

ORDINANCE NO. 381-2007

ADOPTING SILVERDALE DOWNTOWN DESIGN GUIDELINES AND
AMENDING THE KITSAP COUNTY CODE TITLE 17, ZONING

BE IT ORDAINED:

Section 1. The Kitsap County Board of Commissioners finds the following:

1. Using input received from the public, the Silverdale Citizen Advisory Committee and a subsequent Working Group developed guidelines and standards for pedestrian-friendly development within downtown Silverdale including requirements for site planning, roadways, parking, walkways and open space.
2. The Kitsap County Department of Community Development in conjunction with the Silverdale Downtown Design Guidelines Working Group held a public open house in Silverdale on January 24, 2007, to present the draft Guidelines and elicit comments.
3. The Kitsap County Planning Commission conducted a public hearing on February 27, 2007, which continued to March 27, 2007, to consider the Silverdale Downtown Design Guidelines. The Planning Commission forwarded no recommendation to the Board of County Commissioners.

Section 2. The Silverdale Downtown Design Guidelines, which establish standards for pedestrian-friendly, urban development within downtown Silverdale, and which are attached herewith as Attachment 1, are hereby adopted.

Section 3. Kitsap County Code Section 17.381.050(A), adopted by Ordinance 367-2006, is amended as follows:

- A. Where noted on the preceding use tables, the following additional restrictions apply:
 1. Subject to 17.381.060, Provisions applying to special uses.
 2. 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 on-premise signs each not exceeding six square feet.
 3. Duplexes require double the minimum lot area required for the zone.
 4. No greater than two acres for the purpose of construction and maintenance of a timber management road system, provided the total parcel is at least twenty acres.
 5. Provided public facilities do not inhibit forest practices.
 6. Where permitted, automobile service stations shall comply with the following provisions:

- a. Sale of merchandise shall be conducted within a building except for items used for the maintenance and servicing of automotive vehicles;
 - b. No automotive repairs other than incidental minor repairs, battery, or tire changing shall be allowed;
 - c. The station shall not directly abut a residential zone; and
 - d. All lighting shall be of such illumination, direction, and color as not to create a nuisance on adjoining property or a traffic hazard.
7. In Rural Wooded (RW), Rural Protection (RP), or Rural Residential (RR) zones:
 - a. Animal feed yards and animal sales yards, shall be located not less than two hundred feet 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.
 - b. All stables and paddocks shall be located not closer than fifty feet to any property line. Odor, dust, noise, flies, or drainage shall not be permitted to create or become a nuisance to surrounding property.
 8. An animal hospital or veterinary clinic shall not be located within fifty feet of a lot line in the rural protection (RP) or rural residential (RR) zones. In addition, the applicant shall show that adequate measures and controls shall be taken to prevent offensive noise and odor.
 9. Animal hospitals or veterinary clinics are allowed, provided a major part of the site fronts on a street and 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 activities shall be conducted inside an enclosed building.
 10. A cemetery, crematorium, mausoleum, or columbarium shall have its principal access on a county roadway with ingress and egress so designed as to minimize traffic congestion, and shall provide required off-street parking spaces. No mortuary or crematorium in conjunction with a cemetery is permitted within 100 feet of a boundary street or, where no street borders the cemetery, within 200 feet of a lot in a residential zone.
 11. 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) for a term not to exceed ninety 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.
 12. All buildings shall be setback a minimum of thirty 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 roadway determined to be adequate by the county engineer, and be able to provide access without causing traffic congestion on local residential streets. 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.

