

## **Title 17**

### **ZONING**

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## Chapter 17.100

### GENERAL PROVISIONS

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- 17.100.020 Purpose and scope.
- 17.100.030 Compliance.
- 17.100.040 Allowed uses.
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- 17.100.060 Relationship to procedures ordinance.
- 17.100.070 Interpretation.
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#### 17.100.010 Title.

The ordinance codified in this title may be cited as either the “Kitsap County Zoning Ordinance” or “Title 17, Kitsap County Code.”\* (Ord. 415 (2008) § 3, 2008: Ord. 216 (1998) § 4 (part), 1998)

\* **Editor’s Note:** This Zoning Ordinance took effect on February 15, 1999.

#### 17.100.020 Purpose and scope.

The text and zoning maps constitute the Zoning Ordinance. The Zoning 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 this title to provide for predictable, judicious, efficient, timely, and reasonable administration respecting due process set forth in this title and other applicable laws; and to protect and promote the public health, safety and general welfare.

In fulfilling these purposes, this title 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 title, 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 obli-

gations of administration and enforcement imposed upon the county hereby shall not be enforceable in tort.

Applications for permits and approvals are subject to the provisions of this title and all other ordinances and laws. Such ordinances and laws include, but are not limited to, the following:

- A. KCC Title 6 (Business Licenses and Regulations)
- B. KCC Title 9 (Health, Welfare and Sanitation);
- C. KCC Title 11 (Roads, Highways and Bridges)
- D. KCC Title 12 (Storm Water Drainage);
- E. KCC Title 13 (Water and Sewers);
- F. KCC Title 14 (Buildings and Construction);
- G. KCC Title 15 (Flood Hazard Areas)
- H. KCC Title 16 (Land Division and Development);
- I. KCC Title 18 (Environment);
- J. KCC Title 19 (Critical Areas Ordinance);
- K. KCC Title 20 (Transportation);
- L. KCC Title 21 (Land Use and Development Procedures);
- M. KCC Title 22 (Shoreline Management Master Program);
- N. Chapter 36.70A RCW, Growth Management Act, and Chapter 36.70B RCW, Local Project Review;
- O. Kitsap Countywide Planning Policies;
- P. Kitsap County Comprehensive Plan and Sub-Area Plans;
- Q. Kitsap County Buildable Lands Report;
- R. Kitsap County Greenways, Bicycle & Mosquito Fleet Trail Plan;
- S. Kitsap County Parks, Recreation & Open Space Plan;
- T. Kitsap County Comprehensive Solid Waste Plan;
- U. Chapter 43.21 RCW, State Environmental Policy Act; and

V. Chapter 58.17 RCW, Plats – Subdivisions – Dedications.  
(Ord. 415 (2008) § 4, 2008: Ord. 216 (1998) § 4 (part), 1998)

**17.100.030 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 title, 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 title, 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 title imposes greater restrictions than those imposed or required by other rules, regulations, or ordinances, the provisions of this title shall control. (Ord. 415 (2008) § 5, 2008: Ord. 216 (1998) § 4 (part), 1998)

**17.100.040 Allowed uses.**

When a use is not specifically listed in this title, it shall be understood that the use may be allowed 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 title for determining similarity. In determining similarity, as well as when considering all other uses, the director shall make all of the following findings:

A. The proposed use shall meet the intent of, and be consistent with the goals, objectives and policies of the Kitsap County Comprehensive Plan;

B. The proposed use shall meet the stated purpose and general intent of the Comprehensive Plan land use designations and zoning classification in which the use is proposed to be located;

C. The proposed use shall not adversely impact the public health, safety and general welfare of the residents of the county; and

D. The proposed use shall share characteristics in 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.

If determined similar, the unspecified use shall meet all of the code requirements and follow the approval process prescribed for the listed use.

(Ord. 415 (2008) § 6, 2008: Ord. 216 (1998) § 4 (part), 1998)

**17.100.050 Conflict with other regulations.**

Where conflicts occur between the provisions of this title and other applicable code provisions, or other regulations from other jurisdictions with authority, the more restrictive shall apply.

(Ord. 415 (2008) § 7, 2008: Ord. 216 (1998) § 4 (part), 1998)

**17.100.060 Relationship to procedures ordinance.**

To the extent that there is a conflict regarding the requirements of this title and Title 21 (Land Use and Development Procedures), Title 21 shall control.

(Ord. 415 (2008) § 8, 2008: Ord. 216 (1998) § 4 (part), 1998)

**17.100.070 Interpretation.**

This title shall be liberally interpreted and construed to secure the public health, safety,



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

(Ord. 415 (2008) § 9, 2008: Ord. 216 (1998) § 4 (part) (§ 17.600.010), 1998)

### **17.100.080 Severability.**

If any section, subsection, clause or phrase of this title 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.

(Ord. 415 (2008) § 10, 2008: Ord. 216 (1998) § 4 (part) (§ 17.100.080), 1998)

## **Chapter 17.110**

### **DEFINITIONS**

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**17.110.005 Generally.**

Except as provided in Section 17.450.010, for the purpose of this title, certain terms, phrases, words and their derivatives shall be construed as specified in this section and elsewhere in this title 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. The word “shall” is mandatory. The word “may” is discretionary. Where terms, phrases and words are not defined, they shall have their ordinary accepted meanings within the context with which they are used. The most current version of the

English Webster's Dictionary shall be considered as providing ordinary accepted meanings. (Ord. 415 (2008) § 11, 2008: Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.010 Abutting.**

"Abutting" means adjoining with a common boundary line; except that where two 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 parcels measures ten feet or greater in a single direction. Where two or more lots are separated by a street or other public right-of-way, they shall be considered "abutting" if their boundary lines would be considered abutting if not for the separation provided by the street or right-of-way. (Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.015 Access.**

"Access" means 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 title. (Ord. 415 (2008) § 12, 2008: Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.020 Accessory dwelling unit.**

"Accessory dwelling unit" means separate living quarters detached from the primary residence. No mobile home or recreational vehicle shall be considered an accessory dwelling unit. This definition excludes guest houses. (Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.025 Accessory living quarters.**

"Accessory living quarters" means separate living quarters contained within the primary residence. (Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.030 Accessory use or structure.**

"Accessory use or structure" means an activity or structure that is commonly associated with but subordinate to any principal use or structure.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.035 Adjacent.**

"Adjacent" means the same as "abutting." (Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.040 Adjoining.**

"Adjoining" means the same as "abutting." (Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.045 Adult family home.**

"Adult family home" means a dwelling licensed pursuant to RCW 70.128 in which a person or persons provide personal care, special care, and room and board.

(Ord. 415 (2008) § 13, 2008: Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.050 Agricultural uses.**

"Agricultural uses" means 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.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.055 Alley.**

"Alley" means a private or public right-of-way having a typical width of at least ten feet, but generally no more than twenty feet, which affords only secondary means of access to abut-

ting properties. Alleys are not intended for general traffic circulation.

(Ord. 415 (2008) § 14, 2008: Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.057 Alternative technology.**

“Alternative technology” means the use of structures, fixtures, and technology which substantially limit the visibility of wireless communication support structures and facilities. This may include, but is not limited to, use of existing utility poles, flagpoles, existing structures such as water tanks, church steeples and any other method which substantially minimizes the visual impact of wireless communication support structures and facilities. This is commonly referred to as “stealth technology.” (Ord. 367 (2006) § 5 (part), 2006: Ord. 281-2002 § 1, 2002)

**17.110.060 Animal.**

“Animal” means any live vertebrate creature, reptile, amphibian or bird, except man.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.065 Animal, small.**

“Animal, small” or “small animal” means any animal other than livestock used for agricultural purposes.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.070 Animal hospital.**

“Animal hospital” means a place where animals or pets are given medical or surgical treatment, and are cared for during the time of such treatment.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.075 Amusement center.**

“Amusement center” means a commercially operated facility having one or more forms of entertainment such as a bowling alley, indoor golf driving range, merry-go-round, roller

coaster, batting cages, electronic and/or video games, or miniature golf course.

(Ord. 415 (2008) § 15, 2008: Ord. 367 (2006) § 5 (part), 2006)

**17.110.085 Aquaculture practices.**

“Aquaculture practices” means the harvest, culture or farming of cultivated food fish, shellfish or other aquatic plants and animals and includes fisheries enhancement, the mechanical harvesting of shellfish and hatchery culture, excluding traditional noncommercial shellfish harvesting.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.087 Assembly and packaging operations.**

“Assembly and packaging operations” means a facility where pre-manufactured components are assembled to construct a product. Products may be packaged and moved off site for wholesale or retail sale. This may include, but is not limited to, assembly and packaging of computer, electronics, office equipment, fabricated metal products, and other products.

(Ord. 367 (2006) § 5 (part), 2006)

**17.110.090 Automobile repair.**

“Automobile repair” means replacement of parts, motor service, rebuilding or reconditioning of engines, painting, upholstering, detailing, or cleaning motor vehicles, recreational vehicles or trailers.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.095 Automobile service station.**

“Automobile service station” means a building or lot having dispensers and storage tanks where fuels or oils for motor vehicles are dispensed, sold, or offered for sale. Service stations may include accessory convenience stores and minor automobile services, including car washes.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.100 Awning.**

“Awning” or “canopy” means a temporary or movable shelter (awning), or a fixed rigid shelter (canopy) supported entirely by the exterior wall of the building and generally extending over a pedestrian walkway. When used in conjunction with signs, only that portion of the awning or canopy that is actually used as a sign shall be included in sign area calculations. Lighting of the awning or canopy, whether directly, indirectly, or by back-lighting, shall have no effect on the sign requirements, unless lighted signs are specifically prohibited in that area or zone.

(Ord. 415 (2008) § 16, 2008)

**17.110.103 (Repealed)\***

- \* **Editor’s Note:** Former Section 17.110.103, “Barrier buffer,” was repealed by § 17 of Ord. 415 (2008). Section 5 (part) of Ord. 367 (2006) and § 4 (part) of Ord. 216 (1998) were formerly codified in this section.

**17.110.105 Bed and breakfast house.**

“Bed and breakfast house” means a dwelling or separate structure which is used by the owner or primary resident to provide overnight guest lodging for compensation including not more than ten guest rooms and which usually provides a morning meal as part of the room rate structure.

