five (5), but not more than fifteen (15) functionally disabled persons, that is not licensed pursuant to RCW 70.128.

**665. Rooming house.**

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

**670. Setback.**

"Setback" shall mean the minimum allowable horizontal distance from a property line or a street right-of-way, to the nearest vertical wall or other element of a building or structure as defined herein, except the following structures are exempt from setbacks when built on grade: driveways, patios, pools, sidewalks, and landscaping elements.

**673. Separation buffer.**

A landscape buffer treatment along perimeters of the site which varies in numbers and types of vegetation and structures depending on uses. Trees, shrubs, ground covers and/or fencing are to be provided as required.

## **110. Definitions**

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### **675. Sign.**

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

### **680. 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.

### **685. 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; including the specific requirements listed in the pre-application meeting summary and/or application.

### **690. 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.

### **700. Structural alteration.**

"Structural alteration" shall mean any change or a repair of the supporting members of a building or structure and may be subject to the provisions of Section 460.

### **705. Structure.**

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

### **707. Support structure.**

A structure designed and constructed specifically to support a wireless communication antenna array, and may include a monopole, self supporting (lattice) tower, guy-wire support tower and other similar structures. Any device which is used to attach an attached wireless communication facility to an existing building or structure shall be excluded from the definition of and regulations applicable to support structure.

### **710. Temporary sign.**

"Temporary sign" shall mean a sign intended for use which shall not be displayed for more than fourteen (14) consecutive days and twice in a calendar year, which shall include, but is not limited to portable signs, banners, A-Boards and pennants.

### **715. 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. Temporary structures are subject to building permits.

### **720. 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.

**725. 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 units.

**730. Use.**

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

**735. Use Separation Buffer.**

See Separation Buffer Section 110.673.

**740. Veterinary clinic.**

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

**745. Water-dependent use.**

"Water-dependent use" shall mean a use or portion of a use which requires direct contact with the water and cannot exist at a non-water location due to the intrinsic nature of its operations. Examples of water-dependent uses may include ship cargo terminal loading areas, ferry and passenger terminals, barge loading facilities, ship building and dry docking marinas, aquaculture and float plane facilities.

**750. Water-enjoyment use.**

"Water-enjoyment use" shall mean a recreational use, or other use facilitating public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general character of the use and which through the location, design, and operation assure the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the public and the shoreline space of the project must be devoted to provisions that accommodate public shoreline enjoyment. Examples may include parks, piers, museums, restaurants, education/scientific reserves, resorts and mixed use projects.

**755. Water-oriented use.**

"Water-oriented use" shall mean any combination of water-dependent, water-related and or water-enjoyment uses and serves as an all encompassing definition for priority uses under the Shoreline Management Act (SMA).

**760. Water-related use.**

"Water-related Use" shall mean a use or a portion of a use which is not intrinsically dependent on a waterfront location but whose operation cannot occur economically without a waterfront location. Examples may include warehousing of goods transported by water, seafood processing plants, hydroelectric generating plants, gravel storage when transported by barge, oil refineries where transport is by tanker and log storage.

## **110. Definitions**

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### **765. Wireless communication antenna array.**

A wireless communication antenna array includes one (1) or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency (RF) signals through electromagnetic energy that can be attached to a building or sign. Wireless communication antenna array examples may include the omni-directional antenna (whip), a directional antenna (panel) and/or a parabolic antenna (dish).

### **770. Wireless communication facility.**

A wireless communication facility is any unstaffed facility used for the transmission and/or reception of radio frequency (RF) signals through electromagnetic energy. This usually consists of an equipment shelter or cabinet, a support tower or structure used to achieve the necessary elevation, and the antenna array.

### **775. Wireless communication support structure.**

A structure specifically designed to support a wireless communication antenna array. This may include a mono-pole structure, lattice structure or building.

### **780. Whip antenna.**

An antenna that is cylindrical in shape up to 20 feet in height.

### **785. 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.

### **790. Yard, front.**

"Yard, front" or "front yard" shall mean an area extending the full width of the lot between a building and the front (or roadway) lot line, except as specified elsewhere in this Ordinance.

### **795. 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.

### **800. 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.

### **805. 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 Section 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:

Zones	Map Symbol	Density
Interim Rural Forest	IRF	1 dwelling unit / 20 acres
Rural Protection	RP	1 dwelling unit / 10 acres
Rural Residential	RR	1 dwelling unit / 5 acres
Urban Reserve	URS	1 dwelling unit / 10 acres
Urban Restricted	UR	1-5 dwelling unit(s) / acre
Urban Low Residential	UL	5-9 dwelling units / acre
Urban Medium Residential	UM	10-19 dwelling units / acre
Urban High Residential	UH	20-24 dwelling units / acre
Highway/Tourist Commercial	HTC	not applicable
Urban Commercial	UC	not applicable
Neighborhood Commercial	NC	not applicable
Regional Commercial	RC	not applicable
Business Park	BP	not applicable
Industrial	IND	not applicable
Airport	A	not applicable
Mineral Resource	MR	not applicable

### **020. Original Zoning Maps.**

The designations, locations, and boundaries of the zones set forth in this Section 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 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 restrictive zone classification designated on adjacent and/or abutted properties, until such time as it is determined otherwise by a rezone action.

## **200. Establishment of Zones and Maps**

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### **030. Revised Maps.**

The Board of County Commissioners may instruct 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 zones-to-date. Such maps, or portions thereof, filed as replacements, shall bear dated, original signatures of the Board of County 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 Section, are part of this Ordinance.

### **040. Interpretations of Zone Boundaries.**

The zone boundary lines are indicated on the zoning maps. Where uncertainty exists as to the boundaries of any zone 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, property line, or the centerline of a block, said line shall be construed as the boundary of the zone, unless otherwise indicated on the map.
- 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 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 Planning Commission and Board of County Commissioners of the decision. Said written decision shall be filed with the County Auditor.

### **300. Interim Rural Forest (IRF)**

#### **010. Purpose.**

This zone is intended to encourage the preservation of forest uses, retain an area's rural character and conserve the natural resources while providing for some rural residential use. This zone is further intended to discourage activities and facilities which can be considered detrimental to the maintenance of timber production. Residents of Interim Rural Forest (IRF) residential tracts shall recognize that they can be subject to normal and accepted farming and forestry practices on adjacent parcels.

#### **020. Uses Permitted.**

See the Rural Use Table 320.020.

#### **030. Lot Requirements.**

- A. Lot Area. Minimum lot area shall be 20 acres for newly created lots.
- B. Lot Width and Depth. Lot depth and width shall be shown in a ratio 2:1 where no lot depth or width is greater than 2 times the corresponding lot depth or width.
- C. Front Yard. Minimum front yard setback shall be fifty (50) feet.
- D. Side and Rear Yard. Minimum side and rear yard setback on each side of the residential dwelling shall be twenty (20) feet, and accessory buildings shall be five (5) feet and fifty (50) feet for accessory structures used for agricultural purposes.
- E. Setback from Forestry Use. For a single-family residence, a perimeter setback of not less than one hundred (100) feet, when adjacent to land used for forestry.

#### **040. Height Regulations.**

No building or structure shall be hereafter erected, enlarged, or structurally altered to exceed thirty-five (35) feet in height, except for silos and other uninhabited agricultural buildings.

#### **050. Signs.**

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

#### **060. Off-Street Parking.**

Off-street parking shall be provided according to the provisions of Section 435.

#### **070. Special Provisions.**

Within three hundred (300) feet of designated, undeveloped Interim Rural Forest (IRF) lands, the following language shall be attached to both plats and building permits:

### **300. Interim Rural Forest (IRF)**

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The subject property is within or near land in which resource activities are permitted and encouraged, including a variety of activities which may not be compatible with residential use for certain periods of limited duration. In addition to other activities, these may include noise, dust, smoke, visual impacts and odors resulting from harvesting, planting, application of fertilizers, herbicides and associated reclamation and management activities. When performed in accordance with state and federal law, these resource activities are not subject to legal action as a nuisance.

**080. Other Provision.**  
See Sections 430 & 455.



### **305. Rural Protection Zone (RP)**

#### **010. Purpose.**

This zone is intended to protect and maintain the rural residential character and environment of Kitsap County and to provide for acreage home sites. 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. Uses Permitted.**

See the Rural Use Table 320.020.

#### **030. Lot Requirements.**

- A. Lot Area. Minimum lot area shall be 10 acres for newly created lots.
- B. Lot Width and Depth. Lot depth and width shall be shown in a ratio 2:1 where no lot depth or width is greater than 2 times the corresponding lot depth or width.
- C. Front Yard. Minimum front yard setback shall be fifty (50) feet.
- D. Side and Rear Yard. Minimum side and rear yard setback on each side of the residential dwelling shall be twenty (20) feet and accessory buildings shall be five (5) feet, and fifty (50) feet for accessory structures used for agricultural purposes.

#### **040. Height Regulations.**

No building or structure shall be hereafter erected, enlarged, or structurally altered to exceed thirty-five (35) feet in height, except for silos and other uninhabited agricultural buildings.

#### **050. Signs.**

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

#### **060. Off-Street Parking.**

Off-street parking shall be provided according to the provisions of Section 435.

#### **070. Other Provisions.**

See Sections 430 & 455.



### **310. Rural Residential Zone (RR)**

#### **010. Purpose.**

This zone is intended to recognize rural areas which have been committed or developed for rural residential uses on smaller lots. These areas are provided with limited public services.

#### **020. Uses Permitted.**

See the Rural Use Table 320.020.

#### **030. Lot Requirements.**

- A. Lot Area. Minimum lot area shall be 5 acres for newly created lots.
- B. Lot Width and Depth. Lot depth and width shall be shown in a ratio 2:1 where no lot depth or width is greater than 2 times the corresponding lot depth or width.
- C. Front Yard. Minimum front yard setback shall be fifty (50) feet.
- D. Side and Rear Yard. Minimum side and rear yard setback on each side of the residential dwelling shall be twenty (20) feet and accessory buildings shall be five (5) feet, and fifty (50) feet for accessory structures used for agricultural purposes.

#### **040. Height Regulations.**

No building or structure shall be hereafter erected, enlarged, or structurally altered to exceed thirty-five (35) feet in height except for silos and other uninhabited agricultural buildings.

#### **050. Signs.**

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

#### **060. Off-Street Parking.**

Off-street parking shall be provided according to the provisions of Section 435.

#### **070. Other Provisions.**

See Sections 430 & 455.



### **315. Urban Reserve Zone (URS)**

#### **010. Purpose.**

The intent of the Urban Reserve (URS) (outside of Urban Growth Areas) Zone is to identify those areas adjacent to Urban Growth Areas (UGA's), which may transition inside a UGA if public facilities are provided and a demonstrated need for additional future urban land exists. Residential densities will be limited to one (1) dwelling per ten (10) acres with a "pre-planning" requirement which would allow for the orderly transition to a higher density in the future. This zone may also apply to properties which are being considered for non-residential use.

#### **020. Uses Permitted.**

See the Rural Use Table 320.020.

#### **030. Lot Requirements.**

- A. Lot Area. Minimum lot area shall be 10 acres for newly created lots.
- B. Lot Width and Depth. Lot depth and width shall be shown in a ratio 2:1 where no lot depth or width is greater than 2 times the corresponding lot depth or width.
- C. Front Yard. Minimum front yard setback shall be twenty (20) feet.
- D. Side and Rear Yard. Minimum side and rear yard setback on each side of the residential dwelling shall be five (5) feet and accessory buildings shall be five (5) feet, and fifty (50) feet for accessory structures used for agricultural purposes.

#### **040. Height Regulations.**

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

#### **050. Signs.**

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

#### **060. Off-Street Parking.**

Off-street parking shall be provided according to the provisions of Section 435.

#### **070. Other Provisions.**

See Sections 430 & 455.

#### **080. Other Required Conditions.**

Prior to receiving final plat approval in any URS Zone, the applicant shall demonstrate to the satisfaction of the Director that a pre-plan (or plan for further subdivision of the land into smaller urban lots) exists and is adequate to provide for future utilities and roads. Prior to receiving pre-plan approval, the pre-plan shall be reviewed, and no building permit shall be issued for any structure located in a right-of-way or easement for a future road or a setback thereto.

### **315. Urban Reserve Residential Zone (URS)**

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#### **090. Administrative procedures for "pre-planning".**

The pre-plan is a concept of how the property shall be developed to urban densities at a future date. This pre-plan shall be submitted together with the initial subdivision application or any building permit application.

The conceptual pre-plan shall include adequate provisions for access to all lots including identifying rights-of-way or easements for future roads or streets, drainage facilities and utilities. All building envelopes at both the proposed and future density, including potential drain field locations for future use if needed, shall be identified on the pre-plan and the final Plat/Short Subdivision based upon the setbacks in effect at the time of application.

The following notation shall appear on the final Plat Map which is recorded with the Kitsap County Auditor or with the issuance of any building permit on the subject property:

"This subdivision of land is subject to a pre-plan which is on file with and is available for review at the Kitsap County Department of Community Development. Building envelopes are limited to those indicated on the pre-plan and building permits will not be issued for any structure which would be located in a right-of-way or easement for a future road or street or setback thereto, drainage facility or utility easement."

The following "notations" shall appear on the approved pre-plan on file with the Kitsap County Department of Community Development:

1. This pre-plan is approved in conceptual form only. Approval of this plan in no way guarantees or implies approval of a subdivision of this property at a later date. Any future subdivision of land is subject to all applicable laws, ordinances, rules and regulations in effect at the time of application.
2. Building envelopes are limited to those indicated on this pre-plan and building permits will not be issued for any structure which would be located in a right-of-way or easement for a future road or street or setback thereto, drainage facility or utility easement.
3. This pre-plan is then signed by the applicant and Director of the Department of Community Development and approved in conceptual form only.

## **320. Rural Use Table**

### **020. Uses.**

The following Rural Use Table 320.020 is a list of examples for allowable uses in the Interim Rural Forest (IRF), Rural Protection (RP), Rural Residential (RR), and Urban Reserve (URS) Zones. The appropriate review, as listed, is mandatory.

- "P" - Permitted;  
 "SPR" - Site Plan Review, Section 410;  
 "C" - Conditional Uses, Section 420;  
 "X" - Uses specifically prohibited.