13. Public use airports and heliports are allowed only within the airport (A) zone established by this title. Heliports for the purpose of medical emergency facilities are permitted in all zones subject to a conditional use permit. All private landing strips, runways, and heliports shall be so designed and oriented so 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.
14. Day-care centers shall have a minimum site size of ten thousand square feet and shall provide and thereafter maintain outdoor play areas with a minimum area of seventy-five square feet per child of total capacity. A site-obscuring fence of at least four feet in height shall be provided, separating the play area from abutting lots. Adequate off-street parking and loading space shall be provided.
15. The number of animals on a particular property shall not exceed one large livestock, three small livestock, five ratites, six small animals, or twelve poultry
 - a. per 40,000 square feet of lot area for parcels one acre or smaller or for parcels five acres or smaller located within two hundred feet of a lake or year round stream, 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;
 - b. per 20,000 square feet of area for parcels greater than one acre, but less than or equal to five acres, not located within two hundred feet of a lake or year round stream, 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.No feeding area or structure or building used to house, confine or feed livestock, small animals, ratites, or poultry shall be located closer than one hundred feet to any residence on adjacent property located within a rural wooded (RW), rural protection (RP), rural residential (RR) zones, or within two hundred 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.
16. The erection, construction, alteration, or maintenance of overhead or underground utilities by a public utility, municipality, governmental agency, or other approved party 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 and poles may exceed the height limits otherwise provided for in this title. Water towers, which exceed thirty-five feet in height, solid waste collection, transfer and/or handling sites, in any zone shall be subject to a conditional use permit. These provisions do not apply to wireless communication facilities, which are specifically addressed in Chapter 17.470.

17. For waterfront properties, accessory structures such as docks, piers, and boathouses may be permitted in the rear yards, shorelands or tidelands subject to the following limitations:
 - a. All requirements of the Kitsap County Shoreline Management Master Program must be met;
 - b. The deck of any dock shall not be any higher than five feet above the ordinary high water line;
 - c. The building height of any boathouse shall not be greater than fourteen feet above the ordinary high water line;
 - d. Covered structures must abut or be upland of the ordinary high water line; and
 - e. No covered structure shall have a width greater than twenty-five feet or twenty-five percent of the lot width, whichever is most restrictive.
18. One 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.
19. ~~Reserved.~~ All development within the Silverdale Downtown Design District boundary must be consistent with the Silverdale Downtown Design Guidelines.
20. Site plans for public schools shall include an area identified and set aside for the future placement of a minimum of four portable classroom units. The area set aside may not be counted towards meeting required landscaping or parking requirements.
21. Outdoor Contractor's Storage Yards accessory to a primary residence shall be limited to not more than ten 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-foot minimum width native buffer that provides functional screening. Minimum lot size shall be 100,000 square feet.
22. Stump grinding, soil-combining and composting in Rural Protection and Rural Residential zones must meet the following requirements:
 - a. The subject property(s) must be 100,000 square feet or greater in size;
 - b. The use must take direct access from a county-maintained right-of way;
 - c. A 50-foot natural vegetation buffer must be maintained around the perimeter of the property(s) to provide adequate screening of the use from neighboring properties;
 - d. The subject property(s) must be adjacent to an industrial zone or a complimentary public facility such as a sewage treatment plant or solid waste facility;
 - e. The proposed use must mitigate noise, odor, dust and light impacts from the project; and
 - f. The use must meet all other requirements of this title.
23. Home businesses located in the forest resource lands (FRL) must be associated with timber production and/or harvest.
24. Mobile homes are prohibited, except in approved mobile home parks.
25. All uses must comply with the TDO's of Section 17.321B.020.