(Ord. 415 (2008) § 18, 2008: Ord. 367 (2006) § 5 (part), 2006: Ord. 281-2002 § 2, 2002: Ord. 216 (1998) § 4 (part), 1998)

**17.110.110 Board.**

“Board” means the Kitsap County board of county commissioners or their assigns.

(Ord. 415 (2008) § 19, 2008: Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.120 Boat yard.**

“Boat yard” means a place where boats are constructed, dismantled, stored, serviced, or repaired, including maintenance work thereon

and may include such facilities as a marine railway, dry-dock or tidal grid.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.125 Breezeway.**

“Breezeway” means a structure for the principal purpose of connecting the main building or buildings on a property with other main buildings or accessory buildings.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.126 Brew pubs.**

“Brew pubs” shall mean a combination of retail, wholesale and manufacturing business that brews and serves beer and/or food on the premises.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 311 (2003) [Attachment 7 (part)], 2003)

**17.110.130 Buffer.**

“Buffer” or “buffering” means 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.

(Ord. 415 (2008) § 20, 2008: Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.132 Buffer, landscaping.**

“Buffer, landscaping” means a buffer treatment within or along the perimeter of a development which varies in numbers and types of vegetation and/or fencing depending on land uses. Trees, shrubs, ground covers and/or fencing are to be provided as prescribed by Chapter 17.385.

(Ord. 415 (2008) § 21, 2008)

**17.110.133 Buffer, screening.**

“Buffer, screening” means a buffer of evergreen vegetation and/or site-obscuring fencing intended to provide functional screening between different uses, land use intensities

and/or zones installed or maintained as prescribed by Chapter 17.385.  
(Ord. 415 (2008) § 22, 2008)

**17.110.135 Building.**

“Building” means any structure used or intended for supporting or sheltering any use or occupancy.  
(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.140 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.  
(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.145 Building line.**

“Building line” means 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.  
(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.150 Caretaker’s dwelling.**

“Caretaker’s dwelling” means a single-family residence accessory to a commercial or industrial use intended for the purposes of providing supervision, maintenance or security of the property.  
(Ord. 367 (2006) § 5 (part), 2006)

**17.110.155 Carport.**

“Carport” means a roof designed to cover, but not enclose, automobile parking spaces and should be open on two or more sides.  
(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.157 Child care center.**

“Child care center” means the same as “day-care center.”  
(Ord. 367 (2006) § 5 (part), 2006)

**17.110.160 Clinic.**

“Clinic” means a building or portion of a building containing offices for providing non-emergency chiropractic, medical, dental, or psychiatric services not involving overnight housing of patients.  
(Ord. 419 (2008) § 2, 2008: Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.165 Club.**

“Club” means a place where an association of persons organized for some common purpose meet. This definition excludes places of worship and groups organized primarily for business purposes.  
(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.168 Co-location.**

“Co-location” means the use of a single support structure by more than one wireless services provider where appropriate, and/or placement of up to four 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.  
(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.170 Commission or planning commission.**

“Commission” or “planning commission” means the Kitsap County planning commission.  
(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.171 Comprehensive plan.**

“Comprehensive plan” means the principals, objectives, and policies to guide growth and development, as required under Chapter

36.70A RCW. The Kitsap County Comprehensive Plan coordinates and provides policy direction for county programs and services, and establishes urban/rural boundaries.

(Ord. 415 (2008) § 23, 2008)

**17.110.175 Conditional use.**

“Conditional use” means an activity specified by this title as a principal or an accessory use that may be approved or denied based upon consistency with specific criteria (Chapters 17.420 and/or 17.421). Approval of a conditional use is subject to certain conditions. Conditional uses reviewed by the planning department are administrative (ACUP); those reviewed by the hearing examiner (C) require a public hearing.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.177 Conference center.**

“Conference center” means 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.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.180 Congregate care facility.**

“Congregate care facility” means any building in which people live in individual housing units which provide for independent living while providing common living areas and limited services such as health care, meals and housekeeping.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.185 Contiguous.**

“Contiguous” means the same as “abutting.”

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.190 Convalescent, nursing or rest home.**

“Convalescent, nursing or rest home” means any building or premises in or on which sick, injured, or infirm persons are housed, for a period in excess of twenty-four consecutive hours and furnished with meals and nursing care for hire.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.195 Contractor’s storage yard.**

“Contractor’s storage yard” means 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.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.196 Cottage housing development.**

“Cottage housing development” means a tract of land under single ownership or unified control developed with four or more detached dwelling units sharing a commonly owned courtyard/common area and parking area. Cottage housing development may or may not be condominiums.

(Ord. 415 (2008) § 24, 2008: Ord. 367 (2006) § 5 (part), 2006: Ord. 311 (2003) [Attachment 7 (part)], 2003)

**17.110.197 County engineer.**

“County engineer” means the director of the department of public works or a duly authorized designee as defined in RCW 36.75.010.

(Ord. 415 (2008) § 25, 2008)

**17.110.199 Custom art and craft stores.**

“Custom art and craft stores” shall mean a business in which finished, personal or household items are produced and/or sold. Examples include, but are not limited to: pottery and can-



dle making; leather work; jewelry making; creation of sculpture or other artwork.

(Ord. 415 (2008) § 26, 2008: Ord. 367 (2006) § 5 (part), 2006: Ord. 311 (2003) [Attachment 7 (part)], 2003. Formerly 17.110.197)

**17.110.200 Day-care center.**

“Day-care center” means a primary dwelling in which more than seven individuals, or a building other than a primary dwelling in which any number of individuals, are cared for during some portion of a twenty-four-hour period.

(Ord. 415 (2008) § 27, 2008: Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.205 Day-care center, family.**

“Day-care center, family” means an owner- or manager-occupied primary dwelling and premises in and on which not more than six individuals are cared for during some portion of a twenty-four-hour period.

(Ord. 415 (2008) § 28, 2008: Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.210 Density.**

“Density” means a ratio comparing the number of dwelling units with land area.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 281 (2002) § 3, 2002: Ord. 216 (1998) § 4 (part), 1998)

**17.110.212 Density, maximum.**

“Density, maximum” means the largest number of dwelling units that shall be developed on a property(s) within a specific zone based upon the gross acreage of the property(s). In circumstances involving state or federal bald eagle habitat regulations, the calculation of maximum density may be affected.

(Ord. 415 (2008) § 29, 2008)

**17.110.213 Density, minimum.**

“Density, minimum,” unless otherwise specified by Section 17.382.110, means the fewest number of dwelling units that shall be devel-

oped on a property(s) within a specific zone based upon the net developable acreage of the property(s).

(Ord. 415 (2008) § 30, 2008)

**17.110.215 Department.**

“Department” means the Kitsap County department of community development.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.220 Development.**

“Development” means any manmade 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 and other land-disturbing activities.

(Ord. 415 (2008) § 31, 2008: Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.222 Development rights.**

“Development rights” means the residential building rights permitted to a lot or parcel within a sending area, as defined in this chapter, based on the gross density, established pursuant to the Kitsap County zoning map and this title, and measured in base dwelling units per developable acre.

(Ord. 367 (2006) § 5 (part), 2006)

**17.110.223 Directional panel antenna.**

“Directional panel antenna” means, generally, a rectangular antenna designed to transmit and receive radio frequency signals in a specific directional pattern.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.225 Director.**

“Director” means the director of the Kitsap County department of community development or a duly authorized designee.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.226 Drinking establishments.**

“Drinking establishments” means a business primarily engaged in the retail sale of alcoholic beverages for consumption on the premises, including night clubs, bars, and taverns. It shall not mean premises primarily engaged in the retail sale of food for consumption on the premises, where the sale of alcoholic beverages is clearly accessory and incidental (e.g., comprises less than twenty percent of the gross receipts). This definition excludes brew pubs. (Ord. 415 (2008) § 32, 2008: Ord. 367 (2006) § 5 (part), 2006: Ord. 311 (2003) [Attachment 7 (part)], 2003)

**17.110.230 (Repealed)\***

- \* **Editor’s Note:** Former Section 17.110.230, “Drive-in restaurants,” was repealed by § 33 of Ord. 415 (2008). Section 5 (part) of Ord. 367 (2006) and § 4 (part) of Ord. 216 (1998) were formerly codified in this section.

**17.110.240 Dwelling, single-family attached.**

“Dwelling, single-family attached” or “attached single-family dwelling” means a single dwelling unit designed for occupancy by not more than one family and separated from adjacent units by one or more common vertical walls where each dwelling includes adjacent dwelling-specific yard area within its ownership. (Ord. 367 (2006) § 5 (part), 2006: Ord. 281 (2002) § 4, 2002: Ord. 216 (1998) § 4 (part), 1998)

**17.110.242 Dwelling, single-family detached.**

“Dwelling, single-family detached” or “detached single-family dwelling” means a single dwelling unit designed for occupancy by not more than one family that is physically separated from any other dwelling unit. (Ord. 367 (2006) § 5 (part), 2006)

**17.110.245 Dwelling, duplex.**

“Dwelling, duplex,” means a building containing two dwelling units and designed for occupancy by not more than two families. A

duplex may not be considered a primary residence for the purposes of constructing an accessory dwelling unit or accessory living quarters.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.250 Dwelling, multiple-family.**

“Dwelling, multiple-family” means a building or portion thereof containing three or more dwelling units and designed for occupancy by three or more families.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.255 Dwelling unit.**

“Dwelling unit” means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. A recreational vehicle is not considered a dwelling unit.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.257 Emergency service communications.**

“Emergency service communications” means any police, fire, emergency, and/or medical wireless communication of radio frequency (RF) signals through electromagnetic energy.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.260 Employees.**

“Employees” means all persons, including proprietors, working on the premises.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.265 Exotic animal.**

“Exotic animal” means 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.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.270 Family.**

“Family” means two 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.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.275 Fence, sight-obscuring.**

“Fence, sight-obscuring” or “sight-obscuring fence” means a fence or combination of fence and planting arranged in such a way as to screen areas from view.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.280 Forestry.**

“Forestry” means the use of land for producing and caring for a forest, including the harvesting of timber.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.285 Foster home.**

“Foster home” means a dwelling unit in which a full-time resident provides care and supervision on a full-time basis to not more than six children or to not more than three expectant mothers.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.290 Frontage.**

“Frontage” means the actual length of the front property line abutting a street or alley (if no street frontage), or length of the property

line of a flag lot that most closely parallels the street in which it receives access.