**Rural Use Table 320.020**

<b>USES</b>	<b>IRF</b>	<b>RP</b>	<b>RR</b>	<b>URS</b>
1. Forestry, including accessory buildings related to such uses and activities	P	P	P	P
2. Agricultural uses <sup>2</sup> , including accessory buildings related to such uses and activities <sup>1</sup>	P	P	P	P
3. Single-family dwellings	P	P	P	P
4. Temporary stands not exceeding 200 square feet in area and exclusively for the sale of agricultural products grown on site <sup>3</sup>	P	P	P	P
5. Duplexes on double the minimum lot area required for the zone	P	P	P	P
6. Aggregate extraction sites <sup>4</sup>	P	X	X	X
7. Accessory dwelling unit <sup>1</sup>	C	C	C	C
7A. Accessory living quarters <sup>1</sup>	P	P	P	P
8. Accessory buildings and activities	P	P	P	P
9. Commercial stables <sup>1</sup>	C	C	C	C
10. Bed and breakfast house	C	SPR <sup>2</sup>	SPR <sup>2</sup>	SPR <sup>2</sup>
11. Kennels <sup>1</sup>	C	C	C	C
12. Public facilities	C	C	C	C
13. Nurseries	C	C	C	C
14. Rock crusher used for the purpose of construction and maintenance of a timber management road system	C	X	X	X

### 320. Rural Use Table

USES	IRF	RP	RR	URS
15. Aquaculture	C	C	C	C
16. Publicly owned recreational facilities	C	SPR	SPR	SPR
17. Private recreational facilities	X	C	C	C
18. Performance Based Developments <sup>5</sup>	SPR	SPR	SPR	SPR
19. Places of worship <sup>1</sup>	C	C	C	C
20. Cemeteries and/or mausoleums, crematories and mortuaries within cemeteries <sup>1</sup>	X	C	C	C
21. Public or private schools <sup>1</sup>	C	C	C	C
22. Golf courses	X	C	C	C
23. Veterinary clinics <sup>1</sup>	X	C	C	C
24. Day-care centers <sup>1</sup>	X	C	C	C
25. Contractor's storage yard <sup>1</sup>	X	C	C	X
26. Community buildings, social halls, lodges, clubs and meeting places <sup>1</sup>	X	C	C	X
27. Home business <sup>1</sup>	SPR	SPR	SPR	SPR
28. Overnight accommodations, meeting facilities, and recreational vehicle (RV) facilities associated with a public park or private recreational facilities.	C	C	C	C

<sup>1</sup>Subject to the provisions of Section 430.

<sup>2</sup>As defined in Section 110.

<sup>3</sup>Minimum setbacks shall be 20 feet from any abutting right-of-way or property line; provided, however, advertising for sale of products shall be limited to two (2) on premise signs each not exceeding six (6) square feet.

<sup>4</sup>No greater than two (2) acres for the purposes of construction and maintenance of a timber management road system, provided the total parcel is at least twenty (20) acres.

<sup>5</sup>Subject to the provision of Section 425.



## **325. Urban Restricted Zone (UR)**

### **010. Purpose.**

The Urban Restricted (UR) Zone is applied to those areas within urban growth boundaries which have identified parcels constrained by critical areas of 50% or greater. Development would be limited to a density range of one (1) to five (5) dwelling units per acre. Actual densities allowed will be determined at the time of land use application, following an analysis of the site and review of potential impacts to the critical areas.

### **020. Permitted Uses.**

The following uses are permitted:

- A. Single-family detached dwellings, provided, mobile homes as defined in Section 110 shall not be allowed, except in approved mobile home parks;
- B. Publicly-owned recreational facilities, services, parks, and playgrounds;
- C. Agriculture uses, including accessory buildings related to such uses and activities as defined in Section 110, and subject to the provisions of Section 430;
- D. Forestry, including accessory buildings related to such uses and activities as defined in Section 110;
- E. Accessory uses and structures normal to a residential environment;
- F. Duplexes on double the minimum lot area required for the zone; and
- G. Accessory dwelling unit and Accessory living quarters, subject to the provisions of Section 430.

### **030. Conditional Uses.**

The following are the conditional uses in the UR Zone in accordance with the provisions of Section 420:

- A. Cemeteries and/or mausoleums, crematories, columbaria, and mortuaries, provided that no mortuary or crematorium is within one hundred (100) feet of a boundary street, or where no street borders the cemetery, within two hundred (200) feet of a lot in a residential zone, subject to the provisions of Section 430;
- B. Places of worship, subject to the provisions of Section 430;
- C. Public or private schools, subject to the provisions of Section 430;
- 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, subject to the provisions of Section 430;

**325. Urban Restricted Zone (UR)**

- 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, including townhouses;
- H. Mobile home parks, subject to the density limitations of the zone; and
- I. Multi-family projects subject to the density limits of the zone.

**040. Uses Permitted After Site Plan Review as set forth in Section 410.**

- A. Home business, subject to the provisions of Section 430;
- B. Performance Based Developments, subject to the provisions of Section 425;
- C. Temporary offices and model homes, subject to the provisions of Section 455; and
- D. Bed and breakfast house as defined in Section 110.

**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.**

The minimum lot requirements shall be as shown in Urban Restricted Zone Lot Requirements Table 325.060.

**Urban Restricted Zone Lot Requirements Table 325.060**

Classi- fication	Density (Du/Acre)	Minimum Lot Area	Minimum Lot Width	Minimum Lot Depth	Front Yard	Side Yard	Opposite Side Yard	Rear Yard
UR	1-5	5,800	60	60	20	5	5	5

**070. Lot Coverage.**

Maximum lot coverage by impervious surface shall not exceed fifty percent (50%).

**080. Signs.**

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

**090. Off-Street Parking.**

Off-street parking shall be provided according to the provisions of Section 435.

**100. Other Provisions.**

See Sections 430 & 455.

### **330. Urban Low Residential Zone (UL)**

#### **010. Purpose.**

The intent of this zone is to recognize, maintain, and protect urban low density residential areas and establish urban 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. This zone is also intended to create energy-efficient residential areas which are capable of allowing the provision of community services in a more economical manner; and 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, mobile homes as defined in Section 110 shall not be allowed, except in approved mobile home parks;
- B. Publicly-owned recreational facilities, services, parks, and playgrounds;
- C. Agricultural uses, including accessory buildings related to such uses and activities as defined in Section 110, and subject to the provisions of Section 430;
- D. Forestry, including accessory buildings related to such uses and activities as defined in Section 110;
- E. Accessory uses and structures normal to a residential environment;
- F. Duplexes on double the minimum lot area required for the zone;
- G. Accessory dwelling unit and accessory living quarters, subject to the provisions of Section 430; and
- H. Residential care facility located within an existing structure.

#### **030. Conditional Uses.**

The following are the conditional uses in the Urban Low Residential (UL) Zone in accordance with the provisions of Section 420:

- A. Cemeteries and/or mausoleums, crematories, columbaria, and mortuaries, provided that no mortuary or crematorium is within one hundred (100) feet of a boundary street, or where no street borders the cemetery, within two hundred (200) feet of a lot in a residential zone, subject to the provisions of Section 430;
- B. Places of worship, subject to the provisions of Section 430;
- C. Public or private schools, subject to the provisions of Section 430;

### **330. Urban Low Residential Zone (UL)**

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- D. Private recreational facilities such as: marinas, country clubs and golf courses (including conference centers when associated with the aforementioned uses), 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, subject to the provisions of Section 430;
- 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, including townhouses;
- H. Mobile home parks, subject to the density limitations of the zone;
- I. Multi-family projects, subject to the density limitations of the zone; and
- J. Community buildings, social halls, lodges, clubs, meeting places.

#### **040. Uses Permitted After Site Plan Review as set forth in Section 410.**

- A. Home business, subject to the provisions of Section 430;
- B. Performance Based Developments, subject to the provisions of Section 425;
- C. Temporary offices and model homes, subject to the provisions of Section 455;
- D. Bed and breakfast house as defined in Section 110; and
- E. Residential care facility not located within an existing structure.

#### **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.**

The minimum lot requirements shall be as shown in Urban Low Residential Zone Lot Requirements Table 330.060.

Development within this zone is subject to a minimum density requirement of 5 units per acre. Residential development which does not meet this density requirement must submit a pre-plan for future property division and meet the requirements outlined in Section 315.090.

**Density Exception for McCormick Woods IUGA - Development within the McCormick Woods (South Kitsap) IUGA/UGA is restricted to the residential density approved for the**

**330. Urban Low Residential Zone (UL)**

McCormick Woods and McCormick Campus Station PUDs until an additional population allocation beyond the 1991-2012 planning period can be utilized for this area in a future amendment to the plan.

**Urban Low Residential Zone Lot Requirements Table 330.060**

<b>Classi- fication</b>	<b>Density (Du/Acre)</b>	<b>Minimum Lot Area</b>	<b>Minimum Lot Width</b>	<b>Minimum Lot Depth</b>	<b>Front Yard</b>	<b>Side Yard</b>	<b>Opposite Side Yard</b>	<b>Rear Yard</b>
UL	Min Max 5 9	None	60	60	20	5	5	5

**070. Signs.**

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

**080. Off-Street Parking.**

Off-street parking shall be provided according to the provisions of Section 435.

**090. Other Provisions.**

See Sections 430 & 455.



### **340. Urban Medium Residential Zone (UM)**

#### **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.**

The following uses are permitted:

- A. Single-family attached and detached, provided, mobile homes as defined in Section 110, shall not be allowed, except in approved mobile home parks;
- B. Multi-family, provided, they meet the density requirements;
- C. Publicly-owned recreational facilities, services, parks, and playgrounds;
- D. Agricultural uses, including any accessory buildings related to such uses and activities as defined in Section 110, and subject to the provisions of Section 430;
- E. Forestry, including any accessory buildings related to such uses and activities as defined in Section 110;
- F. Accessory uses and structures normal to a residential environment;
- G. Accessory dwelling unit and accessory living quarters, subject to the provisions of Section 430; and
- H. Residential care facility located in an existing structure.

#### **030. Conditional Uses.**

The following are the conditional uses in the Urban Medium Residential (UM) Zone in accordance with the provisions of Section 420:

- A. Cemeteries and/or mausoleums, crematories, columbaria, and mortuaries within cemeteries, provided that no mortuary or crematorium is within one hundred (100) feet of a boundary street, or where no street borders the cemetery, within two hundred (200) feet of a lot in a residential zone, subject to the provisions of Section 430;
- B. Places of worship;
- C. Public or private schools, subject to the provisions of Section 430;
- 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, subject to the provisions of Section 430;

### 340. Urban Medium Residential Zone (UM)

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- 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. Mobile home parks, subject to the density limitations of the zone; and
- H. Congregate care facility.

#### 040. Uses Permitted after Site Plan Review as set forth in Section 410.

- A. Home business, subject to the provisions of Section 430;
- B. Performance Based Development, subject to the provisions of Section 425;
- C. Temporary offices and model homes, subject to the provisions of Section 455;
- D. Bed and breakfast house as defined in Section 110; and
- E. Residential care facility not located in an existing structure.

#### 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.

The minimum lot requirements shall be as shown in Urban Medium Residential Zone Lot Requirements Table 340.060. Development within this zone is subject to a minimum density requirement of 10 units per acre. Residential development which does not meet this density requirement must submit a pre-plan for future property division and meet the requirements outlined in Section 315.090.

**Urban Medium Residential Zone Lot Requirements Table 340.060**

Classifi- cation	Density (DU/Acre)		Minimum Lot Area	Minimum Lot Width	Minimum Lot Depth	Front Yard	Side Yard	Opposite Side Yard	Rear Yard
	Min	Max							
UM	10	18	None	60	60	20	5	5	5

#### 070. Signs.

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

#### 080. Off-Street Parking.

Off-street parking shall be provided according to the provisions of Section 435.

#### 090. Other Provisions.

See Sections 430 & 455.



### **350. Urban High Residential Zones (UH)**

#### **010. Purpose.**

This zone is intended to provide for multiple-family residential and professional office development based upon compatibility with surrounding land uses. The primary use of this zone is intended to be high density residential. Professional office use is intended to compliment and support the residential use within the zone and be consistent with, and in conjunction with, residential development. 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.**

- "P" - Permitted uses;
- "SPR" - Site Plan Review, Section 410;
- "C" - Conditional Uses, Section 420;
- "X" - Uses specifically prohibited.

**Urban High Residential Use Table 350.020**

USES	UH
<b>A. Residential</b>	
1. Existing residential	P
2. Accessory uses and structures normal to a residential environment	P
3. Single-family dwellings - attached	SPR
4. Single-family dwellings - detached	SPR
5. Multi-family subject to density limitations of the zone	P
6. Residential Performance Based Development <sup>3</sup>	SPR
7. Boarding or rooming house <sup>2</sup>	SPR
8. Structures exceeding 35 feet in height	C
9. Home business <sup>1</sup>	SPR
<b>B. Retail Sales - Restaurants, Drinking Places</b>	
1. Restaurants within residential or office complex	SPR
2. Espresso stands within a residential or office complex	P

**350. Urban High Residential Zones (UH)**

<b>USES</b>	<b>UH</b>
<b>C. Services, Business</b>	
1. Mini-storage warehouses	C
2. Temporary sales offices	SPR
<b>D. Services, Medical and Health</b>	
1. Hospital	C
2. Veterinary clinics <sup>1</sup>	C
3. Medical and dental clinics	SPR
4. Convalescent, nursing or rest home	SPR
5. Congregate care facility	C
6. Residential care facility within an existing structure	P
7. Residential care facility not located within an existing structure	SPR
<b>E. Services, Professional Offices</b>	
1. Professional and business offices	SPR
<b>F. Services, Amusement</b>	
1. Private recreational facility	SPR
<b>G. Services, Membership Organizations</b>	
1. Places of worship	SPR
2. Clubs, lodges and charitable institutions	SPR
<b>H. Services, Educational</b>	
1. Public and private schools <sup>1</sup>	SPR
2. Day-care centers <sup>1</sup>	SPR
<b>I. Public Services and Facilities</b>	
1. Parks and recreational facilities	SPR
2. Governmental structures including police and fire stations	SPR
3. Utility substation and related facilities	SPR

**350. Urban High Residential Zones (UH)**

USES	UH
<b>J. Other</b>	
1. Forestry	P
2. Agricultural uses <sup>2</sup> , including accessory buildings related to such uses and activities <sup>1</sup>	P
3. Cemeteries and mausoleums	C

<sup>1</sup>Subject to the provisions of Section 430.

<sup>2</sup>As defined in Section 110.

<sup>3</sup>Subject to the provisions of Section 425.

**030. Height Regulations.**

No building or structure shall be hereafter erected, enlarged, or structurally altered to exceed thirty five (35) feet in height without concurrence from the appropriate fire district and Fire Marshal. 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. Lot Area. None.
- B. Lot Width. Minimum lot width shall be sixty (60) feet.
- C. Lot Depth. Minimum lot depth shall be sixty (60) feet.
- D. Front Yard. Minimum front yard setback shall be twenty (20) feet.
- E. Side Yard. Minimum side yard on each side of the residential dwelling shall be five (5) feet.
- F. Rear Yard. Minimum rear yard shall be ten (10) feet.

**050. Densities.**

Minimum: 19 units/acre Maximum: 24 units/acre

Development within this zone is subject to a minimum density requirement of 19 units per acre. Residential development which does not meet this density requirement must submit a pre-plan for future property division and meet the requirements outlined in Section 315.090.

### **350. Urban High Residential Zones (UH)**

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**060. Off-Street Parking.**

Off-street parking shall be provided according to the provisions of Section 435.

**070. Signs.**

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

**080. Landscaping.**

Landscaping shall be provided according to the provisions of Section 385.

**090. Recreational Openspace.**

See Section 425.040.C.

**100. Other Provision.**

See Sections 430 & 455.

## **355. Commercial Zones**

### **010. Purpose.**

#### **A. Neighborhood Commercial (NC)**

These commercial centers occur on smaller sites and are intended to provide for the quick stop shopping needs for the immediate neighborhood in which they are located. New centers should be based upon demonstrated need and shall be compatible with a residential setting.