26. Within the MVC zone, a new single-family dwelling may be constructed only when replacing an existing single-family dwelling. All replacement single-family dwellings and accessory structures within the MVC zone must meet the height regulations, lot requirements, and impervious surface limits of the MVR zone.
27. Subject to the Temporary Permit provisions of Chapter 17.455.
28. Allowed only within a commercial center limited in size and scale (e.g., an intersection or "corner" development).
29. The Bethel Road Corridor Development Plan sets forth policies and regulations for development within the Highway Tourist Commercial Zone located along the Bethel Corridor in South Kitsap from SE Ives Mill Road to the Port Orchard City limits. Development within the Bethel Road Corridor Highway Tourist Commercial Zone shall be conducted in a manner consistent with the policies and regulations of the Land Use Element of the Bethel Road Corridor Development Plan.
30. The *Design Standards for the Community of Kingston* sets forth policies and regulations for properties within the downtown area of Kingston. All development within this area must be consistent with these standards. A copy of the *Design Standards for the Community of Kingston* may be referred to on the Kitsap County web page or at the Department of Community Development front counter.
31. Uses "Permitted" only if consistent with an approved master plan pursuant to Chapter 17.415. Where a master plan is optional and the applicant chooses not to develop one, all uses shown as "permitted" require an Administrative Conditional Use Permit.
32. For properties with an approved master plan, except as described in 17.370.025, all uses requiring a conditional use permit will be considered "permitted" uses.
33. Must be located to serve adjacent industrial uses.
34. Bed and breakfast houses with one to four rooms require an Administrative Conditional Use Permit; Bed and breakfast houses with five or more rooms require a Hearing Examiner Conditional Use Permit. Bed and breakfast houses serving meals to patrons other than overnight guests require a Hearing Examiner Conditional Use Permit.
35. Use may not occupy more than 25 percent of the site area.
36. Requires a Hearing Examiner Conditional Use Permit when abutting SVR or SVLR zone.
37. Permitted only within a mixed use development or office complex.
38. Customer service-oriented uses over 5,000 square feet are prohibited.
39. For the purpose of construction and maintenance of a timber management road system.
40. Self storage facilities must be accessory to the predominant residential use of the property, sized consistently for the number of lots/units being served and may serve only the residents of the single-family plat or multi-family project.
41. Approval process for uses shown as "Reserved" to be determined by a future development agreement to be approved by the Board of County Commissioners.

42. 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.
43. 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.
44. Certain development standards may be modified for mixed use developments, as set forth in Section 17.382.035 and Chapter 17.400 of this code.
45. New or expanded commercial developments that will result in less than 5,000 gross square feet of total commercial use within a development site or residential developments of fewer than 4 dwelling units are permitted outright outside of the Silverdale UGA.
46. Allowed only as an accessory use to a park or recreational facility.
47. As a Hearing Examiner Conditional Use, UM and UH zones adjacent to a commercial zone may allow coordinated projects that include commercial uses within their boundaries. Such projects must meet the following conditions:
 - a. The project must include a combination of UM and/or UH and commercially-zoned land;
 - b. The overall project must meet the density required for the net acreage of the UM or UH zoned land included in the project;
 - c. All setbacks from other residentially-zoned land must be the maximum required by the zones included in the project;
 - d. Loading areas, dumpsters and other facilities must be located away from adjacent residential zones; and
 - e. The residential and commercial components of the project must be coordinated to maximize pedestrian connectivity and access to public transit.
48. Within Urban Growth Areas, all new residential subdivisions, single-family or multi-family developments are required to provide an urban level of sanitary sewer service for all proposed dwelling units.

49. Mixed use development is prohibited outside of urban growth areas.

Section 4. Kitsap County Code Section 17.382.110(A), adopted by Ordinance 367-2006, is amended as follows:

- A. Where noted on the preceding tables, the following additional provisions apply:
1. Except for those buildings directly associated with timber production and harvest.
 2. Except for silos and other uninhabited agricultural buildings.
 3. Properties within the Urban Restricted (UR) zone may subdivide at densities below the minimum required for the zone under the following circumstances:
 - a. The reduced density provides a greater protection for critical areas or environmentally sensitive areas; and
 - b. The intent of the short subdivision or subdivision is to keep the property in the ownership of the immediate family members.
 4. If a single lot of record, legally created as of April 19, 1999, is smaller in total square footage than that required under this chapter, or if the dimensions of the lot are less than required, said lot may be occupied by any reasonable use allowed within the zone subject to all other requirements of this chapter. If there are contiguous lots of record held in common ownership, each of the lots legally created as of April 19, 1999, and one or more of the lots is smaller in total square footage than required by this chapter, or the dimensions of one or more of them are less than required, said lots shall be combined to meet the minimum lot requirements for size and dimensions.
 5. The *Design Standards for the Community of Kingston* sets forth policies and regulations for properties within the downtown area of Kingston. All development within this area must be consistent with these standards. A copy of the *Design Standards for the Community of Kingston* may be referred to on the Kitsap County web page or at the Department of Community Development front counter.
 6. Building replacements and remodels shall not create in excess of a total of forty percent impervious surface for lot area or more than the total existing impervious surface area, whichever is greater.
 7. Excess area from acreage used to support proposed densities but not devoted to residential lots and public improvements such as streets and alleys shall be permanently dedicated and reserved for community open space, park land, and similar uses. For developments proposing densities no greater than one dwelling unit per five acres, the minimum and maximum lot sizes shall not apply, except that existing dwelling units shall be allocated lot area between 3,500 and 7,500 square feet. New proposals may then proceed using the five-acre lot requirements of Section 17.310.030 for the rural residential (RR) zone.
 8. Hotels may be developed with four above-ground floors and up to a height not exceeding fifty feet with approval of the fire marshal and relevant fire district.
 9. May be reduced to 10 feet for residential uses through the Administrative Conditional Use or PBD process.