(Ord. 415 (2008) § 34, 2008: Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.295 Garage, private.**

“Garage, private” means 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.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.301 General merchandise stores.**

“General merchandise stores” means stores that sell a wide variety of grocery and non-grocery items, including, but not limited to: fresh foods; packaged foods for preparation and consumption in the home; household supplies; consumer electronics; hardware; apparel; and sporting goods.

(Ord. 415 (2008) § 35, 2008: Ord. 367 (2006) § 5 (part), 2006: Ord. 311 (2003) [Attachment 7 (part)], 2003)

**17.110.302 General office and management services.**

“General office and management services” means the offices of real estate agencies, advertising agencies, mailing services and postal substations, employment agencies, insurance agencies, management and consulting firms, accountants, attorneys, security brokers, architects, surveyors, tax preparation services, computer software development, and other similar business services. This term also includes the administrative offices for businesses whose primary activity may be a non-office use conducted elsewhere. This definition excludes engineering and construction firms and financial, banking, mortgage and title institutions.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 311 (2003) [Attachment 7 (part)], 2003)

**17.110.303 Golf course.**

“Golf course” means an area designed and used for playing golf, including all accessory uses incidental to the operation of the facility, including driving ranges.  
(Ord. 367 (2006) § 5 (part), 2006)

**17.110.305 Grade.**

“Grade” means the average point of elevation of the finished surface of the ground within five feet of a building or structure.  
(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.315 Gross floor area.**

“Gross floor area” means 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. Gross floor area generally excludes vent shafts, covered walkways, porches, and similar areas. However, gross floor area shall include decks, or porches when covered by a roof or portion of the floor above.  
(Ord. 415 (2008) § 36, 2008: Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.317 Guest house.**

“Guest house” means living quarters in an accessory building for the use of the occupant, persons employed on the premises, or for temporary use by guests of the occupant. Such quarters have no kitchen facilities and are not otherwise used as a separate dwelling unit.  
(Ord. 415 (2008) § 37, 2008: Ord. 367 (2006) § 5 (part), 2006)

**17.110.319 Habitable area.**

“Habitable area” means the entire area of a dwelling unit or living quarters used for living, sleeping, eating and/or cooking. Storage areas and garages are excluded from calculations of habitable area.  
(Ord. 415 (2008) § 38, 2008)

**17.110.320 Habitable floor.**

“Habitable floor” means 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.”  
(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.325 Hearing examiner.**

“Hearing examiner” means a person appointed to hear or review certain land use applications and appeals pursuant to Title 21 of this code, the Land Use and Development Procedures Ordinance.  
(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.330 Heavy equipment.**

“Heavy equipment” means, 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.  
(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.340 (Repealed)\***

\* **Editor’s Note:** Former Section 17.110.340, “High turnover restaurants,” was repealed by § 39 of Ord. 415 (2008). Section 5 (part) of Ord. 367 (2006) and § 4 (part) of Ord. 216 (1998) were formerly codified in this section.

**17.110.345 Home business.**

“Home business” means a commercial or industrial use (excluding retail) conducted within a dwelling, which use is clearly secondary to the use of the dwelling for residential purposes.  
(Ord. 415 (2008) § 40, 2008: Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.350 Home day care.**

“Home day care” means the same as “day-care, family.”

(Ord. 367 (2006) § 5 (part), 2006)

**17.110.355 Home owners’ association.**

“Home owners association” means 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.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.360 Hospital.**

“Hospital” means any institution, place, building, or agency which maintains and operates organized facilities 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. This definition excludes clinics.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.365 Hotel/motel.**

“Hotel/motel” means a building in which lodging is provided and offered to the public for compensation and which is open to transient

guests. This definition excludes bed and breakfast houses.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.366 Immediate vicinity.**

“Immediate vicinity” means an area to include all lots, parcels, tracts, roadways or other property(s) within a four-hundred-foot radius of a subject property.

(Ord. 415 (2008) § 41, 2008)

**17.110.367 Impervious surface.**

“Impervious surface” means a hard surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development, and/or a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads with compacted subgrade, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of storm water. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces.

(Ord. 367 (2006) § 5 (part), 2006)

**17.110.368 Infill development.**

“Infill development” means the construction of housing or other uses on vacant or under-utilized properties bordered on a minimum of two sides by existing development which is consistent with the current density and zoning of the area.

(Ord. 415 (2008) § 42, 2008)

**17.110.369 Junk motor vehicle.**

“Junk motor vehicle” means a motor vehicle that is damaged, apparently inoperable, or any detached parts thereof, including, but not limited to, cars, trucks, motorcycles, vehicle hulks, campers, trailers and/or motor homes. “Junk

motor vehicle” does not include a vehicle or part thereof that is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property, or a vehicle or part thereof that is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer and is fenced according to the requirements of RCW 46.80.130.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 292 (2002) § 1, 2002)

**17.110.370 Junk yard.**

“Junk yard” means 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.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.375 Kennel.**

“Kennel” means a place where dogs and/or cats are kept, for compensation. This definition includes pet daycares, but excludes veterinary clinics and hospitals, pet shops and zoos.

(Ord. 419 (2008) § 3, 2008: Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.380 Kennel, hobby.**

“Hobby kennel” means a place where not more than ten adult dogs are kept for personal enjoyment, not for compensation.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.390 Landscaping.**

“Landscaping” means 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 title.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.393 Lattice support structure.**

“Lattice support structure” means a guyed or self-supporting three or four-sided, open, metal frame structure used to support telecommunication equipment.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.395 Livestock.**

“Livestock” means horses, bovine, sheep, goats, swine, reindeer, donkeys, mules, llamas and any other hoofed animal, large and small (small being one hundred fifty pounds or less).

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.396 Loading space.**

“Loading space” means a space for temporary parking of a vehicle while loading and unloading cargo or passengers.

(Ord. 415 (2008) § 43, 2008)

**17.110.400 Lot.**

“Lot” means platted or unplatted parcel of land which meets the minimum area, setbacks and widths required by this title for occupancy by a principal use and meets the access requirements of this title.

(Ord. 415 (2008) § 44, 2008: Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.405 Lot area.**

“Lot area” means the horizontal area within the boundary lines of a lot excluding public and private streets, tidelands, shorelands and the panhandle of a flag lot if the panhandle is less

than thirty feet in width. Areas consisting of only these exceptions are not considered lots. Further, rural lots shall be considered five acres if the lot is 1/128 of a section, ten acres if the lot is 1/64 of a section, and twenty acres if the lot is 1/32 of a section.

(Ord. 415 (2008) § 45, 2008: Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.410 Lot, corner.**

“Lot, corner” or “corner lot” means a lot abutting upon two or more streets at their intersection, or upon two parts of the same street; such street or parts of the same street forming an interior angle of less than one hundred thirty degrees within the lot lines.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.412 Lot, interior.**

“Lot, interior” or “interior lot” means a lot or parcel of land other than a corner lot which does not abut a public street.

(Ord. 415 (2008) § 46, 2008)

**17.110.415 Lot coverage.**

“Lot coverage” means that percentage of the total lot area covered by buildings.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.420 Lot depth.**

“Lot depth” means 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.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.425 (Repealed)\***

\* **Editor’s Note:** Former Section 17.110.425, “Lot, interior,” was repealed by § 47 of Ord. 415 (2008). Section 5 (part) of Ord. 367 (2006) and § 4 (part) of Ord. 216 (1998) were formerly codified in this section.

**17.110.430 Lot line.**

“Lot line” means any line bounding a lot as herein defined. Lot lines for unusual lot configurations may be determined by the director.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.435 Lot line, front.**

“Lot line, front” or “front lot line” means 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.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.440 Lot line, rear.**

“Lot line, rear” or “rear lot line” means that boundary of a lot which is most distant from the front lot line; or the ordinary high water mark on waterfront property.

(Ord. 415 (2008) § 48, 2008: Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.445 Lot line, side.**

“Lot line, side” or “side lot line” means any boundary of a lot which is not a front or rear lot line.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.450 Lot of record.**

“Lot of record” means 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.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.455 Lot, through.**

“Lot, through” or “through lot” means an interior lot having frontage on two streets and/or highways.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.460 Lot width.**

“Lot width” means the average horizontal distance between the side lot lines.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.462 Macro antenna array.**

“Macro antenna array” means an attached wireless communication facility which consists of antennas equal to or less than fifteen feet in height or a parabolic antenna up to forty inches in diameter and with an area not more than one hundred square feet in the aggregate as viewed from any one point.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.465 Maintain.**

“Maintain” means to cause or allow to continue in existence. When the context indicates, the word means 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.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.470 Manufactured home.**

“Manufactured home” means a single-family dwelling constructed after June 15, 1976, and built according to the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards Act. A manufactured home is built on a permanent chassis.

(Ord. 415 (2008) § 49, 2008: Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.473 Manufacturing and fabrication.**

“Manufacturing and fabrication” means the transformation of materials or substances into new products, including construction and assembling of component parts, and the blending of materials such as lubricating oils, plastics, resins or liquors.

A. Light: Light manufacturing and fabrication is characterized by the use being contained within buildings, and materials or equipment used in production not being stored outside. Light manufacturing and fabrication activities do not generate external emissions such as smoke, odor, noise, vibrations or other nuisances outside the building. This definition may include, but is not limited to, manufacture and fabrication of electronic components, software, office products, furniture, glass products, and other manufacturing and fabrication uses as determined by the reviewing official.

B. Medium: Medium manufacturing and fabrication is characterized by need for only very limited areas of outdoor storage and may create minor external environmental impacts during the conduct of operations but most impacts are contained on site. This definition may include, but is not limited to, manufacture and fabrication of paints, printing ink, leather goods, and other manufacturing and fabrication uses as determined by the reviewing official.

C. Heavy: Heavy manufacturing and fabrication uses are often characterized by the need for large outdoor areas in which to conduct operations, and typically results in environmental impacts beyond their own sites. This definition may include, but is not limited to, manufacture and fabrication of automotive vehicles and their parts, cement, brick, lime, gypsum, asphalt, and other manufacturing and fabrication uses as determined by the reviewing official. This definition excludes manufacture and fabrication of hazardous materials.

D. Hazardous: Hazardous manufacturing and fabrication uses are those engaged in the manufacture or fabrication of materials that are flammable, explosive, or present hazards to the public health, safety, and welfare, including all substances and materials defined as hazardous materials, hazardous substances, or hazardous waste.