#### **B. Highway/Tourist Commercial (HTC)**

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. This zone also serves the needs of Kitsap County's growing tourist industry. Uses are focused on visitor services and accommodations for both destination and en route travelers. Certain historic settlements, highway locations, and tourism "gateways" are most appropriately suited for the HTC zone.

#### **C. Urban Commercial (UC)**

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

#### **D. Regional Commercial (RC)**

These centers are intended to provide for the shopping and service needs of the region. Generally these centers will contain two or more major department stores along with several shops of the same kind for comparative shopping. New centers shall be more than forty (40) acres in size.

### **020. Uses.**

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

- "P" - Permitted;
- "SPR" - Site Plan Review, Section 410;
- "C" - Conditional uses, Section 420;
- "X" - Uses specifically prohibited.

**355. Commercial Zones**

**Commercial Use Table 355.020**

USES	NC	HTC	UC	RC
<b>A. Residential</b>				
1. Medium and high density (Not on ground floor)	SPR	SPR	SPR	SPR
2. Performance Based Developments, subject to Section 425	SPR	SPR	SPR	SPR
3. Existing residences without any increase in density	P	P	P	P
<b>B. Retail Sales - General Merchandise and services</b>				
1. Stores in excess of 25,000 square feet gross floor area	X	SPR	SPR	SPR
2. Stores - 5,000 to 25,000 square feet gross floor area	C	SPR	SPR	SPR
3. Stores - less than 5,000 square feet gross floor area	SPR	SPR	SPR	SPR
<b>C. Retail Sales - Restaurants, Drinking Places</b>				
1. Delicatessens / Restaurants - fast food including drive up service windows	SPR	SPR	SPR	SPR
2. Drinking places, alcoholic beverages with or without entertainment	C	C	C	C
3. Espresso stands	SPR	SPR	SPR	SPR
<b>D. Retail Sales - Automotive Related Sales &amp; Services</b>				
1. Motor vehicle / RV dealers - new and used	X	SPR	SPR	SPR
2. Auto parts and accessory stores	X	SPR	SPR	SPR
3. Service stations / fuel sales	X	SPR	SPR	SPR
4. Boat dealers, marine supplies, and repair	X	SPR	SPR	SPR
5. Farm equipment and implement dealer	X	SPR	SPR	SPR
6. Auto, truck, trailer and equipment rental or repair	X	SPR	SPR	SPR
7. Car washes	X	SPR	SPR	SPR

USES	NC	HTC	UC	RC
<b>E. Retail Sales - Miscellaneous Stores</b>				
1. Mobile home sales - new and used	X	SPR	SPR	SPR
2. Farm and garden supplies including nurseries	SPR	SPR	SPR	SPR
3. Fuel distributors / bulk storage	X	C	C	C
4. Laundry services	C	SPR	SPR	SPR
5. Lumber yards and building/construction materials	X	SPR	SPR	SPR
<b>F. Retail Sales - Products (Custom Fabricated, Processed, Assembled, Installed, Repaired, or Printed on the Premises within an Entirely Enclosed Building)</b>				
1. Cabinet, electrical, plumbing, sheet metal, heating & air conditioning and welding shops	C	SPR	SPR	SPR
<b>G. Services - Business</b>				
1. General office and management services in excess of 5,000 square feet gross floor area	X	SPR	SPR	SPR
2. General office and management services - 2,000 to 5,000 square feet gross floor area	C	SPR	SPR	SPR
3. General office and management services less than 2,000 square feet gross floor area	SPR	SPR	SPR	SPR
4. Duplicating, addressing, blueprinting, photocopying, mailing, and stenographic services	SPR	SPR	SPR	SPR
5. Mortuaries	C	SPR	SPR	SPR
6. Office equipment service and repair shop	C	SPR	SPR	SPR
7. Off-street parking facilities	X	SPR	SPR	SPR
8. Mini-storage warehouses	X	SPR	SPR	SPR
9. Auction house	X	SPR	C	SPR
10. Vehicle towing service storage	X	C	C	C
11. Financial and banking institutions	SPR	SPR	SPR	SPR
12. Real estate brokers, agents, and services	SPR	SPR	SPR	SPR
<b>H. Services - Lodging Places</b>				
1. Motels / Hotels	C	SPR	SPR	SPR
2. Recreational vehicle camping parks	X	C	X	X

**355. Commercial Zones**

<b>USES</b>	<b>NC</b>	<b>HTC</b>	<b>UC</b>	<b>RC</b>
<b>I. Services - Medical and Health</b>				
1. Hospitals / health care campus	X	SPR	SPR	SPR
2. Medical and dental laboratories	C	SPR	SPR	SPR
3. Sanitaria, convalescent, and rest homes	C	SPR	SPR	SPR
4. Animal hospital	SPR	SPR	SPR	SPR
5. Ambulance service	C	SPR	SPR	SPR
6. Congregate care facility	C	C	C	C
7. Clinic, outpatient	SPR	SPR	SPR	SPR
<b>J. Services - Amusement</b>				
1. Amusement centers - indoor	C	SPR	SPR	SPR
2. Amusement centers - outdoor	C	SPR	SPR	SPR
3. Carnival (temporary) and circus (temporary)	C	SPR	SPR	SPR
4. Health and racquet clubs	SPR	SPR	SPR	SPR
5. Theaters, indoor	SPR	SPR	SPR	SPR
6. Theaters, outdoor (drive-in)	X	C	C	C
7. Sports facilities, including stadium and arena facilities	C	SPR	SPR	SPR
<b>K. Services - Educational, Recreational</b>				
1. Nursery, day-care centers	SPR	SPR	SPR	SPR
2. Libraries	SPR	SPR	SPR	SPR
3. Private schools	SPR	SPR	SPR	SPR
4. Public parks, parkways, public/private recreational facilities, trails and related facilities	SPR	SPR	SPR	SPR
5. Marinas	SPR	SPR	SPR	SPR
<b>L. Services - Membership Organizations</b>				
1. Business, professional, civic, social and fraternal	SPR	SPR	SPR	SPR
2. Religious, places of worship	SPR	SPR	SPR	SPR



USES	NC	HTC	UC	RC
<b>M. Public Services and Facilities</b>				
1. Police and fire stations	SPR	SPR	SPR	SPR
2. Educational institutions	SPR	SPR	SPR	SPR
3. Post offices	SPR	SPR	SPR	SPR
4. Utility substation and related facilities	SPR	SPR	SPR	SPR
5. Zoos, museums, galleries, historic and cultural exhibits and similar uses	SPR	SPR	SPR	SPR
6. Transportation terminals	C	SPR	SPR	SPR
<b>N. Other</b>				
1. Forestry	P	P	P	P
2. Agriculture	P	P	P	P

**Note:** Other similar uses which the Director finds to fit the purpose or intent of the zoning designation, in compliance with section 100.040 (Permitted Uses).

**030. Height Regulation.**

No building or structure shall be hereafter erected, enlarged, or structurally altered to exceed thirty-five (35) feet 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. 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 Commercial Zone Lot Requirements Table 355.040.

**355. Commercial Zones**

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**Commercial Zone Lot Requirements Table 355.040**

<b>ZONE</b>	<b>NC</b>	<b>HTC</b>	<b>UC</b>	<b>RC</b>
A. Minimum front yard setback in feet	20	20	20	20
B. Minimum side yard setback abutting a residential zone	20	20	20	20
C. Minimum side yard setback not abutting a residential zone	10	10	10	10
D. Minimum rear yard setback abutting a residential zone	20	20	20	20
E. Minimum rear yard setback not abutting a residential zone	10	10	10	10

**050. Signs.**

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

**060. Off-street Parking and Loading.**

Off-street parking shall be provided according to the provisions of Section 435.

**070. Landscaping.**

See Section 385.

**080. Other Provisions.**

See Section 430.

## **360. Business Park Zone (BP)**

### **010. Purpose.**

This zone is intended to provide for integrated grouping of small to medium size businesses within an attractive park-like setting. The Business Park (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 creation, development and retention of primary wage employment in the professional and technical fields, and not intended for the general retail commercial needs of the area.

### **020. Uses.**

For a list of examples of allowable uses in the BP Zone see Business Park and Industrial Use Table 370.020.

### **030. Height Regulation.**

No structure shall exceed thirty-five (35) feet 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.

### **040. Site Requirements.**

- A. Site area - The minimum site area shall be seven (7) acres.
- B. Site setback - The minimum site setback shall be seventy-five (75) feet 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 but no less than twenty-five (25) feet. In all other cases, minimum site setbacks shall be twenty (20) feet.
- C. Site coverage - The maximum site coverage by impervious surfaces 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 and hedges 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.

## **360. Business Park Zone (BP)**

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### **050. Signs.**

Signs shall be permitted according to the provisions of Section 445, 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.

### **060. Off-street Parking and Loading.**

Off-street parking and loading shall be provided as required by Section 435.

### **070. Site Landscaping and Design Plan.**

Development within this zone shall be subject to review and approval by the Director of a site landscape and design plan. In addition to the requirements of Section 385, the following requirements shall apply:

- A. All required landscaping shall be installed prior to occupancy, unless installation is bonded at 150 percent of the cost of materials and labor (or other method) for a period not to exceed six (6) months.
- 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, 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 plantings, 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.

**080. 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 in compliance with the Kitsap County Noise Ordinance.
- B. **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.

**090. 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.



**370. Industrial Zone (IND)**

**010. Purpose.**

This zone is intended to provide sites for activities which require processing, fabrication, storage, and wholesale trade. Generally, these activities require reasonable accessibility to major transportation corridors including highways, rail, airports or shipping.

**020. Uses.**

The following Business Park and Industrial Use Table 370.020 is a list of examples of allowable uses in the Business Park (BP) and Industrial (IND) Zones.

Any use allowed in the Airport (A) zone is also an allowable use in the IND and BP zones utilizing the same review process as identified in the Airport zone. The appropriate review, as listed, is mandatory.

- "P" - Permitted;
- "SPR" - Site Plan Review, Section 410;
- "C" - Conditional Uses, Section 420;
- "X" - Uses specifically prohibited.

**Business Park and Industrial Use Table 370.020**

USES		BP	IND
<b>A. Services, Retail and Amusements</b>			
1.	Laundry for carpets, overalls, rugs, and rug cleaning, using non-explosive and non-flammable cleaning fluids	SPR	SPR
2.	Parcel delivery service	SPR	SPR
3.	Animal hospital, kennels and animal boarding places	SPR	SPR
4.	Ambulance service	SPR	SPR
5.	All types of automobile, motorcycle, truck, and equipment service, repair, and rental	SPR	SPR
6.	Boat building, and repair	SPR	SPR
7.	Fuel oil distributors	X	SPR
8.	Service commercial uses such as banks, restaurants, cafes, drinking places, automobile service stations, and other business services located to serve adjacent industrial areas	C	SPR

**370. Industrial Zone (IND)**

<b>USES</b>		<b>BP</b>	<b>IND</b>
9.	Retail or combination retail/wholesale lumber and building materials yard	X	SPR
10.	Manufactured home and trailer storage or rental	X	SPR
11.	Amusement park	X	C
12.	Circus, carnival or other type of transient and outdoor amusement enterprises	X	SPR
13.	Race track; auto or motorcycle	C	C
14.	Museums, aquariums, historic, or cultural exhibits	SPR	SPR
15.	Tourism facilities including outfitters, guides, and seaplane and tour-boat terminals	SPR	SPR
<b>B. Assembly -- Manufacture of Products</b>			
1.	Assembly and fabrication of sheet metal products	SPR	SPR
2.	Assembly, manufacture, compounding, packaging or treatment of articles or merchandise (Non-Hazardous)	SPR	SPR
3.	Assembly, manufacture, compounding, packaging or treatment of articles or merchandise (Hazardous)	X	C
4.	Ship building, dry dock, ship repair, dismantling	X	SPR
5.	Manufacture of paper and by-products of paper	X	SPR
6.a	Manufacture of roofing paper or shingles, asphalt in facilities less than 10,000 square feet	SPR	SPR
6.b	Manufacture of roofing paper or shingles, asphalt in facilities 10,000 square feet or greater	C	C
7.	Manufacture of mobile and manufactured homes	X	SPR
8.a	Forest products manufacturing or shipping facilities which are not located on the waterfront	X	SPR
8.b	Forest products manufacturing or shipping facilities which are located on the waterfront	X	C



USES	BP	IND
<b>C. Processing and Storage</b>		
1. Spinning or knitting of fibrous materials	SPR	SPR
2. Non-marine related wholesale business, and warehouses not including mini-storage facilities	SPR	SPR
3. Non-marine related cold storage plants, including storage and office	SPR	SPR
4. Processing uses such as bottling plants, creameries, laboratories, blue printing, and photocopying, tire retreading, recapping, and rebuilding	SPR	SPR
5. Storage or sale yard for building materials, contractors' equipment, house mover, delivery vehicles, transit storage, trucking terminal, and used equipment in operable condition	X	SPR
6. Brewery, distillery, or winery	SPR	SPR
7. Junkyards or wrecking yards	X	C
8. Grain elevator and flour milling	X	SPR
9. Sawmills, lumber mills, planing mills, and molding plants	X	SPR
10. Junk, rags, paper, or metal salvage, storage or processing	X	C
11. Rolling, drawing, or alloying ferrous and nonferrous metals	X	SPR
12. Rubber, treatment or reclaiming plant	X	SPR
13. Slaughterhouse or animal processing	X	C
14. Major petroleum storage and/or refining	X	C
15. Recycling centers (excluding junkyards)	SPR	SPR
16. Incinerator or reduction of garbage, offal, dead animals or refuse	X	C
17. Marine-related storage of equipment, supplies, materials, boats, nets, and vehicles	X	SPR
18. Cold storage facilities for marine or agricultural products	SPR	SPR

**370. Industrial Zone (IND)**

USES	BP	IND
<b>D. Aggregate Products</b>		
1. Manufacture of concrete products and associated uses	X	C
2. Manufacture of concrete products entirely within an enclosed building	SPR	SPR
3. Surface mining and quarries, subject to the provisions of the Mineral Resource Zone	X	C
<b>E. Other</b>		
1. Business and Professional services	P	SPR
2. Welding shop	C	SPR
3. Existing residential use without any increase in density	P	P
4. Residential dwelling for caretaker on the property in conjunction with a permitted use	P	P
5. Administrative, educational, and other related activities and facilities in conjunction with a permitted use	SPR	SPR
6. Research Laboratory	SPR	SPR
7. Aquaculture	X	C
8. Cabinet, electrical, plumbing, sheet metal/welding, electroplating and similar fabrication shops	SPR	SPR
9. Marine manufacturing repairs and services	SPR	SPR
10. Shellfish/fish hatcheries and processing facilities	X	C
11. Marinas	X	C
12. Forestry	P	P
13. Agriculture	P	P
14. Industrial Park	SPR	SPR

USES	BP	IND
<b>F. Public Services and Facilities</b>		
1. Police and fire substations	SPR	SPR
2. Educational institutions	SPR	SPR
3. Land/water transshipment facilities, including docks, wharves, marine rails, cranes, and barge facilities	C	C
4. Recreational Facilities Public/Private	C	C

**030. Height Regulations.**

Buildings and structures may exceed thirty-five (35) feet in the Industrial Zone upon review and approval as part of the land use review process appropriate for the individual use as identified in Table 370.020. The maximum building height may be increased upon approval of the fire district, Fire Marshal, and Director, any such increases shall be based on criteria which must first be approved by the Board of County Commissioners.