10. Uses allowed through the conditional use process shall provide minimum side setbacks of 10 feet and minimum rear setbacks of 20 feet.
11. Any newly created lot within the Suquamish Rural Village shall be subject to Chapter 16.48 of this code, Short Subdivisions, and must meet the lot requirements below:
 - a. Lot Requirements.
 - Minimum Lot Size: 21,780 square feet
 - Minimum Lot Width: 100 feet
 - Minimum Lot Depth: 100 feet
 - b. Setbacks.
 - Front: 20 feet
 - Side: 5 feet
 - Rear: 5 feet
12. Nonconforming Lots in Single Ownership. If a single lot of record, legally created before the adoption of the Manchester Community Plan, is less than 8,712 square feet in size or does not meet the dimensional requirements of its zone, the lot may be occupied by any use allowed within the zone subject to all other requirements of this chapter.

Nonconforming Lots in Common Ownership. Contiguous lots of record held in common ownership, each lot legally created before adoption of the Manchester Community Plan, must be combined to meet the minimum lot requirements of its zone if one or more of the lots is less than 8,712 square feet in size or does not meet the dimensional requirements of its zone and, at the time of adoption of the Manchester Community Plan (March 18, 2002), either 1) a residential structure encumbered more than one of the contiguous lots or 2) two or more of the contiguous lots were vacant. If one or more of the lots is sold or otherwise removed from common ownership after the adoption of the Manchester Community Plan, it will not be considered to meet the minimum lot requirements for non-conforming lots in single ownership. Property with two contiguous lots legally created before adoption of the Manchester Community Plan with a residential structure entirely on one lot may develop the second lot consistent with applicable zoning.
13. Residential structures within the MVC zone may not exceed 28 feet.
14. Within the View Protection Overlay, the maximum height shall be 28 feet. Height shall be measured from the average elevation of the property's buildable area to the structure's highest point. Buildable area is considered all portions of the property except wetlands and/or geologically hazardous areas. Properties within the View Protection Overlay Zone may build as high as 35 feet under the following circumstances:
 - a. There is no existing view of downtown Seattle, the Cascade Mountains, Mt. Rainier or the Puget Sound from the subject property or any adjacent property; or
 - b. The owners of all adjacent properties approve the building height prior to building permit issuance; or
 - c. It can be explicitly shown that the structure will not cause the blockage of existing views from any of the adjacent properties.