(Ord. 367 (2006) § 5 (part), 2006)



**17.110.475 Marina.**

“Marina” means a public or private facility which for compensation provides moorage or wet or dry storage for watercraft and may offer marine-related sales and services.

(Ord. 415 (2008) § 50, 2008: Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.477 Master plan.**

“Master plan” means a large-scale development plan to guide the long-term physical development of a particular area. Such a plan shall be prepared and approved pursuant to Chapter 17.415 or 17.428 of this title.

(Ord. 415 (2008) § 51, 2008: Ord. 367 (2006) § 5 (part), 2006: Ord. 311 (2003) [Attachment 7 (part)], 2003)

**17.110.480 Micro antenna array.**

“Micro antenna array” means an attached wireless communication facility which consists of antennas equal to or less than four feet in height (except omni-directional antennas which may be up to six feet in height) and with an area of not more than five hundred eighty square inches in the aggregate.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.483 Mini antenna array.**

“Mini antenna array” means an attached wireless communication facility which consists of antennas equal to or less than ten feet in height or a parabolic antenna up to forty inches in diameter and with an area not more than fifty square feet in the aggregate as viewed from any one point.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.485 Mixed use development.**

“Mixed use development” means the development of a site or building with a combination of residential and non-residential uses in a single or physically integrated group of buildings. (Ord. 367 (2006) § 5 (part), 2006)

**17.110.490 Mobile home.**

“Mobile home” means a factory-built single-family dwelling constructed prior to June 15, 1976, to standards other than the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards Act.

(Ord. 415 (2008) § 52, 2008: Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.493 Mobile home park.**

“Mobile home park” means a tract of land developed or operated as a unit with individual leased sites and facilities to accommodate two or more mobile homes or manufactured homes.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.503 Mono-pole.**

“Mono-pole” means a structure composed of a single spire used to support telecommunication equipment.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.504 Movie/performance theater.**

“Movie/performance theater” means a facility for showing films and performance art, including accessory retail sales of food and beverages. This definition excludes adult entertainment uses.

(Ord. 419 (2008) § 4, 2008: Ord. 367 (2006) § 5 (part), 2006)

**17.110.506 Net developable area.**

“Net developable area” means the site area after subtracting all rights-of-way, critical areas (including bald eagle habitat regulations) and their buffers, stormwater controls, recreational facilities, public facilities, community drainfields or other area-wide sanitary sewer facilities, and open space.

(Ord. 415 (2008) § 53, 2008)

**17.110.508 Nonconforming lot.**

“Nonconforming lot” means a lot was lawfully created but does not conform to the lot

requirements of the zone in which it was located as established by this title or other ordinances or amendments thereto.

(Ord. 415 (2008) § 54, 2008: Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.510 Nonconforming use or structure.**

“Nonconforming use or structure” means 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 title or amendments thereto.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.515 Nuisance.**

“Nuisance” means in addition to those definitions contained in RCW 9.66 and RCW 7.48, as amended, any violation of this title shall constitute a nuisance, per se.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.520 Nursery, retail.**

“Nursery, retail” means an establishment where trees, shrubs and other plant materials are grown, propagated and/or stored for purpose of sale directly to the public.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.525 Nursery, wholesale.**

“Nursery, wholesale” or “wholesale nursery” means 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.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.530 Nursing or rest home.**

See Section 17.110.190, Convalescent, nursing or rest home.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.535 Open space.**

“Open space” shall mean land used for outdoor active and passive recreational purposes or for critical area or resource land protection, including structures incidental to these open space uses, including associated critical area buffers, but excluding land occupied by dwellings or impervious surfaces not related to the open space uses and yards required by this title for such dwellings or impervious surfaces. “Open space” is further divided into the following categories:

A. “Common open space” shall mean space that may be used by all occupants of a development complex or, if publicly dedicated, by the general public;

B. “Active recreational open space” shall mean space that is intended to create opportunities for recreational activity. Active recreational open space may be occupied by recreational facilities such as ball fields, playground equipment, trails (pedestrian, bicycle, equestrian or multi-modal), swimming pools, and game courts or sculptures, fountains, pools, benches or other outdoor furnishings;

C. “Passive open space” shall mean all common open space not meeting the definition of active recreational open space, including, but not limited to, critical areas and their associated buffers;

D. “Permanent open space” means an area that is permanently reserved as open space and remains in native vegetation unless approved for forestry, passive recreational or access uses; and

E. “Recreational open space” means 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.

(Ord. 415 (2008) § 55, 2008: Ord. 407 (2008) § 6, 2008: Ord. 367 (2006) § 5 (part), 2006: Ord. 311 (2003) [Attachment 7 (part)], 2003: Ord. 216 (1998) § 4 (part), 1998)

**17.110.540 Ordinary high water mark.**

“Ordinary high water mark” means 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.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.545 Owner.**

“Owner” means the owner of record of real property or person purchasing a piece of property under contract. For the purposes of this title, 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 title. For the purpose of processing an application for a land use approval or permit under this title, 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.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.547 Parabolic antenna.**

“Parabolic antenna” means 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.”)

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.548 Parcel.**

“Parcel” means platted or unplatted portions of land carrying an assessor’s tax account number. Parcels may be, but are not necessarily, legal lots.

(Ord. 415 (2008) § 56, 2008)

**17.110.550 Park.**

“Park” means 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.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.555 Parking area, public.**

“Parking area, public” or “public parking area” means 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.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.560 Parking space.**

“Parking space” means a permanently surfaced and marked area not less than nine feet wide and twenty feet long, excluding paved

area necessary for access, for the parking of a motor vehicle.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.565 Parking space, barrier free.**

“Parking space, barrier free” or “barrier free parking space” means a parking space conforming with WAC Chapter 51.30.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.570 Parking space, compact.**

“Parking space, compact” or “compact parking space” means a permanently surfaced and marked area not less than eight feet wide and eighteen feet long, excluding paved area necessary for access, for the parking of a compact motor vehicle.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.572 Performance based development (PBD).**

“Performance based development” (or “PBD”) means a property development characterized by comprehensive planning of the total project, though it may contain a variety of individual lots and/or uses. Typically, such 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, dimension and setback requirements may be reduced or deleted in order to allow flexibility and innovation in building design or placement, to facilitate allowed densities and to increase open space, critical areas protection and similar components of the project.

(Ord. 415 (2008) § 57, 2008)

**17.110.575 Perimeter setback.**

“Perimeter setback” means in a performance based development (PBD), the horizontal dis-

tance between a building line and the exterior boundary of the PBD.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.576 Permitted use.**

“Permitted use” means a land use allowed outright in a certain zone without a public hearing or conditional use permit; provided, such use is developed in accordance with the requirements of the zone and general conditions of this title, and all applicable provisions elsewhere in the county code.

(Ord. 415 (2008) § 58, 2008)

**17.110.580 Person.**

“Person” means an individual, partnership, corporation, association, organization, cooperative, tribe, public or municipal corporation, or agency of the state or local governmental unit however designated.

(Ord. 415 (2008) § 59, 2008: Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.585 Pet.**

“Pet” means any animal less than one hundred fifty pounds in weight, other than exotic animals, kept for companionship, recreation or other non-agricultural purposes.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.590 Pet, non-traditional.**

“Pet, non-traditional” or “non-traditional pet” means any pet other than a dog, cat, fish or non-raptor bird.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.591 Pharmacies.**

“Pharmacies” shall mean businesses primarily engaged in the sale of prescription and over-the-counter drugs, vitamins, first-aid supplies, and other health-related products. Pharmacies that also sell a wide variety of other types of merchandise, such as beauty products,

camera equipment, small consumer electronics, gift wares, housewares, and/or cleaning supplies are considered “general merchandise stores.”

(Ord. 367 (2006) § 5 (part), 2006: Ord. 311 (2003) [Attachment 7 (part)], 2003)

#### **17.110.595 Pier.**

“Pier” means a fixed structure built over tidelands or shorelands used as a landing for marine or recreational purposes.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

#### **17.110.600 Places of worship.**

“Places of worship” means a permanently located building primarily used for religious worship.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

#### **17.110.605 (Repealed)\***

\* **Editor’s Note:** Former Section 17.110.605, “Performance based development (PBD),” was repealed by § 60 of Ord. 415 (2008). Section 5 (part) of Ord. 367 (2006) and § 4 (part) of Ord. 216 (1998) were formerly codified in this section.

#### **17.110.610 Planning commission.**

“Planning commission” means the Kitsap County planning commission.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

#### **17.110.615 Porch.**

“Porch” means a covered attached structure providing a single entrance to a building, which may be either open or enclosed up to one third. (Ord. 415 (2008) § 61, 2008: Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

#### **17.110.620 Portable sign.**

“Portable sign” means 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.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

#### **17.110.625 Premises.**

“Premises” means a tract or parcel of land with or without habitable buildings.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

#### **17.110.630 Private airport or heliport.**

“Private airport or heliport” means any runway, landing area or other facility designed and used by individual property owners for private aircraft for the purposes of landing and taking off, including associated facilities, such as hangars and taxiways.

(Ord. 415 (2008) § 62, 2008: Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

#### **17.110.635 Prohibited use.**

“Prohibited use” means any use which is not expressly allowed and does not meet the criteria under Section 17.100.040.

(Ord. 415 (2008) § 63, 2008: Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

#### **17.110.637 Project permit or project permit application**

“Project permit” or “project permit application” means any land use or environmental permit or license required from Kitsap County for a project action, including, but not limited to, building permits, subdivisions, binding site plans, performance based developments, conditional uses, shoreline substantial development permits, permits or approvals required by critical area ordinances, and site-specific rezones authorized by the Kitsap County Comprehensive Plan (Plan) or a sub-area plan, but excluding the adoption or amendment of the Plan, a sub-area plan, or development regulations.

(Ord. 367 (2006) § 5 (part), 2006)

**17.110.640 Public facilities.**

“Public facilities” means 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.

(Ord. 415 (2008) § 64, 2008: Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.642 Race track, major.**

“Race track, major” means a public or private facility developed for the purpose of operating and/or competitive racing of automobiles, motorcycles or similar vehicles. The facility may allow for up to six thousand spectators and may contain an oval, drag strip, road track and/or other course. Accessory uses may include the sale of concessions and souvenirs, a recreational vehicle camping park, community events and/or vehicle safety training.

(Ord. 415 (2008) § 65, 2008)

**17.110.643 Race track, minor.**

“Race track, minor” means a public or privately owned course designed for the operating and/or racing of automobiles, motorcycles, all-terrain vehicles or similar vehicles along a defined route that may include straight-aways, curves, jumps and/or other features.