**040. Lot Requirements (Industrial Zone).**

- 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 (20) feet .
- G. Minimum side yard setback -- None.
- H. Rear yard setback -- None.
- I. Yard abutting a residential zone -- Wherever an Industrial zone abuts a residential zone, a fifty (50) foot 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 for any yard abutting a residential zone unless berming and landscaping or other screening approved

### **370. Industrial Zone (IND)**

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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. These setbacks are the minimum setbacks required and may be increased by the Director to ensure adequate buffering and compatibility between uses.

#### **050. Lot Coverage.**

Maximum lot coverage by buildings and structures shall not exceed sixty percent (60%).

#### **060. Signs.**

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

#### **070. Off-Street Parking and Loading.**

Off-street parking and loading shall be provided as required by Section 435. In addition, no off-street parking or loading shall be allowed within fifty (50) 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 of an adjacent residential zone. 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 be subject to review and approval by the Director of a site landscape and design plan.

#### **090. Other Provisions.**

A. In any Industrial Zone, an Industrial Park as further described, may be permitted. An Industrial Park is intended to provide centers or clusters of not less than twenty (20) acres for most manufacturing and industrial uses under controls which will minimize the effect of such industries on nearby uses. Industrial Parks are intended to encourage industrial activities to occur within a park-like environment. Any use permitted outright in all Industrial Zones, by Conditional Use or by Site Plan Review when located in an Industrial Park are subject to the following provisions:

1. Lot Requirements
  - a. Lot area - None.
  - b. Lot width - None.
  - c. Lot depth - Minimum lot depth shall be two hundred (200) feet.

- d. Lot setback - Minimum lot setback shall be one hundred (100) feet 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 shall be fifty (50) feet.
    - 1. Front Yard - Minimum front yard setback shall be forty (40) feet.
    - 2. Side Yard - Minimum side yard setback shall be twenty-five (25) feet.
    - 3. Rear Yard - Minimum rear yard setback shall be twenty (20) feet.
  - e. Lot coverage - Maximum lot coverage by buildings 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 within 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 and hedges 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.
- 2. Signs shall be permitted according to the provisions of Section 445.
  - 3. Off-street parking and loading shall be provided as required by Section 435, and 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 fifty (50) feet of a public right-of-way or access easement.
  - 4. Site Landscaping and Design Plan. Development within this zone shall be subject to review and approval by the Director of a site landscape and design plan. In addition to the requirements of Section 385, 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.

### 370. Industrial Zone (IND)

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- 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, or other screening measure as may be prescribed by the Director.
  - c. Areas which are to be maintained shall be so designated on a landscape plan, and subject to the review and approval of the Director.
  - d. All mechanical, heating and ventilating equipment shall be visually screened.
5. 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 in compliance with the Kitsap County Noise Ordinance.
  - b. 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. Air emissions (Smoke and Particulate Matter) must be approved by the Puget Sound Air Pollution Control Authority.
  - d. The emission of noxious gases (odors) 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.
6. 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.
- B. In an approved or recognized master planned industrial development or in an approved Industrial Park as described in Section 370.090.A, any use identified in Table 370.020 requiring site plan review shall be considered a permitted use subject to the development requirements of the master plan or Industrial Park approval. Further permitted uses under this Section shall be required to obtain all necessary development permits including, but not limited to, a building permit and a site development activity permit and shall be subject to SEPA review as required.

- C. 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.
- D. Other provisions see Section 430.





### **375. Airport Zone (A)**

#### **010. Purpose.**

This 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; and
- F. Agriculture.

#### **040. Uses Permitted after Site Plan Review as Set Forth in Section 410.**

- A. Restaurants;
- B. Businesses which utilize air travel and transportation in their daily business activities;
- C. Air pilot training schools;
- D. Air cargo warehousing and distribution facilities;
- E. Aviation clubs;
- F. Auto rental agencies;
- G. Taxi, bus, and truck terminals; and
- H. Service to commuter airlines.

## 375. Airport Zone (A)

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### 050. Height Regulations.

No building or structure shall be hereafter erected, enlarged, or structurally altered to exceed thirty-five (35) feet in height with the exception of aircraft hangar buildings. 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. None.
- D. Front Yard. Minimum front yard setback shall be twenty (20) feet.
- E. Side Yard. Minimum side yard setback shall be fifty (50) feet when abutting a residential zone.
- F. Rear Yard. Minimum rear yard setback shall be fifty (50) feet when abutting a residential zone.
- G. Lot coverage. No requirement.

### 070. Signs.

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

### 080. Off-street Parking and Loading.

Off-street parking and loading shall be provided as required by Section 435.

### 090. Special Provisions.

When an Airport Zone abuts a residential zone, there shall be a minimum of five hundred (500) feet from the end of any runway and the residential zone. Adjacent to airports, the Director may impose height restrictions and/or other land use controls, as deemed essential; to prevent the establishment of air space obstructions in air approaches to protect the public health, safety and welfare consistent with Federal Aviation Regulations (FAR) Part 77.

### 100. Other Provisions.

See Section 430.

## **380. Mineral Resource (MR)**

### **010. Purpose.**

The intent of this overlay is to protect and enhance significant sand, gravel and rock deposits as identified mineral resource lands. It is also used to ensure the 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 overlay:

#### **A. Permitted.**

1. All uses allowed in the underlying zone.
2. Extractions from deposits of rock, stone, gravel, sand, earth and minerals.

#### **B. Conditional Use Permit.**

1. Asphalt mixing.
2. Rock crushing.
3. Concrete mixing.
4. Top soil production.

### **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.B, the site area shall be a minimum of twenty (20) acres. Activities which are limited to extractions only, shall not have a minimum site size.
- B. Lot width. There shall be a minimum lot width of three hundred thirty (330) feet, unless the activity does not include any one of the uses listed in Section 380.020.(B); in which case, there shall be a minimum lot width of sixty (60) feet.
- 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 and to provide adequate reclamation slopes per Section 380.030.H.
- F. Maximum permissible noise levels. Maximum permissible noise levels shall be according to the provisions of the Kitsap County Noise Ordinance.

### 380. Mineral Resource (MR)

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- G. Hours of operation. Hours of operation unless otherwise authorized by the Director, shall be between 7 a.m. and 6 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 unconsolidated material such as: 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 plantings sufficient 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 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 removal operations and related activities of this Section.

#### **040. Investigation and Report.**

The Director shall make an investigation of the application and shall prepare a report thereon. The report shall be transmitted to the applicant, representative(s) and Hearing Examiner at least seven (7) calendar days prior to the Public Hearing. The report shall also be made available for public review, at the Department of Community Development, at least seven (7) calendar days prior to the Public Hearing.

**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 Section 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.
- 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 of the property.
- 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 overlay 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 non-putrescible 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, and to a depth of at least four (4) inches, or a depth of that of the topsoil of surrounding land, if less than four (4) inches.

### **380. Mineral Resource (MR)**

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- 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.
- H. The overlay is removed and the parcel converts back to the underlying zone.

#### **070. Special Provisions.**

Within three hundred (300) feet of designated mineral resource lands, the following language shall be attached to both plats and building permits:

The subject property is within or near land in which resource activities are permitted and encouraged, including a variety of activities which may not be compatible with residential use for certain periods of limited duration. In addition to other activities, these may include noise, dust, smoke, visual impacts and odors resulting from harvesting, planting, surface mining, quarrying, application of fertilizers, herbicides and associated reclamation and management activities. When performed in accordance with state and federal law, these resource activities are not subject to legal action as a nuisance.

## **385. Landscaping Standards**

### **010. Purpose.**

Landscaping shall be provided and maintained as set forth in this Section for all uses subject to the requirements for a Site Plan Review, Performance Based Development, or Conditional Use. Single-family plats shall be exempt, except that landscaping required as a condition of plat approval, shall be installed to specifications contained herein.

### **020. Landscape Plans.**

Landscape plans required for an application shall be prepared as set forth in this section.

- A. Landscape plans are to be neatly and accurately drawn, at a scale that will enable ready identification and recognition of information presented.
- B. The landscape plan shall show how all disturbed areas are to be replanted (where landscaping is required) including the location and variety of all trees, shrubs and ground cover.
- C. The plan shall be accompanied by a plant schedule (list of plant materials used) which depicts the botanical name, common name, size at installation and spacing between individual plants shown on the plan.
- D. All plans shall include the following notations:
  - 1. Plant quantities to be determined by required spacing.
  - 2. All planting beds are to receive ground cover throughout except as noted.
- E. The landscape plan shall depict areas to be retained in natural vegetation and marked with the words "Native Growth Protection Easement, Existing Native Vegetation to Remain" and refer to the following notation, which is to be included on the landscape and site plans, or in the case of subdivisions, the final plat document.

The "Native Growth Protection Easement Note" is intended to protect a sensitive area or provide and preserve a vegetated buffer by means of restricting activities which affect the vegetation existing in that area. The statement, "Existing Native Vegetation to Remain" is intended to differentiate between native vegetation and naturalized, non-native vegetation which naturally occurs through reseeding. Native vegetation is that which has existed in the region and was not introduced to the area by people. Examples include; Douglas fir, Salal and Alder. Naturalized vegetation is a species that was introduced to the area and has spread to the extent that it occurs and propagates itself without being directly planted by people. Examples include; Scotch Broom, Himalaya Blackberry and Purple Loosestrife.

### **025. Landscaping Requirements.**

In all cases where landscaping is required, a minimum of 15% of the total site area shall be landscaped to the standards set forth in Section 385.

**030. Installation and Maintenance.**

- A. Plant materials shall be nursery stock or the equivalent quality and installed to industry standards or better.
- B. Landscape plant materials shall be staked to current industry standards or better. 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 height for large and medium shrubs (over 6 feet at maturity);
  - 5. 12-18 inches minimum height for small shrubs (3 to 6 feet at maturity); and
  - 6. Drought-tolerant landscape areas shall be subject to the size requirements in Section 385.040.
- D. Maximum spacing:
  - 1. Street trees and other deciduous trees shall be spaced appropriate to their pattern, generally 25 to 30 feet on center for large trees.
  - 2. Coniferous trees shall be spaced 15 feet apart, unless they are within a barrier buffer, where the maximum spacing shall be 10 feet on center.
  - 3. Large shrubs shall be spaced five (5) feet on center.
  - 4. Medium shrubs shall be spaced four (4) feet on center.
  - 5. Small shrubs shall be spaced three (3) feet on center.
- E. Ground covers (bark and mulch shall not be considered as ground cover) are required in all planting areas, unless the entire bed is planted with shrubs that branch out so that they cover the surface of the ground. Spacing shall be as follows:
  - 1. 1 gallon pots 24 inches on center;
  - 2. 4 inch pots 18 inches on center;
  - 3. 2-1/4 inch pots 12 inches on center; and
  - 4. Grass and sod areas to be 100 percent.
- F. Vegetation removal in Native Growth Protection Easements are limited to the following cases:
  - 1. Hand removal of naturalized species. No machinery is to be used, except for hand-held implements which do not disturb the native vegetation or soil;



2. Falling of trees which may present a danger to life or property. Removal of said trees is to be done only with written approval from the County. To solicit said approval, a letter and photograph or detailed plot plan of the area, with all trees to be removed marked on the photo or plan, shall be submitted to the Department of Community Development; and
  3. Other activities expressly allowed as a condition of approval.
- G. Slopes in landscape areas shall not exceed 3:1 unless specifically approved by the Director. Erosion control netting or alternative procedure may be required for slopes exceeding 3:1.
  - H. Automatic irrigation systems shall be required for all landscape areas except for those designed and approved as drought-tolerant plantings. In unique circumstances alternative methods of irrigation may be approved if specifically proposed as part of the landscape plan.
  - I. All planting beds shall receive topsoil or soil amendments as needed to maintain the plants in a thriving condition.
  - J. All planting beds shall receive a minimum of 2 inches of bark mulch, or approved substitute.
  - K. Landscaping required under the provisions of this Ordinance shall be maintained in a healthy growing condition.
  - L. Landscaping lost due to violations of this Ordinance or unforeseen natural events shall be replaced immediately with vegetation that is sufficient in size and spacing as required by this Ordinance.
  - M. All landscaping required by this Ordinance shall be installed prior to the issuance of any Final Certificate of Occupancy Permit, unless specifically approved by the Director and installation is bonded (or other method), for a period not to exceed six (6) months, in an amount equal to 150% of the cost of material and labor.
  - N. Wetland mitigation plantings are not considered to be a part of the landscaping requirements.

**040. Drought-Tolerant Landscaping.**

Drought-tolerant landscaping (xeriscaping) is encouraged as a means of reducing the amount of water use. Xeriscaping reduces maintenance costs by reducing the amount of water used and by avoiding long-term maintenance of an irrigation system. Xeriscaping is especially encouraged on large sites and in those parts of a site separated from public streets and walkways. Drought-tolerant landscaping shall be installed and maintained as set forth in this section.

## **385. Landscaping Standards**

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- A. There shall be provisions made for irrigation in the first two years following planting. This may include a temporary sprinkler system, or an approved means of manual irrigation. Manual irrigation methods shall be detailed in a written plan, included as a note on the landscape plan and accompanied by a maintenance bond in an amount determined by the Director.
- B. Minimum sizes at installation:
  - 1. 1-1/2 inch caliper deciduous trees;
  - 2. 4 foot minimum height multi-stem trees;
  - 3. 4 foot minimum height coniferous trees;
  - 4. 12 inches minimum height for medium and large shrubs; and
  - 5. 1 gallon pot size for small shrubs.
- C. Ground cover is required as in section 385.030.E.
- D. All plants selected shall be species generally accepted as drought-tolerant in the industry as drought-tolerant varieties. Refer to the Kitsap County list of drought-tolerant plants.

### **050. 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:

- A. Roadside Planting - landscape buffer treatment along existing or planned roads. The planting area shall encompass the required front setback area and consist of:
  - 1. Evergreen and/or deciduous trees;
  - 2. Evergreen shrubs planted to screen parking areas, in an amount and configuration to screen parked cars;
  - 3. Ground covers as required; and
  - 4. Bioswales and other drainage features are allowed, only when in a configuration that preserves the integrity of the roadside planting.
- B. Use Separation Buffer - landscape buffer treatment along perimeters of the site which shall vary in numbers and types of vegetation and structures depending on uses. Trees, shrubs, ground covers and/or fencing are to be provided as required.
- C. Barrier Buffer - a landscape buffer intended to provide screening between different uses and shall consist of:
  - 1. Two offset rows of evergreen trees planted 10 feet on center and ground cover; or
  - 2. A 6 foot screening fence and a single row of evergreen trees planted 10 feet on center, and ground cover.