15. Clustering residential development is encouraged in all development. When clustering development, if a property owner designates 40% of the gross acreage as naturally vegetated open space, he or she may create one additional lot for every five lots clustered. The additional lot may not reduce the naturally vegetated open space to an amount less than 40% of the gross acreage of the development.
16. All properties within the Manchester Village must also meet the requirements of the Stormwater Management Ordinance, Chapters 12.04 through 12.32 of this code. The use of pervious materials and other new technologies may be used in the construction of these areas and structures to reduce the impervious surface calculation.
17. A greater height may be allowed as set forth below and in accordance with the procedures in Title 21 of this code. Such approval must be consistent with the recommendations of the fire marshal/fire district and compatible with surrounding uses and zones. Such approval shall result in a decrease in building coverage, an increase in public amenities, and/or a more creative or efficient use of land. The maximum building height approved by the director shall not exceed:
 - a. In the UM, NC, and P zones: 45 feet
 - b. In the UH, HTC, and RC zones: 65 feet
 - c. In the BP, BC, and IND zones: 50 feet
 - d. In the Mixed Use zone:
 - i. Within Silverdale, the maximum height shall be consistent with the design guidelines;
 - ii. Along the Highway 303 corridor, the maximum height shall be 65 feet;
 - iii. Along Perry and National Avenues, the maximum height shall be 45 feet.
18. Density based on net acreage of the property(s) after the removal of critical areas.
19. The maximum number of residential units permitted in the South Kitsap UGA/ULID #6 Sub-Area Plan is 4,172 until such time as a further population allocation is made to the Sub-Area. All residential development within the Sub-Area is subject to this density limitation. To ensure that the density limit for the sub-area is not exceeded, the director shall use the county's land information system (LIS) to monitor the number of dwelling units remaining and available for development within the Sub-Area.
20. The minimum lot width within the ULID #6 Sub-Area shall be 40 feet.
21. 20 feet when abutting a residential zone.
22. Maximum height shall be 30 feet when located within the 200 foot shoreline area..
23. The minimum site setback shall be 75 feet for any yard abutting a residential zone, unless, based upon a site-specific determination, berming and landscaping approved by the director is provided that will effectively screen and buffer the business park activities from the residential zone that it abuts; in which case, the minimum site setback may be reduced to less than 75 feet but no less than 25 feet. In all other cases, minimum site setbacks shall be 20 feet.

24. An individual structure intended for future mixed commercial and residential uses may initially be used exclusively for residential use if designed and constructed for eventual conversion to mixed commercial and residential use once the Urban Village Center or Urban Town Center matures.
25. The Bethel Road Corridor Development Plan sets forth policies and regulations for development within the Highway Tourist Commercial Zone located along the Bethel Corridor in South Kitsap from SE Ives Mill Road to the Port Orchard City limits. Development within the Bethel Road Corridor Highway Tourist Commercial Zone shall be conducted in a manner consistent with the policies and regulations of the Land Use Element of the Bethel Road Corridor Development Plan.
26. No service road, spur track, or hard stand shall be permitted within required yard areas that abuts a residential zone.
27. Wherever an industrial zone abuts a residential zone, a fifty-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 be approved only if the landscaping is designed to preserve the quality of the residential zone. The minimum lot setback shall be 50 feet for any yard abutting a residential zone unless, based upon a site-specific determination, berming and landscaping or other screening approved by the director is provided, which will effectively screen and buffer the industrial activities from the residential zone which it abuts, in which case the minimum setback may be 25 feet. These setbacks are the minimum setbacks required and may be increased by the director to ensure adequate buffering and compatibility between uses.
28. Unless part of an approved zero-lot line development.
29. 100-foot setback required for single-family buildings abutting FRL or RW zones.
30. No minimum lot size if property is used only for extraction.
31. 330 feet if activity includes any uses in 17.380.020.
32. Existing lots developed with existing single-family residences are permitted to be maintained, renovated and structurally altered. Additions to existing residential structures in order to provide commercial uses are also permitted regardless of density.
33. ~~Reserved.~~ All development within the Silverdale Downtown Design District boundary must be consistent with the Silverdale Downtown Design Guidelines.
34. Development abutting a street for which a standard has been established by the Kitsap County Arterial Plan shall provide a special setback from the centerline of said street or a distance adequate to accommodate one-half of the right-of-way standard established by the arterial plans for the street. The building setback required by the underlying zone shall be in addition to the special setback and shall be measured from the edge of the special setback line. The special setback area shall be treated as additional required yard area and reserved for future street widening purposes.
35. Maximum density and smaller lot sizes may be allowed based upon the designation of a portion of the development as "Wooded Reserve" and a

portion of the development acreage as "Permanent Open Space" under one of the allowed alternatives in Chapter 17.301.