(Ord. 415 (2008) § 66, 2008)

**17.110.645 Receiving areas and parcels.**

“Receiving areas and parcels” means areas within an urban growth area that are designated on the Kitsap County zoning map or by further action of the board of county commissioners, that may be eligible for additional residential development through the transfer of development rights.

(Ord. 367 (2006) § 5 (part), 2006)

**17.110.646 Recreational amenity, active.**

A “recreational amenity, active” means an area within a development intended for use by the residents, employees or patrons of the development for leisure activities. Such facilities may include, but are not limited to, a paved sports court, children’s play equipment, exercise fitness trail, community garden or gathering area with water service or similar facility.

(Ord. 415 (2008) § 67, 2008)

**17.110.647 Recreational facility.**

“Recreational facility” means a place designed and equipped for the conduct of sports and leisure-time activities. Examples include athletic fields, batting cages, amusement parks, picnic areas, campgrounds, swimming pools, driving ranges, skating rinks and similar uses. Public recreational facilities are those owned by a government entity.

(Ord. 415 (2008) § 68, 2008: Ord. 367 (2006) § 5 (part), 2006)

**17.110.650 Recreational vehicle.**

“Recreational vehicle” means 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.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.655 Recreational vehicle camping park.**

“Recreational vehicle camping park” means a tract of land under single ownership or unified control developed with individual sites for rent and containing roads and utilities to accommodate recreational vehicles or tent campers for vacation or other similar transient, short-stay purposes.

(Ord. 415 (2008) § 69, 2008: Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.660 Residential care facility.**

“Residential care facility” means a facility that is the primary residence of a person or persons who are providing personal care, room and board, and medical care for at least five, but not more than fifteen, functionally disabled persons.

(Ord. 415 (2008) § 70, 2008: Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.662 Restaurant.**

“Restaurant” means an establishment where food and/or beverages are served to customers for compensation.

(Ord. 415 (2008) § 71, 2008)

**17.110.663 Restaurant, high-turnover.**

“High-turnover restaurant” means retail establishments providing food and/or beverages for sale, and which are distinguished by one or more of the following:

- A. Use of disposable food containers and utensils;
- B. Self-service is available;
- C. The principal business is take-out foods and beverages;
- D. Drive-in service is available.

(Ord. 415 (2008) § 72, 2008)

**17.110.665 Rezone.**

“Rezone” means a change in the zoning classification on the Kitsap County Zoning Map that affects one parcel or a small group of contiguous parcels, a section, or sections of Kitsap County consistent with Chapter 17.510.(Ord. 367 (2006) § 5 (part), 2006)

**17.110.666 Rural character.**

“Rural character” means the patterns of land use and development that are consistent with the following:

- A. Open space, the natural landscape, and vegetation predominate over the built environment;

- B. Traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;

- C. Visual landscapes that are traditionally found in rural areas and communities;

- D. Compatible with the use of the land by wildlife and for fish and wildlife habitat;

- E. Reduces the inappropriate conversion of undeveloped land into low-density development;

- F. Protects natural surface water flows and ground water and surface water recharge and discharge areas; and

- G. Meets the requirements of RCW 36.70A.030(15).

(Ord. 415 (2008) § 73, 2008: Ord. 367 (2006) § 5 (part), 2006)

**17.110.667 Rural cluster.**

“Rural cluster” means site development that avoids sensitive areas while preserving forested land, steep slopes, wetlands, prairies and other ecologically or visually valuable landscape features while still obtaining residential density. Typically a percentage of a site area is preserved in its existing natural or farmed state, with individual house lots occupying the remaining acreage.

(Ord. 367 (2006) § 5 (part), 2006)

**17.110.668 Rural Wooded Incentive Program development.**

“Rural Wooded Incentive Program development” means a development within the area designated “Rural Wooded” on the Kitsap County Comprehensive Plan land use map that has utilized the clustering provisions of this title and for which final approval has been granted by the board of county commissioners.

(Ord. 367 (2006) § 5 (part), 2006)

**17.110.669 Sending areas and parcels.**

“Sending areas and parcels” means undeveloped or partially developed lot(s) or parcel(s) located within a sending area, designated on the Kitsap County zoning map or by further action

of the board of county commissioners, that are appropriate to transfer development rights.  
(Ord. 367 (2006) § 5 (part), 2006)

**17.110.670 Setback.**

“Setback” means the horizontal distance from a property line to the nearest vertical wall or other element of a building or structure.  
(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.673 Shipping container.**

“Shipping container” means any repository greater than 25 feet in length traditionally commonly used for the interstate or international transport of goods.  
(Ord. 415 (2008) § 74, 2008: Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.674 (Repealed)\***

\* **Editor’s Note:** Former Section 17.110.674, “Sheltered transit stop,” was repealed by § 75 of Ord. 415 (2008). Section 5 (part) of Ord. 367 (2006) and Attachment 7 (part) of Ord. 311 (2003) were formerly codified in this section.

**17.110.675 Sign.**

“Sign” means a collection of letters, numbers or symbols which calls attention to a business, product, activity, person or service. Balloons or balloon type devices in excess of five cubic feet, or flown more than twenty feet in elevation measured from grade, or taller than twenty feet in height measured from mean grade are considered signs for the purposes of this ordinance.  
(Ord. 367 (2006) § 5 (part), 2006: Ord. 281 (2002) § 5, 2002: Ord. 216 (1998) § 4 (part), 1998)

**17.110.680 Sign permit.**

“Sign permit” means a permit which authorizes the placement or alteration of a sign on a particular parcel of property or building.  
(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.683 Site.**

“Site” means the spatial location of an actual or planned development. A site may contain multiple lots or parcels, excluding public right-of-way.  
(Ord. 367 (2006) § 5 (part), 2006)

**17.110.685 Site plan.**

“Site plan” means 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.  
(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.686 Site-specific amendment.**

“Site-specific amendment” means an amendment to the Comprehensive Plan and/or Zoning Map that affects one or a small group of contiguous parcels. A site-specific amendment most frequently affects only the land use designation and/or zoning classification and not the text of the Comprehensive Plan or a development regulation.  
(Ord. 367 (2006) § 5 (part), 2006)

**17.110.687 Stealth technology.**

See Section 17.110.057, Alternative technology.  
(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.688 Storage, hazardous materials.**

“Storage, hazardous materials” means the storage of materials produced on-site or brought from another site that are flammable, explosive, or present hazards to the public health, safety, and welfare, including all substances and materials defined as hazardous materials, hazardous substances, or hazardous waste.  
(Ord. 367 (2006) § 5 (part), 2006)



**17.110.689 Storage, self-service.**

“Storage, self-service” means a building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property. This definition excludes indoor storage, outdoor storage, vehicle and equipment storage, and hazardous materials storage.

(Ord. 367 (2006) § 5 (part), 2006)

**17.110.690 Storage, vehicles and equipment.**

“Storage, vehicle and equipment” means an indoor or outdoor area for parking or holding of motor vehicles and boats or wheeled equipment for more than seventy-two hours. This definition excludes automotive sales and rentals, automotive service and repair shops, and auto wrecking yards.

(Ord. 367 (2006) § 5 (part), 2006)

**17.110.691 Storage, indoor.**

“Storage, indoor” means storage of goods and/or materials located within a building. The definition excludes hazardous materials storage, self-service storage, outdoor storage, and vehicle storage.

(Ord. 367 (2006) § 5 (part), 2006)

**17.110.692 Storage, outdoor.**

“Storage, outdoor” means outdoor storage of products, supplies, and equipment. This definition excludes hazardous materials storage, self-service storage, indoor storage, and vehicle storage.

(Ord. 367 (2006) § 5 (part), 2006)

**17.110.693 Storage container.**

“Storage container” means any repository twenty-five feet or less in length commonly used for the transit and short-term storage of residential belongings.

(Ord. 415 (2008) § 76, 2008)

**17.110.695 Street.**

“Street” means all roads, streets, highways, roadways, 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. Streets may also include provisions for public utilities, pedestrian walkways, cut and fill slopes, and storm drainage facilities.

(Ord. 415 (2008) § 77, 2008: Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.700 Structural alteration.**

“Structural alteration” means any change or a repair of the supporting members of a building or structure and may be subject to the provisions of Chapter 17.460.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.705 Structure.**

“Structure” means that which is built or constructed.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.706 Sub-area plan.**

“Sub-area plan” means a detailed, local land use plan which is a subcomponent of the Kitsap County Comprehensive Plan. A sub-area plan contains specific policies, guidelines, and criteria for a specific geographic area of Kitsap County.

(Ord. 415 (2008) § 78, 2008)

**17.110.707 Support structure.**

“Support structure” means a structure designed and constructed specifically to support a wireless communication antenna array, and may include a mono-pole, 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.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.710 Temporary sign.**

“Temporary sign” means a sign or balloons intended for use which shall not be displayed for more than fourteen consecutive days and twice in a calendar year, which shall include, but is not limited to, portable signs, banners, A-boards and pennants.

(Ord. 415 (2008) § 79, 2008: Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.715 Temporary structure.**

“Temporary structure” means 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.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.720 Temporary use.**

“Temporary use” means 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.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.725 Tract.**

“Tract” means land reserved for specified uses including, but not limited to, reserve development tracts, recreation, open space, critical areas, stormwater facilities, utilities and access tracts. Tracts are not considered lots.

(Ord. 415 (2008) § 80, 2008)

**17.110.730 Use.**

“Use” means the nature of occupancy, type of activity or character and form of improvements to which land is devoted.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.735 (Repealed)\***

\* **Editor’s Note:** Former Section 17.110.735, “Use separation buffer,” was repealed by § 81 of Ord. 415 (2008). Section 5 (part) of Ord. 367 (2006) and § 4

(part) of Ord. 216 (1998) were formerly codified in this section.

**17.110.740 Veterinary clinic.**

“Veterinary clinic” means the same as “animal hospital.”

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.745 Water-dependent use.**

“Water-dependent use” means 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.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.750 Water-enjoyment use.**

“Water-enjoyment use” means 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.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.755 Water-oriented use.**

“Water-oriented use” means 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).

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.760 Water-related use.**

“Water-related use” means 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.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.765 Wireless communication antenna array.**

“Wireless communication antenna array” means one 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 an omnidirectional antenna (whip), a directional antenna (panel) and/or a parabolic antenna (dish).