- D. Rural Character Buffer - for rural areas or commercial zones abutting a rural zone, a natural buffer of twenty-five to fifty (25-50) feet shall be provided. The Director may modify this requirement for wind throw safety purposes. In the event that the buffer will only contain high-branching trees which allow visibility through the buffer, a row of evergreen trees planted 10 feet on center may be required along one edge of the buffer.
- E. Drainage Pond Buffer - a landscape buffer which screens storm drainage facilities from adjacent properties and/or streets, and consist of:
  - 1. A row of large shrubs and ground cover;
  - 2. A row of evergreen trees planted 10 feet on center and ground cover; or
  - 3. A natural vegetation buffer sufficient to provide screening.

**060. Building Facade Plantings.**

Building facade plantings are intended to provide visual relief for buildings and shall be required adjacent to all building walls except those adjacent to service areas or unless specifically exempted by the Director. Building facade plantings shall be provided over two thirds (or greater) of the horizontal distance of the wall and consist of:

- 1. A minimum 4 foot wide planting area containing shrubs and ground cover; and
- 2. Trees within the planting area, or within tree gates set into a walkway, when determined necessary.

**070. Slope Plantings.**

Slope plantings are intended to re-vegetate slopes (which do not require planting as any other required buffer) and shall consist of a mixture of plantings and seedling trees planted at an average spacing of 10 feet on center. This shall not reduce the need for hydro-seeding required for erosion control or other purposes.

**080. Community Themes.**

Certain areas may have preferred planting schemes due to a community plan or other adopted design theme. Required landscape areas shall utilize plant materials and design concepts consistent with the local plan.



## **400. Land Use Review**

### **010. Purpose.**

Land use review is intended to provide for the assurance of responsible development consistent with the Comprehensive Plan and the requirements of the Zoning Ordinance. Land use review will ensure applications are handled in a predictable, efficient and consistent manner.

### **020. Process.**

All proposed uses and development except those which are permitted outright in a particular zone are subject to land use review. Depending on the type of development, the proposal may be subject to various forms of land use review. The type of review is dependent on how the proposed development or use is identified in the Zoning Ordinance and is dependent on the zone in which the proposed development is located.

All uses or developments which meet the requirements of the Kitsap County Procedures Ordinance are subject to a pre-application review. However, all applicants are encouraged to contact the Department of Community Development for information and guidance prior to application.



## **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 application processing and/or a public hearing, a pre-application review process is hereby established.

### **015. Process.**

Pre-application shall be conducted in a manner as prescribed in the Kitsap County Procedures Ordinance.

### **020. Complete Application.**

Any application for action under this Ordinance must be complete before it is accepted for processing. Consistent with the requirements of the Kitsap County Procedures Ordinance, upon receipt of all satisfactory application materials identified in the written summary of the pre-application meeting, the Director shall find the application complete, certify it as such, and schedule it for public hearing (if necessary).

### **030. Appeal of Director's Decision.**

Any applicant whose application is determined not to be complete, but wishes the application to be processed in lieu of this determination, may appeal the Director's determination as set forth in the Kitsap County Procedures Ordinance. In addition, the appeal shall specifically indicate the submission items requested to be deleted and the reason for the deletion. Upon receipt of an Appeal of Department Ruling, the Director shall schedule the appeal and project application for public hearing in accordance with the Kitsap County Procedures Ordinance.

### **040. Action by Hearing Examiner.**

The Hearing Examiner shall first consider and make a decision on the appeal of Departmental Ruling. If the appeal is upheld, the Hearing Examiner will proceed to open the public hearing on the project application.





## **410. Site Plan Review**

### **010. Purpose.**

The purpose of Site Plan Review is to ensure design compatibility between new developments, existing uses and future developments. Site Plan Review 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 Review is required for Conditional Use Permits, and developments in all Business Park, Commercial, Industrial, Airport, and Mineral Resource Zones.

### **020. Review Authority.**

- A. A property owner may make application for a Site Plan Review to the Director in a manner prescribed by this Section. Upon receipt of a complete application, the Director shall have fourteen (14) calendar days to notify the applicant whether the application shall be reviewed administratively or by the Hearing Examiner at a scheduled public hearing. A public hearing will be required when a component of development located within a commercial zone involves the conversion of previously undeveloped land which abuts a residential zone. Any application for a Conditional Use Permit shall always be subject to review by the Hearing Examiner at the scheduled public hearing. Further, the Director may refer any proposal under this Section to the Hearing Examiner for review and decision.
- 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 zone; or
    - c) Where topographical conditions provide natural screening and buffering.
  3. 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 zones.
- C. Exterior Lighting. In all zones, 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.

#### **410. Site Plan Review**

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- D. All applicants for site plan review shall attend a pre-application meeting 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 meeting.

#### **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 on any parcel or lot. The review may be processed concurrent with the processing of a building permit and/or binding site plan. 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 fourteen (14) 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 the 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 as stamped by a certified surveyor or engineer;

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 outdoor advertising;
10. Preliminary Landscaping Plan;
11. Location and layout of off-street parking and loading facilities;
12. Proposed location of utility, sewage and drainage facilities;
13. Other architectural or engineering data which may be necessary to determine compliance with applicable regulations;
14. Location of any critical areas and their associated setback and/or buffer requirements; and
15. Other information as required.

In the event the project is reviewed administratively as provided for in Section 410.020.A, the Director shall preliminarily approve, preliminarily approve with conditions, disapprove, request revisions to the proposal, request additional information deemed by the Director to be necessary for further review or return the plans to the applicant as provided for in the Kitsap County Procedures Ordinance.

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

In those instances where the application is referred to the Hearing Examiner for review as provided for in Section 410.020.A, the application shall be reviewed as provided for in the Kitsap County Procedures Ordinance.

In final approval of the plan, the Director shall determine compliance with all provisions of site development including, but not limited to, final engineering plans, final landscaping, building elevations, building color and materials, signage, and other conditions of approval.

B. Standards.

1. All uses shall be conducted within a completely enclosed structure. Limited outside uses; (e.g.; patio dining areas and nursery sales limited to plants and trees) shall be subject to Site Plan Review;

## **410. Site Plan Review**

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2. All roof-mounted air conditioning or heating equipment, vents, ducts, or other equipment shall not be visible from any abutting lot, or any public street or right-of-way as feasible. This shall be accomplished through the use of parapet roof extensions, or screened in a manner which is architecturally integrated with the main structures;
3. Locate service areas, outdoor storage areas and other intrusive site features away from neighboring properties to reduce conflicts with adjacent uses. There shall be no visible storage of motor vehicles (except display or auto sales to a limited degree; compatible with neighboring properties), trailers, airplanes, boats, recreational vehicles or their composite parts, tents, equipment or building materials in any portion of a lot. No storage shall occur on any vacant parcel. Building materials for use on the same premises may be stored on the parcel during the time that a valid building permit is in effect for construction;
4. Every parcel with a structure shall have a trash receptacle on the premises. The trash receptacle shall comply with adopted Public Works standards and be of sufficient size to accommodate the trash generated. All receptacles shall be screened on three sides with fencing and or landscaping as determined appropriate by the Director;
5. Pedestrian access shall be accommodated on-site from the public right-of-way, and throughout the site to minimize potential conflicts between pedestrian and vehicular circulation. Pedestrian paths must correspond with State and local codes for barrier-free access. Projects should also integrate walkways into the site plan leading to transit stops within 1200 feet of the site; together with incorporating transit stops within the site plan design as appropriate;
6. Developments shall be limited to one ingress/egress per 300 lineal feet along a public arterial. Small parcels that provide less than 250 feet of road frontage shall be limited to one parking lot entrance lane and one exit lane as measured horizontally along the street face. Access points may be required at greater intervals as directed by the Director of Public Works as demonstrated through a Traffic Analysis. Developments shall attempt to share access with adjoining parcels to minimize access points and potential conflicts from vehicles entering and exiting onto traveled roadways, unless deemed not feasible due to natural constraints such as critical areas or topographical relief, or existing development that precludes the ability to share access. Developments shall attempt to minimize vehicular movement conflicts with public roadways by use of connected frontage lanes;
7. Signs shall be permitted according to the provisions of Section 445;
8. Off-street parking and loading shall be provided according to the provisions of Section 435; and
9. Landscaping shall be provided according to the provisions of Section 385.

- C. 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 this 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 ten (10) calendar days of receipt of a completed application.
- D. A Site Plan review may be approved only if all of the following findings are made:
1. The proposed development/use is one permitted within the subject zoning designations and complies with all of the applicable provisions of this Ordinance and all other applicable regulations, including prescribed development/performance standards and all applicable development standards and design guidelines;
  2. The proposed development would be harmonious and compatible with existing and future developments within the land use designation and general area;
  3. The subject site is physically suitable for the type, density and intensity of the use being proposed;
  4. Appropriate provisions have been made for the public health, safety and general welfare for open spaces, drainage ways, streets or roads, alleys and other public right-of-ways, transit stops, potable water supply, sanitary waste, parks and recreation, playgrounds, schools and all other relevant facts, including: sidewalks or other planning features that ensure safe walking conditions for students who walk to and from school; and
  5. The location, size, design and operating characteristics of the proposed development/use would not be detrimental to the public interest, health, safety, or welfare of the County.
- E. Within one year following the approval of the preliminary development plan, the applicant shall file with the Director a final development plan containing the information required. When deemed reasonable and appropriate, time limit extensions may be determined by the Director after discussion with the property owner, and all agencies of concern in regards to the ability to comply with the original conditions of approval. 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 or can be satisfied with bonding, the Director shall approve the final development plan. The Director may approve the final development plan in phases as approved by the various agencies of concern. The phasing plan shall include:

#### **410. Site Plan Review**

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1. Time tables indicating the anticipated time between initial site clearing, grading and development and the completion of construction improvements of each phase, including site stabilization and coordination of necessary minimum improvements of each specific phase;
2. The extent of improvements with each anticipated phase of development;
3. Assurance of necessary supporting improvements and any necessary mitigation through bonding; and
4. Each phase of development shall be subject to the Ordinances in effect at the time which each phase is reviewed for final approval.

The applicant shall apply for final development plan approval within one (1) year of preliminary development plan approval or the Director may initiate revocation proceedings on the preliminary approval as outlined in Section 525.

#### **050. Public Notice.**

Public notice for all site plan review applications, shall be given as set forth in the Kitsap County Procedures Ordinance.

#### **060. Appeal Procedure.**

The Director or Hearing Examiner's decision on a Site Plan Review application may be appealed as set forth in the Kitsap County Procedures Ordinance.

#### **070. Effect.**

No building or other permit shall be issued until after the end of the period allowed to appeal the Director's or Hearing Examiner's decision. An appeal of the decision shall automatically stay the issuance of a building or other permit until such appeal has been completed.

#### **080. Site Plan Review Exemption.**

The Director may issue an exemption from the Site Plan Review process upon written request, if it is determined that a request for a building permit does not involve a change in use or structure size.

#### **110. Reapplication.**

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

## **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 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 Section. Changes in use 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. 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 or decreasing 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. Application for Conditional Use Permits shall follow the requirements as outlined in Section 410.

### **030. Application.**

A property owner 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 and other requirements as provided by Section 410, and following the pre-application meeting as provided by Section 405.

### **040. Investigation and Report.**

The Director shall make an investigation of the application and shall prepare a report thereon. The report shall be transmitted to the applicant, representative(s), persons of record, Hearing Examiner and also be made available for public review, at the Department of Community Development in a manner prescribed by the Kitsap County Procedures Ordinance.

### **050. Public Hearings.**

Conditional Use Permit applications shall be considered by the Hearing Examiner at Public Hearing as provided for in the Kitsap County Procedures Ordinance. Public Notice shall be given as provided for in the Kitsap County Procedures Ordinance.

## **420. Conditional Use Permits**

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### **060. Action by Hearing Examiner.**

The Hearing Examiner shall render a decision on the Conditional Use Permit. The decision is final unless appealed. 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 and meet all of the findings as outlined in Section 410.040.D.

### **080. Effect.**

No building or other permit shall be issued until after the end of the period allowed to appeal the Hearing Examiner's decision. An appeal of the decision shall automatically stay the issuance of a building or other permit until such appeal has been completed.

### **110. Reapplication.**

In a case where an application is denied by the Hearing Examiner, or denied by the Board of County 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. The Hearing Examiner's opinion may be appealed as set forth in Section 520.



## **425. Performance Based Development**

### **010. Purpose.**

To allow flexibility in design and creative site planning, while providing for the orderly development of the County. A Performance Based Development (PBD) is to allow for the use of 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 Performance Based Development is to allow for mixed uses, subject to the density limits of the zone in which the Performance Based Development is located.

### **020. Authority.**

The Hearing Examiner shall have the authority to recommend approval, approval with conditions, disapproval, or revoke Performance Based Developments, subject to the provisions of this Section. Changes in use of site area, or alteration of structures or uses classified as residential and commercial Performance Based Developments, and existing prior to the effective date of this Ordinance, shall conform to all regulations pertaining to Performance Based Developments.

### **030. Uses Permitted.**

Uses permitted in a PBD are those allowed in the underlying zone. The Hearing Examiner shall hold a public hearing and render a decision as set forth in the Kitsap County Procedures Ordinance.

### **040. Standards and Requirements.**

- A. **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 of height for each additional fifteen (15) feet of setback from any property line to a maximum of sixty-five (65) feet in building height. The Hearing Examiner shall require concurrence from the appropriate fire district and Fire Marshal.
- B. **Common open space.** No open area may be accepted as common open space within a Performance Based Development, unless it meets the following requirements:
1. The location, shape, size, and character of the common open space is suitable for the Performance Based 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 purpose, provided the use authorized is appropriate to the scale and character of the planned density, expected population, topography, and the number and type of dwellings provided;

## **425. Performance Based Development**

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3. Common open space may be 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; and
  4. Land shown in the final development plan as common open space, and its landscaping and/or planting contained therein, shall be permanently maintained by and conveyed to one of the following:
    - 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 a 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;
    - 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; or
    - 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.
- C. Recreational open space. All residential PBD's within Urban Zones shall provide a developed recreational area that meets the following requirements:
1. A contiguous area that is five percent (5%) of the lot area (excluding perimeter buffers, critical areas and critical area buffers). Said area shall be:
    - a. Developed as an open grass field (manicured to a condition that allows mowing by mechanical means) or a natural area (not inside perimeter buffers, critical areas or their buffers) that contains a pathway and benches;

## 425. Performance Based Development

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- b. Owned in common and/or available for use by all residents of the PBD; and
  - c. A provision made by the Covenants for perpetual maintenance.
2. A developed active recreation facility or facilities commensurate with the number of units/lots contained within the PBD. A "facility" shall be: a paved "sport court"; children's play area; exercise fitness trail; community garden area with water service; or similar amenity. Facilities shall be provided as follows:
- a. 0 to 12 lots/units are not required to have a facility except for the contiguous area required above;
  - b. 13 to 49 lots/units shall provide one facility;
  - c. 50 to 79 lots/units shall provide two facilities, and there shall be an additional facility required for each additional 30 lots/units;
  - d. Facilities may be located within the contiguous recreational area;
  - e. An athletic field with a minimum size of 120 yards long and 60 yards wide or swimming pool shall count as two facilities;
  - f. An equestrian development or similar "theme community" may be provided in lieu of other facilities;
  - g. Owned in common and available for use by all residents of the PBD; and
  - h. Written provisions or agreement for perpetual maintenance by the Home Owners Association or a public agency willing to assume ownership and maintenance.
3. In rural zones, common open space shall be no less than fifty per cent (50%) of the total site area. All open space, other than those areas needed for utilities or other infrastructure, shall be retained as native growth areas unless the PBD specifically provides for an alternative use. PBD's in rural zones shall be exempt from the requirements for contiguous developed recreation space as contained in Section 425.040.C.1, but shall be subject to the requirement to provide recreational facilities commensurate with the size of the development.
4. In order to promote creativity and innovation, these standards and criteria may be modified or substituted with other design concepts if so approved by the Board of County Commissioners.