36. For standards applicable to Master Planned Industrial Developments and approved Industrial Parks, see 17.370.090.
37. When an airport zone abuts a residential zone, there shall be a minimum of five hundred 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.
38. Cornices, canopies, eaves, belt courses, sills or other similar architectural features, or fireplaces may extend up to twenty-four inches into any required yard area. For setbacks along shorelines, see Chapter 17.450.
39. Unless otherwise stated in this title, if a lot of record, which was legally created as of May 10, 1999, is smaller in total square footage than that required within the zone, or if the dimensions of the lot are less than that required within the zone, said lot may be occupied by any use allowed within that zone subject to all other requirements of the zone. Unless specifically stated within this title, where two or more contiguous lots which are nonconforming to the lot size or dimensions of the zone and are held in common ownership, said lots shall be considered separate legal nonconforming lots and each may be occupied by any use permitted within the zone subject to all other requirements of the zone. If a lot of record was lawfully occupied by two or more single-family residences (excluding accessory dwellings) as of May 10, 1999, the owner of such a lot may apply for a short plat approval in order to permit the segregated sale of such residences, even though some or all of the resulting new lots will have lot areas or dimensions less than required for the zone in which they are located. All other provisions of the Short Subdivision Ordinance (Chapter 16.48 of this code) shall apply to the application.
40. Height limitations set forth elsewhere in this title shall not apply to the following: barns, silos, or other farm buildings and structures, provided they are not less than fifty 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.
41. The following exceptions apply to front yard requirements:
 - a. 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.

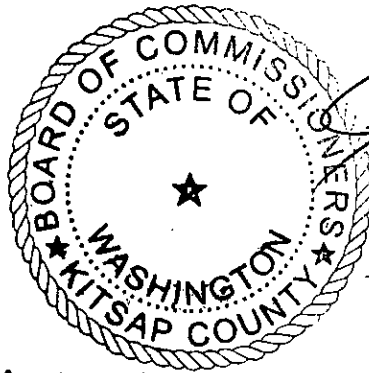
- b. If there is a dwelling on one abutting lot with a front yard less than the required depth for the zone, the front yard need not exceed a depth of half-way between the depth of the front yard on the abutting lot and the required front yard depth.
 - c. If a modification to the front-yard requirement is necessary in order to site dwellings in a manner that maximizes solar access, the director may modify the requirement.
 - d. On lots with multiple front yards, the front yard setback(s) in which the lot does not receive access may be modified by the director. Based upon topography, critical areas or other site constraints, the director may reduce these front yard setbacks to a minimum of twenty feet for properties requiring fifty feet and five feet for properties requiring twenty feet. The director may not modify front yard setbacks from county arterials or collectors. Such reductions shall not have an adverse impact to surrounding properties.
42. The following exceptions apply to historic lots:
- a. Building setback lines that do not meet the requirements of this title but were legally established prior to the adoption of this title 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.
 - b. Any single-family residential lot of record as defined in Chapter 17.110 that has a smaller width or lot depth than that required by this title, or is less than one acre, may use that residential zoning classification that most closely corresponds to the dimension or dimensions of the lot of record, for the purpose of establishing setbacks from the property lines.
43. 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 title impossible without substantial changes to the site.
44. Outside of the Silverdale Sub-Area, densities required only with mixed use development.

Effective Date: This Ordinance shall take effect immediately.

Severability: If any sentence, section, provision, or clause of this ordinance or its application to any person, entity or circumstance is for any reason held invalid or unconstitutional, the remainder of the ordinance, or the application of the provision to other persons, entities, or circumstances is not affected.

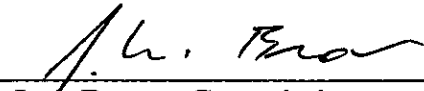
Dated: May 14, 2007

KITSAP COUNTY BOARD OF COMMISSIONERS





Chris Endresen, Chair


Jan Angel, Commissioner


Josh Brown, Commissioner

ATTEST:


Opal Robertson
Clerk of the Board

Approved as to Form:


Lisa J. Nickel
Deputy Prosecuting Attorney