(Ord. 415 (2008) § 82, 2008: Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.770 Wireless communication facility.**

“Wireless communication facility” means 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.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.775 Wireless communication support structure.**

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

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.780 Whip antenna.**

“Whip antenna” means an antenna that is cylindrical in shape up to twenty feet in height.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.782 (Repealed)\***

\* **Editor’s Note:** Former Section 17.110.782, Wooded reserve, was repealed by Section 7 of Ord. 407 (2008). The section was originally derived from Ord. 367 § 5 (part), 2006.

**17.110.783 Wrecking yard.**

“Wrecking yard” means 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.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.785 Yard.**

“Yard” means 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.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.790 Yard, front.**

“Yard, front” or “front yard” means 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 title.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.795 Yard, rear.**

“Yard, rear” or “rear yard” means 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 title.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.800 Yard, side.**

“Yard, side” or “side yard” means 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 title.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.110.805 Zone.**

“Zone” means a section or sections of Kitsap County within which the standards governing the use of land, buildings, and premises are uniform, which is provided for in Chapter 17.200 of this title.

(Ord. 367 (2006) § 5 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

## Chapter 17.200

### ESTABLISHMENT OF ZONES AND MAPS

#### Sections:

- 17.200.010 Classification of zones.
- 17.200.020 Original zoning maps.
- 17.200.030 Revised maps.
- 17.200.040 Interpretations of zone boundaries.

#### 17.200.010 Classification of zones.

For the purposes of this title, the county is divided into zones classified as follows:

Comprehensive Plan Land Use Designation	Zone Classification	Map Symbol	Density
Forest Resource Lands	Forest Resource Lands	FRL	1 dwelling unit / 40 acres
Rural Wooded	Rural Wooded	RW	1 dwelling unit / 20 acres
Rural Protection	Rural Protection	RP	1 dwelling unit / 10 acres
Rural Residential	Rural Residential	RR	1 dwelling unit / 5 acres
Urban Reserve	Urban Reserve	URS	1 dwelling unit / 10 acres
Urban Low-Density Residential	Urban Restricted	UR	1 – 5 dwelling units / acre
	Illahee Greenbelt Zone	IGZ	1 – 4 dwelling units / acre
	Urban Low Residential	UL	4 – 9 dwelling units / acre
	Urban Cluster Residential	UCR	4 – 9 dwelling units / acre
Urban Medium/High-Density Residential	Urban Medium Residential	UM	10 – 18 dwelling units / acre
	Urban High Residential	UH	19 – 30 dwelling units / acre
Urban Low Intensity Commercial, Mixed Use and Rural Commercial <sup>1</sup>	Urban Village Center	UVC	Up to 18 dwelling units / acre
	Neighborhood Commercial	NC	10 – 30 dwelling units / acre
Urban High Intensity Commercial, Mixed Use and Rural Commercial <sup>1</sup>	Urban Town Center	UTC	Reserved
	Highway/Tourist Commercial	HTC	10 – 30 dwelling units / acre
	Regional Commercial	RC	10 – 30 dwelling units / acre
	Mixed Use	MU	10 – 30 dwelling units / acre
Urban and Rural Industrial <sup>2</sup>	Business Park	BP	Not applicable
	Industrial	IND	Not applicable
	Business Center	BC	Not applicable
	Airport	A	Not applicable

Comprehensive Plan Land Use Designation	Zone Classification	Map Symbol	Density
Public Facilities	Parks	P	Not applicable
Mineral Resource	Mineral Resource Overlay	MR	Not applicable
Limited Area of More Intensive Rural Development (LAMIRD)	Manchester Village Commercial	MVC	10 – 24 dwelling units / acre
	Manchester Village Low Residential	MVLR	2 dwelling units / acre
	Manchester Village Residential	MVR	4 dwelling units / acre
LAMIRD	Port Gamble Rural Historic Town Commercial	RHTC	2.5 dwelling units / acre
	Port Gamble Rural Historic Town Residential	RHTR	2.5 dwelling units / acre
	Port Gamble Rural Historic Waterfront	RHTW	2.5 dwelling units / acre
LAMIRD	Suquamish Village Commercial	SVC	Not applicable
	Suquamish Village Low Residential	SVLR	2 dwelling units / acre
	Suquamish Village Residential	SVR	2 dwelling units / acre

<sup>1</sup> Includes commercially zoned properties located outside of the urban growth areas.

<sup>2</sup> Includes Industrial and Business Park zoned lands located outside of urban growth areas.

(Ord. 420 (2008) § 8 (part), 2008; Ord. 415 (2008) § 83, 2008; Ord. 384 (2007) § 3, 2007; Ord. 367 (2006) § 6, 2006; Ord. 311 (2003) [Attachment 7 (part)], 2003; Ord. 216 (1998) § 4 (part), 1998)

**17.200.020 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 title. The signed copies of the zoning maps containing the zones designated at the time of the adoption of this title 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.

(Ord. 216 (1998) § 4 (part), 1998)

**17.200.030 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 title. (Ord. 216 (1998) § 4 (part), 1998)

**17.200.040 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.

(Ord. 216 (1998) § 4 (part), 1998)

**Chapter 17.300**

**FOREST RESOURCE LANDS (FRL)**

**Sections:**

- 17.300.010 Purpose.
- 17.300.020 Uses permitted.
- 17.300.030 Lot requirements.
- 17.300.040 Height regulations.
- 17.300.050 Signs.
- 17.300.060 Off-street parking.
- 17.300.070 Special provisions.
- 17.300.080 Other provisions.

**17.300.010 Purpose.**

The primary land use allowed in this zone is commercial timber production and harvesting. This zone is further intended to discourage activities and facilities which can be considered detrimental to the production and commercial harvest of timber. Residents located within or adjacent to the forest resource lands zone (FRL) shall recognize that they can be subject to normal and accepted forestry practices on parcels located within this zone.

(Ord. 367 (2006) § 7 (part), 2006: Ord. 230-1999 § 2 (part), 1999)

**17.300.020 Uses permitted.**

Uses shall be allowed in accordance with Chapter 17.381 and Table 17.381.040(E), Parks, Rural and Resource Zones Use Table. (Ord. 367 (2006) § 7 (part), 2006: Ord. 230-1999 § 2 (part), 1999)

**17.300.030 Lot requirements.**

Lot requirements shall be in accordance with Chapter 17.382 and Table 17.382.100, Parks, Rural and Resource Density and Dimensions Table.

(Ord. 367 (2006) § 7 (part), 2006: Ord. 346 (2005) § 1, 2005: Ord. 230-1999 § 2 (part), 1999)

**17.300.040 Height regulations.**

Height requirements shall be in accordance with Chapter 17.382 and Table 17.382.100,

Parks, Rural and Resource Density and Dimensions Table.

(Ord. 367 (2006) § 7 (part), 2006: Ord. 230-1999 § 2 (part), 1999)

**17.300.050 Signs.**

Signs shall be permitted according to the provisions of Chapter 17.445.

(Ord. 367 (2006) § 7 (part), 2006: Ord. 230-1999 § 2 (part), 1999)

**17.300.060 Off-street parking.**

Off-street parking shall be provided according to the provisions of Chapter 17.435.

(Ord. 367 (2006) § 7 (part), 2006: Ord. 230-1999 § 2 (part), 1999)

**17.300.070 Special provisions.**

All plats, short plats, development permits and building permits issued for land development activities on or within five hundred feet of designated forest resource lands (FRL), shall contain the following notice:

The subject property is within or near land in which timber production and harvest 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.

(Ord. 367 (2006) § 7 (part), 2006: Ord. 230-1999 § 2 (part), 1999)

**17.300.080 Other provisions.**

For other provisions, see Chapters 17.430 and 17.455.

(Ord. 367 (2006) § 7 (part), 2006: Ord. 230-1999 § 2 (part), 1999)

**Chapter 17.301**

**RURAL WOODED ZONE (RW)\***

\* **Editor’s Note:** As originally adopted and included with the enactment of the Zoning Ordinance, this chapter was numbered as 17.300. It was renumbered to accommodate, in logical sequence, the provisions of new Chapter 17.300, Forest Resource Lands, adopted by Ordinance 230-1999. Formerly titled Chapter 17.301, Interim Rural Forest (IRF), the chapter was amended, in its entirety, by Ord. 367 (2006). Ordinances previously codified in this chapter include parts of Ords. 216 (1998) and 346 (2005).

**Sections:**

- 17.301.010 Purpose.
- 17.301.020 Uses.
- 17.301.030 Standards and requirements.
- 17.301.040 Height.
- 17.301.050 Signs.
- 17.301.060 Off-street parking.
- 17.301.070 Special provisions.
- 17.301.080 Rural Wooded Incentive Program.
- 17.301.090 Other provisions.

**17.301.010 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 that can be considered detrimental to the maintenance of timber production. Residents of rural wooded (RW) residential tracts shall recognize that they can be subject to normal and accepted farming and forestry practices on adjacent parcels.

(Ord. 367 (2006) § 8 (part), 2006)

**17.301.020 Uses.**

Uses shall be allowed in accordance with Chapter 17.381 and Table 17.381.040(E), Parks, Rural and Resource Zones Use Table.

(Ord. 367 (2006) § 8 (part), 2006)

**17.301.030 Standards and requirements.**

Standards and requirements shall be in accordance with Chapter 17.382 and Table



17.382.100, Parks, Rural and Resource Density, Dimensions and Design Table.  
(Ord. 367 (2006) § 8 (part), 2006)

**17.301.040 Height.**

Height requirements shall be in accordance with Chapter 17.382 and Table 17.382.100, Parks, Rural and Resource Density, Dimensions and Design Table.  
(Ord. 367 (2006) § 8 (part), 2006)

**17.301.050 Signs.**

Signs shall be permitted according to the provisions of Chapter 17.445.  
(Ord. 367 (2006) § 8 (part), 2006)

**17.301.060 Off-street parking.**

Off-street parking shall be provided according to the provisions of Chapter 17.435.  
(Ord. 367 (2006) § 8 (part), 2006)

**17.301.070 Special provisions.**

All plats, short plats, development permits and building permits issued for land development activities on or within five hundred feet of designated, undeveloped Forest Resource Lands (FRL), shall contain the following notice:

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 development 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.