## **425. Performance Based Development**

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### **050. Findings.**

In recommending approval of the preliminary development plans for a Performance Based Development, conditionally or otherwise, the Hearing Examiner shall first make a finding that all of the following conditions exist:

- A. 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 are adequate, as required by this Ordinance;
- B. The design of the PBD is compatible with neighboring land uses;
- C. 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;
- D. The proposed and/or existing public facilities and utilities are adequate to serve the project; and
- E. 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 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, or contrary to orderly development.

### **060. Application.**

- A. In addition to all requirements of Section 410, an application for PBD shall contain the following:
  - 1. Fourteen (14) copies of the site plan, drawn to scale, showing the proposed layout;
  - 2. Three (3) 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 Performance Based Development would be in the public interest;
  - 4. Environmental checklist and, if required, environmental impact statement; and
  - 5. Other information as required in the pre-application meeting checklist and PBD application.
- B. The following information shall be submitted to the Department for review of the **final** development plan to ensure compliance with conditions of preliminary approval. The Director shall transmit his findings to the Board of County Commissioners who shall act on the **final** development plan:

## 425. Performance Based Development

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1. Fourteen (14) copies of the site plan, drawn to scale with dimensions, showing all required elements including but not limited to: the proposed layout of structures, off-street parking and loading areas, landscape areas, pedestrian walkways, driveways, ornamental lighting, screening, fences and walls;
2. Three (3) copies of the landscape plan, drawn to scale and dimension, depicting all required elements of Section 385. Also, other landscape features such as screening, fences, lighting and signing shall be indicated;
3. Final engineering plans including grading contours, drainage systems, critical 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;
5. Fourteen (14) 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 Performance Based Developments; and
6. A schedule showing the proposed time and sequence within which the applications for final approval of all sections of the Performance Based Development are intended to be filed.

- C. Following the approval of the **preliminary** development plan, the applicant shall file with the Department a **final** development plan containing the information required in Section 425.060.B in a time frame consistent with the Kitsap County Procedures Ordinance.

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 **final** Performance Based Development, the Board 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 ensure 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 ensure compliance, including performing the construction or maintenance itself, and levy a lien for all costs thereof against the property.

## **425. Performance Based Development**

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### **070. Public Hearing and Notice.**

PBD's shall be considered by the Hearing Examiner. Public notice shall be given as provided for in the Kitsap County Procedures Ordinance.

### **100. Effect.**

No building or other permit shall be issued until after the end of the period allowed to appeal the Hearing Examiner's decision. An appeal shall automatically stay the issuance of a building or other permit until such appeal has been completed.

## **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, automobile service stations 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. The station shall not directly abut a residential zone; and
  4. All lighting shall be of such illumination, direction, and color as not to create a nuisance on adjoining property or a traffic hazard.
- B. **Animal feed yards, Animal sales yards, Kennels, and Commercial stables.** In Interim Rural Forest (IRF), Rural Protection (RP), or Rural Residential (RR) Zones, animal feed yards, animal sales yards, kennels, commercial 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 of a lot line in any Interim Rural Forest (IRF), Rural Protection (RP), or Rural Residential (RR) 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 Urban High Residential (UH) Zone, 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

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- 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.
- E. Circuses, carnivals, animal displays, amusement rides. A circus, carnival, animal display, or amusement rides may be allowed through administrative review, in all Industrial Zones and any Commercial Zones except Neighborhood Commercial (NC) and all Industrial 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 Rural Protection (RP), Rural Residential (RR), or Urban Restricted (UR) Zones all buildings shall be setback a minimum of thirty (30) feet 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 not be materially detrimental to adjacent (existing or potential) residential development use due to excessive traffic generation, noise, or other circumstances.
- G. Home business.

Incidental home business as defined below, shall be permitted in all residential zones and have no permit required.

1. Business uses shall be incidental and secondary to the dominant residential use;
2. The residential character of the building shall be maintained and the business shall be conducted in such a manner as not to give an outside appearance of a business;
3. The business shall be conducted entirely within the residence;
4. The residence shall be occupied by the owner of the business;
5. The business shall not infringe upon the right of the neighboring residents to enjoy the peaceful occupancy of their homes;
6. No clients or customers shall visit or meet for an appointment at the residence;
7. No employees or independent contractors are allowed in the residence except for family members who reside in the residential dwelling;



#### 430. Provisions Applying to Special Uses

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8. No activities that create noise, increase risk of fire, or in any way threaten the safety and tranquility of neighboring residents are permitted;
9. No more than two pick-ups and/or deliveries per day are allowed, not including normal U.S. mail;
10. The business shall not occupy more than 25% of the gross floor area of the residence; and
11. No signs to advertise the business/occupation shall be allowed on the premises (except attached to mail box not to exceed one (1) square foot).

**Minor home business** as defined below, shall be permitted in all residential zones subject to approval by the Director. Said approval is not transferable to any individual, future property owner or location.

1. Business uses shall be incidental and secondary to the dominant residential use;
2. The residential character of the building shall be maintained and the business shall be conducted in such a manner as not to give an outside appearance of a business;
3. The residence shall be occupied by the owner of the business;
4. The business shall occupy no more than thirty (30) percent of the gross floor area of the residence;
5. The business shall not infringe upon the right of the neighboring residents to enjoy the peaceful occupancy of their homes;
6. No more than two (2) employees (or independent contractors) are allowed;
7. Non-illuminated signs not exceeding four (4) square feet are permitted, subject to a sign permit approved by the Director;
8. No outside storage shall be allowed; and
9. In order to assure compatibility with the dominant residential purpose, the Director may require:
  - a) patronage by appointment.
  - b) additional off-street parking.
  - c) other reasonable conditions.

#### 430. Provisions Applying to Special Uses

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**Moderate home business** as defined below, shall be permitted in all rural residential (including Urban Reserve Residential (URS)) zones subject to approval by the Director. Said approval is not transferable to any individual, future property owner or location.

1. Business uses shall be incidental and secondary to the dominant residential use;
  2. The residential character of the building shall be maintained and the business shall be conducted in such a manner as to moderate any outside appearance of a business;
  3. The residence shall be occupied by the owner of the business;
  4. The business shall not infringe upon the right of the neighboring residents to enjoy the peaceful occupancy of their homes;
  5. No more than five (5) employees (or independent contractors) are allowed;
  6. Non-illuminated signs not exceeding four (4) square feet are permitted, subject to a sign permit approved by the Director; and
  7. In order to ensure compatibility with the dominant residential purpose, the Director may require:
    - a) patronage by appointment.
    - b) additional off-street parking.
    - c) screening of outside storage.
    - d) a Conditional Use Permit (engine or vehicle repair or servicing).
    - e) other reasonable conditions.
- 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. Heliports for the purpose of medical emergency facilities are permitted in all zones subject to a Conditional Use Permit.

- 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 and shall provide and thereafter maintain outdoor play areas with a minimum area of one hundred (100) square feet per child of total capacity. A site-obscuring fence of at least four (4) feet, but not more than (6) feet in height shall be provided, separating the play area from abutting lots. Adequate off-street parking and loading space shall be provided.
- J. Agricultural uses including the raising of livestock (large and small; small being 150 lbs. or less), small animals and poultry are subject to the following conditions:
1. On parcels of land less than five (5) acres, the number of animals per 20,000 square feet of area shall not exceed one (1) large livestock or three (3) small livestock, five (5) ratitas, or six (6) small animals or twelve (12) poultry provided that when no dwelling unit or occupied structure exists within 300 feet 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 or less in size or five (5) acres or less located within 200 feet of a lake or year round stream, the number of animals shall not exceed one (1) large livestock or three (3) small livestock, five (5) ratitas, or six (6) small animals, or twelve (12) poultry per 40,000 square feet of area, provided that when no dwelling unit or occupied structure exists within 300 feet of the lot on which the animals are maintained the above specifications may be exceeded by a factor of two (2); and
  3. No feeding area or structure or building used to house, confine or feed livestock, small animals, ratitas, or poultry shall be located closer than 100 feet to any residence on adjacent property located within an Interim Rural Forest (IRF), Rural Protection (RP), Rural Residential (RR) Zones, or within 200 feet of any residence on adjacent property within any other Zone; provided, a pasture (greater than 20,000 square feet) shall not be considered a feed area.
- K. Pets, non-traditional pets and exotic animals are subject to the following conditions:
1. Pets which are kept inside of a primary structure as household pets in aquariums, terrariums, cages or similar containers shall not be limited in number by this Ordinance. Other pets, excluding cats, which are kept indoors shall be limited to five (5);
  2. Pets which are kept outside of the primary structure shall be limited to three (3) per household on lots less than 20,000 square feet in area, only one of which may be a non-traditional pet, five (5) per household on lots of 20,000 to 35,000 square feet, only two (2) of which may be non-traditional pets, with an additional two (2) pets per acre of site area over 35,000 square feet up to a limit of 20;

#### 430. Provisions Applying to Special Uses

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3. The keeping or possession of exotic animals is subject to State and Federal laws and other than in a primary structure as described in subsection 3, shall require approval of the Director. Possession of any dangerous animal or potentially dangerous animal is prohibited in all zones except as provided in Section 7.14.010(9) of the Kitsap County Code; and
  4. No feeding area or structure used to house, confine or feed pets shall be located closer than the minimum yard setbacks for the zone in which they are located. No feeding area or structure used to house, confine or feed non-traditional pets or exotic animals shall be located closer than fifty (50) feet from any residence on adjacent property.
- L. Private stables and paddocks. In any Interim Rural Forest (IRF), Rural Protection (RP), or Rural Residential (RR) Zone, all stables and paddocks shall be located 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.
- M. Utility transmission/distribution systems. The erection, construction, alteration, or maintenance by a public utility or municipality, 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 may exceed the height limits otherwise provided for in this Ordinance. Water towers, which exceed 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.
- Wireless communication facilities are specifically addressed in Section 470.
- N. Accessory Dwelling Unit (ADU). In order to encourage the provision of affordable and independent housing for a variety of households, an accessory dwelling unit may be located in residential zones, subject to the following criteria:
1. An ADU shall be allowed as a permitted use in those areas contained within an Urban Growth Boundary;
  2. An ADU shall be subject to a Conditional Use Permit in those areas outside an Urban Growth Boundary;
  3. Only one ADU shall be allowed per lot;

#### 430. Provisions Applying to Special Uses

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4. Owner of the property must reside in either the primary residence or the ADU;
  5. The ADU shall not exceed 50% of the square footage of the habitable area of primary residence or 900 square feet, whichever is smaller;
  6. The ADU shall be located within 150 feet of the primary residence or shall be the conversion of an existing detached structure (i.e., garage);
  7. The ADU shall be designed to maintain the appearance of the primary residence;
  8. All setback requirements for the zone in which the ADU is located shall apply;
  9. The ADU shall meet the applicable Health District standards for water and sewage disposal;
  10. No mobile homes or recreational vehicles shall be allowed as an ADU;
  11. An ADU shall use the same side street entrance as the primary residence and shall provide additional off-street parking; and
  12. An ADU is not permitted on the same lot where an Accessory Living Quarters exists.
- O. Accessory living quarters. In order to encourage the provisions of affordable housing, accessory living quarters may be located in residential zones, subject to the following criteria:
1. Accessory living quarters shall be located within an owner occupied primary residence;
  2. Accessory living quarters are limited in size to no greater than fifty percent (50%) of the habitable area of the primary residence;
  3. The accessory living quarters are subject to applicable Health District standards for water and sewage disposal;
  4. Only one accessory living quarters shall be allowed per lot;
  5. Accessory living quarters are to provide additional off-street parking with no additional street side entrance; and
  6. Accessory living quarters are not allowed where an accessory dwelling unit exists.

#### **430. Provisions Applying to Special Uses**

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P. Waterfront properties.

1. Rear yard setback exceptions; where a rear lot abuts the Ordinary High Water line; the minimum setback shall be determined by the Critical Areas Ordinance and the View Blockage requirements (Resolution 240-1984).

Q. Waterfront accessory structures.

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

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

R. Water oriented uses.

Proposals for water dependent and water related uses shall be recognized as priority uses because of the limited locations which are suitable for their development. Such development proposals are dependent on shoreline locations and access. Such proposals shall be considered for properties contiguous to the shoreline in all zones. The proposal shall require review as a Conditional Use Permit in addition to the applicable shoreline permit review.

S. Heavy equipment storage.

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

T. Hobby kennel. In the Interim Rural Forest (IRF), Rural Protection (RP) and Rural Residential (RR) Zones a hobby kennel is allowed. See Section 110.

U. 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 classroom units. The area set aside may not be counted towards meeting required landscaping or parking requirements.

V. Contractor's storage yards: Accessory to a primary residence. Outdoor storage yards shall be limited to not more than ten (10) heavy equipment vehicles, or heavy construction equipment. The use shall be contained outside of required setbacks within a contained yard or storage building. The storage yard and/or building shall be screened from adjacent properties with a rural character screening buffer or a twenty five (25) foot minimum width native buffer that provides functional screening. Minimum lot size shall be 100,000 square feet.