(Ord. 415 (2008) § 84, 2008; Ord. 367 (2006) § 8 (part), 2006)

**17.301.080 Rural Wooded Incentive Program.**

A. Purpose. The purpose of this section is to provide a clustering program for land desig-

nated Rural Wooded, which provides incentives to landowners, promotes coordinated open space, and preserves rural character. This chapter encourages development to occur on the most buildable and least environmentally sensitive portions of sites while retaining a substantial portion of each site in restricted open space tracts or easements. Specifically, this chapter is designed:

1. To produce a development pattern in rural areas that is consistent with rural character and to produce a rural development pattern which encourages variety in design, placement of buildings, more efficient use of the most buildable portion of sites, and retention of the environmentally sensitive and scenic portions of sites as permanent open space;

2. To encourage the development of cluster housing, which provides greater compatibility with surrounding development and land uses in rural areas by providing larger buffer areas;

3. To encourage the retention of permanent open space with its natural vegetative cover, which protects continued groundwater recharge and reduces potential water pollution, flooding, erosion and other drainage-related problems often associated with rural development;

4. To minimize adverse impacts on the county's environmentally sensitive streams, shorelines, wetlands, fish and wildlife habitat areas and corridors, areas of unique vegetation or wildlife species, steep slopes, and other critical areas;

5. To minimize impervious surfaces and the cost of installing essential public and private capital facilities necessary for a rural infrastructure; and

6. To protect rural natural features and landscape by minimizing tree, vegetation, and soil removal.

B. Applicability. This program applies to all properties within the Rural Wooded zone twenty acres or greater in size. Individual

projects using this program may not exceed more than five hundred contiguous acres.

1. Phase Description. Land available to use this program will be designated in the Comprehensive Plan in an incremental phased approach consisting of ten phases. The phased process of this program is described below:

a. Initial phase shall be limited to a total of five thousand acres of Rural Wooded (RW) land.

b. All parcel acreage utilized in Rural Wooded Incentive Program developments, including any permanent open space, fresh water bodies, critical areas, and residential acreage, shall be included for calculations toward the remaining available phase acreage.

c. Subsequent phases may be released based upon the provisions identified in subsection (B) of this section with each limited to a total of five thousand additional acres of Rural Wooded (RW) land.

2. Monitoring.

a. Monitoring shall be conducted every two years to evaluate the effectiveness of the Rural Wooded Incentive Program. The monitoring shall include:

(1) Evaluation of the county-wide split between rural and urban dwelling unit development and lot creation. The methodology shall be consistent with that approved in the most recent buildable lands analysis;

(2) Evaluation of the total acreage within the Rural Wooded Incentive Program that has submitted a complete application, that has received preliminary approval, and that has received final approval as well as the total acreage of permanent open space in these approved developments;

(3) A transportation analysis of the roadways adjacent to and serving Rural Wooded Incentive Program developments;

(4) Evaluation of the Rural Wooded (RW) designated lands for the maintenance of qualities of "rural character" as defined in this section; and

(5) Evaluation of development in the Rural Wooded zone in regards to critical area buffers, on-site and adjacent parcel well levels, on-site stream flow levels and increases in project-based impervious surfaces.

b. Releases of the subsequent phases of acreage available for the Rural Wooded Incentive Program shall be determined based upon all the following decision criteria.

(1) Satisfactory progress toward achieving the rural/urban split identified in the County-Wide Planning Policies.

(2) Final approval for Rural Wooded Incentive Program developments comprising more than thirty percent or one thousand five hundred acres, whichever is greater, of the total phase acreage.

(3) Determination of no level of service failures on roadways serving existing Rural Wooded Incentive Program developments.

(4) Satisfactory maintenance of rural character as defined in subsection (C) of this section for Rural Wooded Incentive Program developments.

c. Prior to the release of each subsequent phase, the department of community development shall prepare a "Rural Wooded Incentive Program: Phase Assessment Report." This report shall assess the program's consistency with the purposes outlined in subsection (A) of this section and the monitoring requirements of subsection (B) of this section. The report shall be submitted to the board of county commissioners.

3. Authority.

a. The board of county commissioners shall have the authority to recommend, recommend with conditions, or disapprove release of each subsequent phase of acreage available to Rural Wooded Incentive Program developments, subject to the provisions of this section.

b. The board of county commissioner's decision on a subsequent Rural Wooded Incentive Program phase may be appealed as set forth in Title 21 of this code.

4. Phase Process.

a. Should an application for a Rural Wooded Incentive Program development be submitted that would exceed the five thousand acres available for that phase, that application will be rejected; however, that applicant will be permitted to amend the application to reduce the number of proposed acres for which development is sought to remain under the five thousand acre phase limit.

b. Once five thousand acres of Rural Wooded Incentive Program developments have received preliminary approval, no future applications will be accepted that exceed the five thousand acres available for that phase until the subsequent phase is recommended for release subject to the provisions of this section.

c. An application may include a request for a subsequent phase to be released concurrent with the Rural Wooded Incentive Program development application; however, that application will not be deemed complete until the subsequent phase is recommended for release subject to the provisions of this section.

C. Approval Procedure. Rural Wooded Incentive Program developments shall be approved through a Type III subdivision approval process.

D. Submittal Requirements. In addition to the subdivision submittal requirements, each application for a Rural Wooded Incentive Pro-

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gram development shall include the following information to be considered a complete application:

1. The approximate location and general dimensions for all lots, tracts, easements, roadways, and other improvements;
2. The proposed location and acreage of the permanent open space;
3. The approximate location of all existing or proposed pedestrian walkways, landscaped areas and areas to permanently remain in a natural condition;
4. The location of existing and proposed on-site water sources and generalized designation of sewage disposal drainfields and reserve areas;
5. The location and width of proposed roadways and driveway areas for turning and maneuvering of vehicles, and the relationship of circulation to adjacent properties;
6. A general description of any major physiographic or other natural features, such as drainage ways, wetlands, fish and wildlife habitats, geologic hazard areas, steep slopes, shorelines and all other critical areas, as well as a topographic map with contour lines as five-foot contours;
7. The location and approximate acreage, either on or adjacent to the property(s), designated as natural resource lands and the approximate size (in square feet or acres);
8. The approximate area proposed to be included in paved or other impervious surfaces, permanent open space, and the total area of the site;
9. A description of, and proposed schedule for, any proposed phasing of the project;
10. A general landscape, clearing and buffering plan, drawn to scale and showing: community areas, pathways or other recreation areas, significant landscape features and vegetation on the site, natural vegetation and mature trees to be retained, and the location and conceptual design of landscaped areas and buffers. Detailed site analysis and design information shall not be required for those portions of the

site proposed for retention in permanent open space tracts, except for portions of permanent open space tracts which contain proposed recreation facilities;

11. A vicinity sketch to identify the effect of proposed development on surrounding properties and uses, including the approximate location of all existing or proposed community areas, pathways or other recreation areas and landscaped areas;

12. A conceptual storm drainage plan, prepared by a qualified engineer, showing that the project will comply with the Kitsap County storm water standards in effect at the time of the application; and

13. A report from a certified septic system installer, showing that there is a drainfield and a replacement drainfield available for each dwelling unit within each proposed cluster, or if a community or group drainfield is to be used, that there is a site and a replacement site for such community or group drainfield, that will meet the standards of the Washington Department of Health or the Kitsap County health department, whichever is more stringent.

E. Development Standards. A Rural Wooded Incentive Program development shall meet the following development standards:

1. Through the use of the program, the number of dwelling units permitted in the Rural Wooded zone may be increased to one dwelling unit per five acres with the designation of a minimum of seventy-five percent of the property(s) gross acreage in permanent open space.

2. The maximum number of acres for any single Rural Wooded Incentive Program development application shall be limited to a total of five hundred gross acres, including all permanent open space and development acreage.

3. The minimum number of acres for any Rural Wooded Incentive Program development application shall be limited to a minimum of twenty acres, including all permanent open space and development acreage.

4. Development shall be clustered.

a. Lot Requirements.

(1) Front Yard. Minimum front yard setback shall be twenty feet.

(2) Side and Rear Yard. Minimum side and rear yard setbacks shall be five feet and fifty feet for accessory structures used for agricultural purposes.

(3) Minimum lot size: none.

5. Each cluster shall be limited to twenty-five units or fewer. Clusters within a development should be sited to achieve the following objectives and criteria. The director may allow exceptions based upon site-specific conditions or when conflicts occur between the criteria.

a. Optimize protection of critical areas, including wetlands and stream corridors, by keeping clusters and other development away from critical areas to the extent possible;

b. Optimize preservation and interconnectivity of open space as a permanent preservation of open space;

c. Avoid development on ridgelines, in the center of open fields, or located on other prominent topographical features or scenic elements, visible to adjacent and vicinity properties when other locations are available; and

d. Minimize topographic alteration.

6. Clusters developed under this program shall provide a one-hundred-foot vegetated buffer from existing public roadways and adjoining properties and a one-hundred-fifty-foot buffer between clusters in order to preserve rural character and the aesthetic values of Rural Wooded lands.

a. Where two Rural Wooded Incentive Program developments abut each other, they are encouraged, where practical, to coordinate permanent open space to provide interconnectivity;

b. Buffers are encouraged to incorporate natural features to maximize retention of views and rural character;

c. Where native vegetation is available to create a sight-obscuring buffer, that vegetation should be preserved to the extent consistent

with public safety. Hazard trees may be removed with approval of the director;

d. Preservation of trees greater than ten inches diameter breast height (dbh) is encouraged;

e. Except where an exception is needed to preserve or create scenic views from county or state roads, internal roads and building locations within a Rural Wooded development should be designed to maximize the extent to which the external buffer obscures the planned development from existing county or state roads; and

f. Where native vegetation is not available to create a sight-obscuring buffer between the planned development and existing county or state roads, fast-growing native vegetation that will grow to obscure the planned development should be planted within the buffer area.

8. Water provision from new wells drilled within the Rural Wooded designated lands are encouraged to minimize impacts to surface and groundwater resources. For projects proposing new wells, submission of well log records and a report by a Washington State certified hydrogeologist demonstrating utilization of deep aquifers and the lack of continuity with surface water features is encouraged during project review and may be included as a condition of approval.

9. Development shall fully comply with Kitsap County Code Title 19 (Critical Areas). All environmentally sensitive areas such as streams, shorelines, wetlands, fish and wildlife habitat areas and corridors, steep slopes, and other critical areas regulated by Title 19 and/or other applicable county ordinances or policies are encouraged to be located within the permanent open space areas of the development, except to the extent development in those areas is permitted by Title 19.