W. Adult Entertainment.

1. The following uses are designated as adult entertainment uses:

- a) Adult book store;
- b) Adult mini-motion picture theater;
- c) Adult motion picture theater;
- d) Adult novelty store; and
- e) Cabaret. (Ord. 93-1983-N (1990) § 2 (part), 1990)

2. Restrictions on adult entertainment uses.

In addition to complying with the other sections of the Zoning Ordinance, adult entertainment uses shall not be permitted:

- a) Within one thousand feet of any other existing adult entertainment use; and/or,
- b) Within five hundred feet of any non-commercial zone, or any of the following residentially related uses:
  - i) Churches, monasteries, chapels, synagogues, convents, rectories, or church operated camps;
  - ii) Schools, up to and including the twelfth grade, and their adjunct play areas;
  - iii) Public playgrounds, public swimming pools, public parks and public libraries;
  - iii) Licensed day care centers for more than twelve children;
  - iv) Existing residential use within a commercial zone.
- c) For the purposes of this Section, spacing distances shall be measured as follows:
  - i) From all property lines of any adult entertainment use;
  - ii) From the outward boundary line of all residential zoning districts;
  - iii) From all property lines of any residentially-related use in (b)(1) through (3) above. (Ord. 93-1983-N (1990) § 2 (part), 1990)

## **430. Provisions Applying to Special Uses**

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3. Signage for adult entertainment uses.
- a) In addition to other provisions relating to signage in the Zoning Ordinance, it shall be unlawful for the owner or operator of any adult entertainment use establishment or any other person to erect, construct, or maintain any sign for the adult entertainment use establishment other than one primary sign and one secondary sign, as provided herein.
  - b) Primary signs shall have no more than two display surfaces. Each such display surface shall:
    - i) Be a flat plane, rectangular in shape;
    - ii) Not exceed seventy-five square feet in area; and
    - iii) Not exceed ten feet in height or ten feet in length.
  - c) Primary signs shall contain no photographs, silhouettes, drawings or pictorial representations of any manner, and may contain only:
    - i) The name of the regulated establishment; and/or
    - ii) One or more of the following phrases:
      - A) "Adult bookstore,"
      - B) "Adult movie theater,"
      - C) "Adult cabaret,"
      - D) "Adult novelties,"
      - E) "Adult entertainment."
    - iii) Primary signs for adult movie theaters may contain the additional phrase, "Movie Titles Posted on Premises."
  - d) Each letter forming a word on a primary sign shall be of a solid color, and each such letter shall be the same print-type, size and color. The background behind such lettering on the display surface of a primary sign shall be of a uniform and solid color.
  - e) Secondary signs shall have only one display surface. Such display surface shall:
    - i) Be a flat plane, rectangular in shape;
    - ii) Not exceed twenty square feet in area;
    - iii) Not exceed five feet in height and four feet in width; and
    - iv) Be affixed or attached to any wall or door of the establishment.
  - f) The provisions of subsections (c) and (d) shall also apply to secondary signs.



## **435. Off-Street Parking and Loading**

### **010. Off-Street Parking Requirements.**

The following requirements shall be used as guidelines and may be increased or decreased by the Department depending on the specific need or use, while taking into consideration trip demand reduction programs and the availability of public transit. 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. The use of a building existing on the effective date of this Ordinance is changed and/or 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.

### **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 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 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.
- 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.

#### **435. Off-Street Parking and Loading**

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- 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 Urban Low Residential (UL) 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 any 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, 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 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; and
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, Multi-family - 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; and
4. Rooming or boarding house - one (1) per sleeping unit.

**B. Commercial residential.**

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

## **435. Off-Street Parking and Loading**

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### **D. Places of public assembly.**

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

### **E. Commercial amusements.**

1. Stadium, arena, theater - one (1) per four (4) seats or eight (8) feet of bench length in the main auditorium;
2. Bowling alley - six (6) per alley; and
3. Dance hall, skating rink - one (1) per twenty (20) square feet 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 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 of gross floor area;
3. Drive in and fast food restaurants - one (1) per seventy-five (75) square feet 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 of gross floor area - one (1) per 200 square feet of gross floor area;
  - b) If 4,000 or more square feet of gross floor area - twenty (20) plus one (1) per each additional 100 square feet of gross floor area over 4,000 square feet;
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 of gross floor area;
6. Mortuaries, funeral homes - one (1) per seventy-five (75) square feet of assembly area;
7. Medical and dental office or clinic - one (1) per 200 square feet of gross floor area;
8. Bank, professional office (except medical/dental) - one (1) per 400 square feet of gross floor area; and
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 of office space; and
2. Manufacturing, research, testing, processing and assembly facilities - one (1) per 500 square feet.

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.

## **435. Off-Street Parking and Loading**

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### **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 in width and twenty (20) feet in length, provided, there shall be six (6) feet between parallel parking spaces for maneuvering and, provided further, where ten (10) or more spaces are required twenty-five percent (25%) may be eight (8) feet in width and eighteen (18) feet in length if designated for compact cars.

### **050. Off-Street Loading.**

- A. When required. Off-street loading and unloading spaces are required for all commercial and multi-family uses having a gross floor area of over 4,000 square feet to which or from which deliveries or pickups are made by trucks or truck-trailer combinations over thirty-five (35) feet in length more frequently than monthly.
- B. Design requirements. Loading and unloading spaces shall be minimum forty-five (45) feet in length, ten (10) feet in width and provide for clearance of fifteen (15) feet. 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 but less than 10,000 square feet of gross floor area - one (1) space;
  2. For uses having more than 10,000 but less than 50,000 square feet of gross floor area - two (2) spaces;
  3. For uses having more than 50,000 square feet but less than 100,000 square feet of gross floor area - three (3) spaces; and
  4. For uses having over 100,000 square feet of gross floor area - three (3) spaces plus one (1) additional space for each additional 100,000 square feet of gross floor area or fraction thereof in excess of 50,000 square feet.

## **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.**

See Section 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.

### **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); and
- 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 Section 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 and is in connection with a home business or Conditional Use which has already been approved; or
- B. If the proposed sign is in a Commercial, Industrial, Airport or Mineral Resource Zone, is not illuminated and is not more than twelve (12) square feet; 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 the 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 the size of use it serves, viewer distance and typical observation time;

## **445. Signs**

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- B. Sign size, shape, and placement serves to define or enhance, and not interrupt or detract from, such architectural elements of the 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 per face;
- F. Total signage for the use or building does not exceed two-hundred (200) square feet;
- G. Signage not to exceed 75% (lineal feet) of occupancy's building frontage;
- H. Sign is placed below proposed or existing roof of building; in the event of a monument sign, sign shall not exceed twelve (12) feet in height from average grade at the base of the sign;
- I. The various components of the sign shall be integrated into a single design and shall not have auxiliary projections or attachments; and
- J. Sign requirements for the Business Park (BP) Zone must meet Section 360.050.

### **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 a sign permit is issued 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 combination of uses on a single lot, 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, which includes electronic reader boards, 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 including exempt and conditionally exempt shall be placed on a utility pole, or any state or county regulatory or informational sign or post, or within a public road right-of-way except for official signs placed by a governmental entity;
- F. Portable signs are prohibited unless exempt pursuant to Section 445.080 or conditionally exempt pursuant to Section 445.090; and
- G. Service station/business with canopies shall not have more than one (1) monument (not to exceed 90 square feet per face) per street frontage, with a maximum of two (2); and one sign on building face (not to exceed 90 square feet or 75% lineal feet of store frontage); total square footage of all signs not to exceed 200 square feet. No advertising or signage will be permitted on spandrels or on canopy.

**080. Exempt Signs.**

The following signs are not regulated by this Ordinance:

- A. Traffic signs;
- B. Street signs;
- C. Legal notices;
- D. "For sale" or "for rent" signs located on the premises for sale or for rent not to exceed four (4) square feet in size;
- E. Signs advertising officially-sanctioned community festivals; and
- F. Official signs placed by a governmental agency for recreational, educational or regulatory purposes.

**090. 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;
- 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 single- or multi-family garage or yard sales, provided, such signs shall not exceed four (4) square feet, shall bear the date when first displayed and shall be placed up to five (5) days prior to removed within five (5) days after the sale is completed;

## **445. Signs**

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- D. Political campaign signs must be removed 10 days following the election;
- E. Upon written 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 unreasonable 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;
- F. Upon written approval by the Director a temporary sign advertising a holiday bazaar, provided, that they meet the following criteria:
1. Letter of intent to the County which include:
    - a) the name of the event;
    - b) dates and times of the event;
    - c) name of the person responsible for the event and the signs;
    - d) letter of consent from property owner, where the sign is placed; and
    - e) a map showing the approximate location where signs are to be placed;
  2. No more than twenty (20) total signs may be placed for any one event and no one sign may exceed four (4) square feet in size;
  3. Signs may be placed up to twenty (20) days prior to and removed within five (5) days of the event; and
  4. No sandwich or "A" board signs are allowed off premise for holiday bazaars;
- G. "A"-Board signs, provided, that they meet the following criteria:
1. Signs shall not exceed 24 inches by 30 inches;
  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;
  4. Signs shall not be placed within the road right-of-way; and
  5. Signs limited to one per road frontage; and
- H. Signs advertising subdivisions placed by real estate companies; provided off-site signs require a sign permit. A letter of consent from the property owner shall be required as part of sign permit approval.

### **100. 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 as set forth in Section 520. 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 overall density, when unusual circumstances cause undue hardship in the strict application of this Ordinance; provided, a variance shall be approved 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; and
- 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 the property is located.

An approved variance 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 in the Department files.

### **030. Exceptions to Height Limitations.**

Height limitations set forth elsewhere in this Ordinance shall not apply to the following: barns, silos, or other farm buildings and structures, provided they are not less than 50 feet 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. 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 into any required yard area. In no case shall a habitable area be considered for encroachment into a required yard without a variance.

## **455. Interpretations and Exceptions**

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2. Fire escapes, open-uncovered porches, balconies, landing places, or outside stairways may not in any case extend more than twenty four (24) inches into any required side or rear yards, and shall not extend more than six (6) feet into any required front yard. This is not to be construed as prohibiting open porches or stoops not exceeding eighteen (18) inches in height, and not approaching closer than twenty four (24) inches 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 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.
4. An interior lot front yard setback shall be the same as the side yard setback, but no less than twenty (20) feet.

### **C. Historic lots.**

1. Building setback lines which do not meet the requirements of this Ordinance, but which were legally established prior to the adoption of this Ordinance, 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 as defined in Section 110, which has a smaller width or lot depth than that required by this Ordinance, or is less than one acre, 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 Section 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.

**050. Authorization for Similar Uses.**

Other similar uses which the Director finds to fit the purpose or intent of a zoning designation must be in compliance with Section 100.040.

**060. 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 greater conformity with the uses permitted within the zone in which it is located.

The Hearing Examiner shall review and approve these certain uses through the Conditional Permit Review procedures as set forth in Section 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 any 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.

**080. 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.

**090. 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.

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.

#### **455. Interpretations and Exceptions**

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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;
- 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; and
  - 4. For the purpose of constructing a single-family dwelling, temporary living quarters (for example a recreational vehicle) may be permitted only in conjunction with a stick frame structure. This permit will remain active as long as the building permit for the single-family dwelling remains active.
- 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.
- 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 a recreational vehicle (RV) for a period not to exceed three (3) months subject to the following conditions:
1. The subject property must be located in the Interim Rural Forest (IRF), Rural Protection (RP), or Rural Residential (RR) Zones;
  2. The RV must be occupied by the property owner or immediate family member;
  3. The RV must be provided with approved utilities including septic or sewer (Health District approval), 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 ensure that the RV use is compatible with the surrounding properties;
  6. The minimum RV size shall be two hundred (200) square feet or greater; and
  7. A building permit will be required each time the RV is placed on a parcel. If the RV is placed on the same parcel each year the application fee will be half of the initial fee. If the RV is placed on a different parcel, the entire fee will be assessed.

**100. Number of Dwellings per Lot.**

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

**110. Obnoxious Things.**

In all zones, except as provided for elsewhere in this Ordinance, 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. Not more than one (1) foot candle of illumination may leave the property boundaries.

**120. Existing Lot Aggregation for Tax Purposes.**

For the purposes of this Ordinance, parcels which have been aggregated by the County for tax purposes, shall be considered separate legally existing lots of record.



## **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 more 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.

## **460. Nonconforming Uses and Structures**

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- 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.
- C. A mobile home and/or single-family residence located on a legal nonconforming lot, may be replaced if destroyed.

### **040. Nonconforming Uses of Structures.**

- A. Continuation of nonconforming use. Any nonconforming use of a structure which was lawfully established and which has been lawfully, actively and continually maintained, may be continued subject to the limitations of this section. In all proceedings other than criminal, the owner, occupant or user shall have the burden to show that the use or structure was lawfully established.
- B. Change of nonconforming use. A nonconforming use may be changed to another nonconforming use so long as no structural alterations are needed to the structure in which the use is located; provided, any such change of use shall be to a use of equal or greater conformity to those permitted in the zone.
- C. No expansion of nonconforming use. A nonconforming use shall not be enlarged or expanded; provided, the structure containing the nonconforming use may be structurally altered to adapt to new technologies or equipment.

## 460. Nonconforming Uses and Structures

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- D. Expansion of nonconforming structures. A structure which is nonconforming by reason of substandard lot dimensions, setback requirements, lot area or a building height in excess of that which is permitted by this Ordinance but which does not contain nonconforming uses, may be enlarged or expanded so long as the enlargement or expansion conforms to the requirements of this Ordinance; provided, a structure may be expanded to the building line but it may never be expanded to encroach upon a street or be within five feet of a property line other than a street property line.
- E. Destruction of nonconforming use or structure. If any nonconforming use or structure is destroyed by any cause, it shall be allowed to be reconstructed or reinstated as a nonconforming use in a similar size and appearance within a period of one year from the date the use or structure was destroyed.
- F. Discontinuance of nonconforming use or structures. Any nonconforming use or structure for which the use or occupancy is discontinued for a period of one year shall not thereafter be allowed as a nonconforming use or structure.



## **465. Special Care Manufactured Homes**

### **010. Special Care Manufactured 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 manufactured home or 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 manufactured/mobile home as between the recipients or providers of special care;
- C. The manufactured/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 manufactured/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;
- E. The manufactured/mobile home must be removed when the need for special care ceases; and
- F. Placement of the manufactured/mobile home is subject to applicable Health District standards for water service and sewage disposal.





## **470. Wireless Communication Facilities**

### **010. Purpose.**

In addition to the general purposes of the comprehensive plan and the Zoning Ordinance, this Wireless Communication Facilities section is intended to:

- A. Provide for a wide range of locations and options for wireless communication providers while minimizing the visual impacts to surrounding properties associated with wireless communication facilities;
- B. Encourage creative approaches in locating wireless communication facilities which will be compatible with the surroundings; and
- C. Encourage and facilitate co-location of antennas, support structures and related equipment for wireless communication providers, public service communications and emergency service communications.

### **020. Exemptions.**

All of the following are exempt from the regulation of this section:

- A. Emergency or routine repairs, reconstruction, or routine maintenance of previously approved facilities, or replacement of transmitters, antennas, or other components of previously approved facilities which do not create a significant change in visual impact or an increase in radio frequency emission levels;
- B. Military and civilian radars, operating within the regulated frequency ranges, for the purpose of defense or aircraft safety;
- C. Amateur and citizen band transmitters and antennas;
- D. Two-way communication transmitters used on a temporary basis by "911" emergency services, including fire, police, and emergency aid or ambulance service; and
- E. Antennas located wholly within another structure, and not visible outside the host structure.

### **030. Application Requirements.**

- A. Wireless communication providers shall meet with the Department to discuss the providers' plans for construction of new facilities to coordinate regional planning for the new year to identify the preferred network.
- B. The Kitsap County Department of Community Development (DCD) will develop and maintain a Geographic Information System (GIS) database that will identify the preferred network. This database will depict all existing and proposed wireless communication support structure locations. Locations will be mapped with the adopted Comprehensive Plan Land Use Maps with all publicly owned lands identified. This database will be provided to all wireless communication facility applicants and to the public.

## **470. Wireless Communication Facilities**

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- C. In addition to other requirements, the applications shall include the following items at a minimum:
1. Site and landscape plans drawn to scale;
  2. A report including a description of the tower with technical reasons for its design;
  3. Documentation establishing the structural integrity for the tower's proposed uses;
  4. The general capacity of the tower, and information necessary to assure that ANSI standards are met;
  5. A statement of intent on whether excess space on the site will be leased;
  6. Proof of ownership of the proposed site or authorization to utilize it;
  7. Copies of any easements necessary;
  8. An analysis of the area containing existing topographical contours; and
  9. A visual study depicting "where within a one (1) mile radius any portion of the proposed tower could be seen."

### **040. Wireless Communication Facilities-Permitted Uses.**

- A. Wireless Communication Support Structures:
1. Any support structure constructed greater than twenty (20) feet in height shall be subject to the provisions of Sections 470.050.B and 470.050.C.
  2. Support structures are subject to the site development standards of Section 470.060. A lattice support structure shall not be permitted unless it is demonstrated that an existing communication structure or a mono-pole is not available or that the existing location does not satisfy the operational requirements of the applicant.
  3. Wireless communication support structures located in residential zones or within three hundred (300) feet of an existing residential zone shall require a Conditional Use Permit (CUP).

B. Wireless Communication Antenna Arrays:

1. Wireless communication antenna arrays not exceeding twenty (20) feet in height are permitted on existing structures in any zone. Arrays shall not add more than twenty (20) feet in height to the existing building or structure to which it is attached. When antenna arrays are proposed on single-family dwellings and associated accessory structures, they shall be subject to a Minor Site Plan Review, and are subject to the provision of Sections 470.050.C and 470.050.D.
2. Wireless communication antenna arrays exceeding twenty (20) feet in height are subject to the standards of wireless communication support structures in Section 470.050.
3. Mini and micro antenna arrays are allowed on existing utility poles. Furthermore, existing poles may be extended in height up to 50% to accommodate antennas. Ground support facilities when existing utility poles are utilized shall be subject to review as a Minor Site Plan Review and subject to the requirements of Section 470.050.B.

- C. Construction of equipment shelters, cabinets, and other ancillary equipment not located on or in an existing structure shall be subject to a Minor Site Plan Review and the site development standards of Section 470.050.

**050. Wireless Communication Facilities - Site Development Standards.**

A. Viewscapes:

1. A support structure shall not be considered compatible with surrounding land uses if within a one (1) mile radius it results in more than a moderate visual impact upon a significant viewscape such as mountain views, views of water bodies, and/or open expansive views such as valleys. Visual impacts and mitigation shall be determined through the State Environmental Policy Act (SEPA) process until such time as specific criteria are adopted by the Department.
2. A visual impact analysis will be required when it appears a support structure imposes more than a moderate visual impact on viewscapes. The impact analysis will be accomplished within the proposed site through: 1) the erection of a crane; 2) a balloon (of a size not less than four (4) feet and not to exceed six (6) feet) in a color similar to that of the proposed structure; or 3) similar devices used to simulate the proposed dimensions and height of the structure.

## **470. Wireless Communication Facilities**

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3. Ten (10) working days prior to the demonstration, the applicant shall notify the County and provide a courtesy informational notice to properties identified by the County as being within four hundred (400) feet of the subject parcel upon which the visual compatibility test will be conducted. The potential impact shall be documented through submittal of maps, photographs, photo-simulation, and other appropriate methods.

### **B. Landscaping and Screening:**

1. In all zones equipment shelters, cabinets, and other on-the-ground ancillary equipment shall be subject to landscape screening requirements, and shall be constructed with a use separation buffer. The buffer requirement shall be contained in a recorded easement. Vegetation shall not be removed without approval by the Department of Community Development. Fencing shall be a non-obtrusive material such as a dark coated chain link to blend in with the surroundings.
2. In residential zones, or non-residential zones where the support structure site is within three hundred (300) feet of an existing residential zone, the ground level view of support structures shall be mitigated by the retention of existing trees with sufficient height that will provide a functional screen of a substantial portion of the structure height. A barrier buffer used to mitigate visual impacts upon adjacent residential properties may be required as determined by site specific conditions. Additional plantings and fencing may be used to reduce the width necessary for buffering. A mono-pole support structure is preferred unless it can be demonstrated that a lattice tower can be adequately screened.
3. In non-residential zones, Performance Based Developments (PBDs) (Commercial and Industrial), or Interim Rural Forest Zones, screening of support structures shall be accomplished through a use separation buffer. A mono-pole structure is preferred and is exempt from buffer requirements in PBDs (Commercial and Industrial) and Interim Rural Forest Zones.

### **C. Color and Lighting:**

1. Antenna arrays located on an existing structure shall be placed and colored to blend into the architectural detail and coloring of the structure.
2. Support structures shall be painted in a non-reflective, earth tone color that best allows them to blend into the surroundings. Flashing red, solid red, or white strobe lighting shall not be allowed. Any structure subsequently determined by the FAA to require flashing red, solid red, or white strobe lighting shall be altered to avoid lighting requirements. Security lighting which is appropriately down shielded is permitted for the equipment shelters, cabinets, and/or other on-the-ground ancillary equipment in accordance with the section below.

- a. Exterior Lighting: In all zones, Performance Based 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. Electromagnetic Field/Radio-Frequency Radiation Standards: Installation of a wireless communication facility shall conform to standards required by the Federal Communication Commissions's (FCC) regulations and the Telecommunications Act of 1996.

E. Sharing of Support Structure and Co-Location of Facilities:

- 1. It is the policy of Kitsap County to minimize the number of wireless communication support structures and require co-location when appropriate. The County will pursue all reasonable strategies to promote co-location of facilities including emergency service communication facilities.
- 2. No new wireless communication support structure sites may be allowed within one (1) mile of an existing support structure, unless it can be demonstrated that the existing support structure site is not available for co-location, or it does not satisfy the operational requirements of the applicant.
- 3. The applicant shall provide the following: A copy of the applicant's co-location evaluation study including:

Certification that the following notice was mailed to all other wireless providers licensed to provide service within Kitsap County:

"Pursuant to the requirements of the Kitsap County Zoning Ordinance Section 470, (wireless provider) is hereby providing you with notice of our intent to apply to Kitsap County to construct a Wireless Communication Support Structure that would be located at (address, longitude and latitude). In general, we plan to construct a support structure of ( ) feet in height for the purpose of providing cellular, PCS, etc.) service.

Please inform us whether you have any wireless facilities located within one (1) mile of the proposed facility, that may be available for possible co-location opportunities. Please provide us with this information within ten (10) business days after the date of this letter. If no response is received within that time, we shall assume you do not wish to pursue co-location at such site.

Sincerely, (Pre-application applicant, wireless provider)"

## **470. Wireless Communication Facilities**

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- F. **Discontinuation of Use:** Any wireless communication facility that is no longer needed and its use is discontinued shall be reported immediately by the service provider to the Director. Discontinued facilities shall be completely removed by the service provider or the property owner within six (6) months from the time of discontinuance. An extension to this period may be granted by the Director.

### **060. Conditional Use Permit (CUP).**

- A. **Decision Criteria:** The intent of the CUP procedure is to determine the conditions under which a use may be permitted. These permits are subject to specific review during which conditions may be imposed to assure compatibility of the use with other uses permitted in the surrounding area. A CUP may be granted only if the following facts and conditions exist:

1. The need for the proposed wireless communication support structure shall be demonstrated if it is to be located in a residential zone or within three hundred (300) feet of an existing residential zone.
2. An evaluation of the operational needs of the provider, alternative site, alternative existing facilities upon which the proposed antenna array might be located, and co-location opportunities on existing support structures within one (1) mile of the proposed site shall be provided by the applicant. Evidence shall demonstrate that no practical alternative is reasonably available to the applicant.
3. The proposed support structure satisfies all of the provisions and requirements of Section 470.050.

- B. **Setback Requirements:** The setback requirements of the zone in which the support structure is located will apply.

- C. **Base Modification:** In issuing building permits for construction under a Conditional Use Permit, the support structure may be permitted with minor adjustments of the location and/or dimensions of building, parking areas and roadways with approval from the Director. Such adjustments may not change any points of ingress or egress to the site (unless approved by the traffic engineer), or any perimeter setbacks. No modification may be considered unless specifically requested in writing.

1. The Director may, without public notice, modify a Conditional Use Permit if all of the following criteria are met:
  - a. The use will remain the same;
  - b. The total site coverage and the total area covered by buildings will not increase;
  - c. The use will continue to comply with all conditions of approval of the Conditional Use Permit;

- d. The use will comply with all applicable requirements of the Zoning Ordinance; and,
  - e. Protected viewscapes or corridors are not impacted by the proposed change.
2. Any proposed modification of a Conditional Use Permit not consistent with the criteria above will require review by the Hearing Examiner.

**070. Notification to Kitsap County Central Communications (CENCOM).**

Notice requirement: Following the pre-application meeting, but prior to filing an application for a wireless communication facility, the applicant shall provide CENCOM with the location and technical specifications for the proposed wireless communication facility. This requirement will provide CENCOM with the opportunity to determine whether co-location of emergency service communications facilities is feasible. The application shall include any information that has been provided by CENCOM in response to the notice.

**Wireless Communication Facilities Review Process Table 470.100**

<b>Wireless Communication Facilities Review Process</b>			
	<b>Minor Site Plan Review</b>	<b>Site Plan Review</b>	<b>Conditional Use Permit</b>
<b>Whip Antennas</b> 20 feet or less in all zones	X <sup>1</sup>		
<b>Mini and Micro Facilities</b> on existing building or structure	X <sup>1</sup>		
<b>Macro Facility</b> on existing building or structure		X	
<b>Support Structure</b> 35 feet or less		X	
<b>Support Structure</b> greater than 35 feet			X
<b>Co-Location</b> on or at existing facility at equal or less height than existing	X <sup>1</sup>		

<sup>1</sup> Minor Site Plan Review for ground support structures only. Antennas are a permitted use.



## **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; and
- 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.

### **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. Investigation and Report.**

The Director shall make an investigation of the application and shall prepare a report thereon. The report shall be transmitted to the applicant, representative(s) and Hearing Examiner in a manner consistent with the Kitsap County Procedures Ordinance prior to the Public Hearing. The report shall also be made available for public inspection, at the Department of Community Development, at least five (5) working days prior to the Public Hearing.

### **040. Public Hearing and Notice.**

Variance applications shall be considered by the Hearing Examiner at public hearing as provided for in the Kitsap County Procedures Ordinance. Public Notice shall be given as provided for in the Kitsap County Procedures Ordinance.

### **050. Action by Hearing Examiner.**

The Hearing Examiner shall render a decision on the variance application as provided for in Kitsap County Procedures Ordinance. The decision is final unless appealed.

### **060. Appeal.**

The Hearing Examiner's decision on a variance may be appealed as provided for in the Kitsap County Procedures Ordinance.

## **500. Variances**

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### **070. Effect.**

In any case where a variance is granted under the terms of this Ordinance, no building or other permit shall be issued until after the end of the appeal period allowed to appeal the Hearing Examiner's decision. An appeal of the decision shall automatically stay the issuance of a building or other permit until such appeal has been completed.

### **080. Expiration.**

A variance shall become void one (1) year after approval if no substantial construction has taken place.

## **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 County 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 County 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 County Commissioners shall hold a public hearing on the amendment. Public hearings by the Planning Commission, Hearing Examiner and Board of County Commissioners shall be held in accordance with the provisions of the Kitsap County Procedures Ordinance.

### **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.



## **520. Appeals**

### **010. Appeals, to Hearing Examiner from an Administrative Decision (Appeal of Departmental Ruling).**

Any decision by the Director may be appealed to the Hearing Examiner, unless otherwise specified, consistent with the requirements of the Kitsap County Procedures Ordinance.

### **020. Request for Reconsideration.**

Any person may request that the Hearing Examiner reconsider a decision or recommendation during the request for reconsideration period, as set forth in the Kitsap County Procedures Ordinance. Reconsideration shall be limited to a review of the record and no new evidence shall be accepted or considered.

### **030. Request for Reconsideration Procedure.**

Requests for reconsideration shall be made in writing and shall include the nature and date of the decision or recommendation; the name, address and phone number of the person filing the reconsideration and the reason for the request. The request must also be accompanied by the appropriate fee.

### **040. Appeal to Board of Commissioners from a Hearing Examiner Decision or Recommendation.**

Any decision or recommendation by the Hearing Examiner may be appealed to the Board of County Commissioners, during the appeal period consistent with the requirements of the Kitsap County Procedures Ordinance.

### **050. Appeal Procedure.**

Appeals shall be made in writing and shall include the nature and date of the decision being objected to; the name, address and telephone number of the person filing the appeal, and the reason for making the objection. The appeal must be accompanied by the appropriate fee. Appeal procedures are further outlined in the Kitsap County Procedures Ordinance.

### **060. Final Decision of The Board of County Commissioners.**

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

### **070. Effect.**

No building or other permit shall be issued in any case until after the end of the appeal period as set forth in the Hearing Examiner's decision or recommendation or the Director's decision. An appeal of the Hearing Examiner or Director's decision or recommendation shall automatically stay the issuance of a building or other permit until such appeal has been completed.



## **525. Revocation of Permits or Variances**

### **010. Revocation for Noncompliance with Conditions.**

Any Performance Based Development permit, conditional use permit, site plan review, 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 Performance Based Development permit is revoked for a substantial violation of any of its conditions, the Board of County Commissioners may reconsider any zone change granted in connection with the Performance Based 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.

### **020. Public Hearing and Public Notice.**

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 consistent with the Kitsap County Procedures Ordinance.





## **530. 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 adopted Kitsap County Civil Enforcement Ordinance.

### **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, and welfare and the rule of strict construction shall have no application.

**610. Repealer**

Ordinance 182-1995, 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. Effective Date and Time Limit**

This Ordinance shall be of full force and in effect on **JUNE 22, 1998**.



**640. Application Fee Schedule**

The Board of County Commissioners shall, by resolution, establish a schedule of fees for permits, amendments and other matters pertaining to the review of development applications. The schedule of fees may be changed or modified only by resolution of the Board. Until all applicable fees have been paid in full, review shall not commence on any application. The County is not required to continue processing any application unless its fees are paid in full. Failure to pay the applicable fees is grounds for denial of the application. Fees identified in this ordinance are for review by the Department of Community Development. Fees from other agencies may apply.

**Application Fee Schedule Table 640.000**

<b>APPLICATION TYPE</b>	<b>PROPOSED FEE (INCLUDES SEPA)</b>
Appeal/Objection	\$125.00
Conditional Use Permit	\$1000.00
Home Business	\$150.00
Minor Site Plan Review	\$500.00
Performance Based Development (PBD)	\$1000.00
Pre-Application (\$50 credit toward application fee)	\$100.00
Request for Reconsideration	\$50.00
Rezone (w/ Comp Amend - Annual Review)	\$1000.00
Rezone (w/o Comp Amend)	\$550.00
SEPA Review Alone	\$150.00
Shoreline Substantial Development Permit for activity associated with commercial activity	\$1,000.00
Shoreline Substantial Development Permit for activity associated with residential activity	\$500.00
Sign Permit	\$100.00
Site Plan Review	\$1000.00
Variance	\$150.00



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