10. Roads should be designed to comply with adopted Kitsap County Road Standards for rural roads.

a. Rural Wooded Incentive Program developments shall meet applicable rural concurrency standards;

b. Roads should have shoulders and grass-lined ditches, rather than curbs, gutters and adjacent sidewalks;

c. Pedestrian and/or bike paths through a development are encouraged but may be separate from roads and should be narrow and designed to adapt to the natural contours and features of the land; and

d. To the extent consistent with adopted Kitsap County Road Standards, roads should follow topography, and other natural features, such as major trees or other elements that contribute to rural character.

11. In designating the areas for permanent open space tracts, the following is encouraged:

a. Preserve areas along saltwater shoreline;

b. Include open water bodies, creeks, rivers and other natural water features;

c. Protect scenic views and significant natural features;

d. Conserve areas of significant terrestrial wildlife, salmonid habitat, and groundwater supply; and

e. Coordinate with Washington State Department of Fish and Wildlife, Washington State Department of Natural Resources, non-profit agencies, and local tribes to identify priority conservation areas.

12. A notice shall be placed on the final plat for all Rural Wooded Incentive Program developments stating that:

This plat was established using the Kitsap County Rural Wooded Incentive Program and is subject to the conditions of that program at the time of approval (Kitsap County Code Chapter 17.301). It is required to include an open space area, in which certain forestry activities may occur, subject to the provisions of KCC 17.301. A variety of forestry activities may occur in the open space that are not compatible with residential development for limited periods. Residents may be subject to inconvenience or discomforts arising from forestry activities, including but not

limited to noise, odors, fumes, dust, smoke, the operations of machinery of any kind, timber harvest, brush control, the application by spraying or otherwise of chemical or organic fertilizers, soil amendments, herbicides and pesticides, hours of operation, and other forestry activities. Urban levels of service will not be provided by Kitsap County or the developer of this property.

F. Uses Permitted within the Permanent Open Space.

1. Permanent Open Space Tract. A permanent open space tract created under this section may be used for the following resource and passive recreational and roadway uses:

a. Forestry, existing agricultural or other resource uses;

b. Trails/pedestrian walkways, beaches, docks, swimming areas or any nonmotorized passive recreational facilities;

c. Logging and access roads; and

d. Open space uses along a shoreline shall allow for visual and physical access to the shoreline and may include view corridors, community beaches, docks, swimming areas, picnic areas, trails/pedestrian walkways, or any non-motorized passive recreational facilities.

2. Vegetation removal in a permanent open space tract shall be in accordance with an approved open space management plan. Permanent vegetation removal within the permanent open space tract shall not be permitted, except that the following activities shall be allowed where vegetation removal is the minimum necessary to conduct the activity:

a. Construction of pedestrian or equestrian trails;

b. Maintenance of existing pastures;

c. Forestry, existing agricultural or other resource activities;

d. Removal of dead, diseased or hazardous vegetation, consistent with best management practices;

e. Fire breaks provided in accordance with fire district requirements; and

f. A management plan which details the required maintenance and management tasks

and responsibilities may be required by the department for all permanent open space areas. These plans shall include monitoring to assess compliance with the approved plan(s).

G. Ownership of the Permanent Open Space.

1. Upon recording of a final plat for a Rural Wooded Incentive Program development, permanent open space tracts may be held by the original owner, conveyed to a homeowners' association or to the owner or owners of a lot or lots within the subdivision as tenants in common or to a shall be dedicated to a public entity, land trust or other nonprofit steward, subject to the restrictions on the future use of the permanent open space described in subsection (F) of this section.

H. Decision Criteria. An application for a Rural Wooded Incentive Program development may be approved or approved with modification if the examiner finds that all of the following requirements, as established by this section, are met:

1. The site plan complies with the development standards of subsection (E) of this section and the other requirements of this chapter.

2. The proposed development will not require the extension or provision of sanitary sewer service or other urban services to the development.

3. The proposed development complies with all applicable county codes.

4. The development demonstrates preservation of rural character by incorporating the following:

a. Clustering of development, as applicable;

b. Preservation of critical areas, resource areas, groundwater recharge, and natural features;

c. Provision for a coordinated, comprehensive, interconnected, and integrated system of permanent open space areas; and

d. Placement of structures, circulation systems and utilities that minimize impervious surfaces and the alteration of the land and also

responds to physical characteristics of the property.

5. The development is consistent with the goals and policies of the Kitsap County Comprehensive Plan.

6. The development complies with all other applicable codes and policies of the county.

7. If Rural Wooded Incentive Program development will be phased, each phase of a proposed development must contain adequate infrastructure, open space dedication and all other conditions of the development to stand-alone if no other subsequent phases are developed.

8. If no reasonable conditions or modifications can be imposed to ensure the application meets the criteria set forth above, then the application shall be denied.

I. Vesting.

1. Approval of a Rural Wooded Incentive Program development shall be effective for five years from the date of final approval.

2. Property owners with an approved Rural Wooded Incentive Program development may receive one five-year extension from the hearing examiner in accordance with the criteria below:

a. An extension request must be filed in writing with the director at least sixty days prior to the expiration of the approval period;

b. The applicant must demonstrate to the hearing examiner tangible progress toward completion of the approved Rural Wooded Incentive Program development; and

c. The applicant must demonstrate to the hearing examiner that there are no significant changes in conditions that would render approval of the extension contrary to the public health, safety or general welfare.

3. The hearing examiner may take any of the following actions upon receipt of a timely extension request:

a. Approve the extension if no significant issues are presented under the criteria set forth in this section.



b. Conditionally approve the extension if any significant issues presented are substantially mitigated by minor revisions to the original Rural Wooded Incentive Program development.

c. Deny the extension if any significant issues presented cannot be substantially mitigated by minor revisions to the Rural Wooded Incentive Program development.

J. Taxation Status. Under the current use assessment program, all property located within the permanent open space or developed portion of the project shall be removed from the program and all compensating tax paid prior to final approval of the subdivision.

K. Third Party Review. The county may require third party review in cases where additional professional or technical expertise is required.

(Ord. 411 (2008) § 1, 2008: Ord. 407 (2008) § 8, 2008: Ord. 367 (2006) § 8 (part), 2006)

#### **17.301.090 Other provisions.**

[Reserved.]

(Ord. 367 (2006) § 8 (part), 2006)

### **Chapter 17.305**

#### **RURAL PROTECTION ZONE (RP)**

##### **Sections:**

- 17.305.010 Purpose.
- 17.305.020 Uses permitted.
- 17.305.030 Lot requirements.
- 17.305.040 Height regulations.
- 17.305.050 Signs.
- 17.305.060 Off-street parking.
- 17.305.070 Other provisions.

##### **17.305.010 Purpose.**

This zone promotes low-density rural development that is consistent with rural character and protects environmental features such as significant visual, historical, natural features,

wildlife corridors, steep slopes, wetlands, streams and adjacent critical areas.

(Ord. 415 (2008) § 85, 2008: Ord. 216 (1998) § 4 (part), 1998)

##### **17.305.020 Uses permitted.**

Uses shall be allowed in accordance with Chapter 17.381 and Table 17.381.040(E), Parks, Rural and Resource Zones Use Table.

(Ord. 367 (2006) § 9 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

##### **17.305.030 Lot requirements.**

Lot requirements shall be in accordance with Chapter 17.382 and Table 17.382.100, Parks, Rural and Resource Density and Dimensions Table.

(Ord. 367 (2006) § 9 (part), 2006: Ord. 346 (2005) § 3, 2005: Ord. 216 (1998) § 4 (part), 1998)

##### **17.305.040 Height regulations.**

Height regulations shall be in accordance with Chapter 17.382 and Table 17.382.100, Parks, Rural and Resource Density and Dimensions Table.

(Ord. 367 (2006) § 9 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

##### **17.305.050 Signs.**

Signs shall be permitted according to the provisions of Chapter 17.445.

(Ord. 216 (1998) § 4 (part), 1998)

##### **17.305.060 Off-street parking.**

Off-street parking shall be provided according to the provisions of Chapter 17.435.

(Ord. 216 (1998) § 4 (part), 1998)

##### **17.305.070 Other provisions.**

For other provisions, see Chapters 17.430 and 17.455.

(Ord. 216 (1998) § 4 (part), 1998)

## Chapter 17.310

### RURAL RESIDENTIAL ZONE (RR)

#### Sections:

- 17.310.010 Purpose.
- 17.310.020 Uses permitted.
- 17.310.030 Lot requirements.
- 17.310.040 Height regulations.
- 17.310.050 Signs.
- 17.310.060 Off-street parking.
- 17.310.070 Other provisions.

#### 17.310.010 Purpose.

This zone promotes low-density residential development consistent with rural character. It is applied to areas that are relatively unconstrained by environmentally sensitive areas or other significant landscape features. These areas are provided with limited public services. (Ord. 415 (2008) § 86, 2008: Ord. 216 (1998) § 4 (part), 1998)

#### 17.310.020 Uses permitted.

Uses shall be allowed in accordance with Chapter 17.381 and Table 17.381.040(E), Parks, Rural and Resource Zones Use Table. (Ord. 367 (2006) § 10 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

#### 17.310.030 Lot requirements.

Lot requirements shall be in accordance with Chapter 17.382 and Table 17.382.100, Parks, Rural and Resource Density and Dimensions Table. (Ord. 367 (2006) § 10 (part), 2006: Ord. 346 (2005) § 4, 2005: Ord. 216 (1998) § 4 (part), 1998)

#### 17.310.040 Height regulations.

Height requirements shall be in accordance with Chapter 17.382 and Table 17.382.100, Parks, Rural and Resource Density and Dimensions Table. (Ord. 367 (2006) § 10 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

#### 17.310.050 Signs.

Signs shall be permitted according to the provisions of Chapter 17.445. (Ord. 216 (1998) § 4 (part), 1998)

#### 17.310.060 Off-street parking.

Off-street parking shall be provided according to the provisions of Chapter 17.435. (Ord. 216 (1998) § 4 (part), 1998)

#### 17.310.070 Other provisions.

For other provisions, see Chapters 17.430 and 17.455. (Ord. 216 (1998) § 4 (part), 1998)

## Chapter 17.315

### URBAN RESERVE ZONE (URS)

#### Sections:

- 17.315.010 Purpose.
- 17.315.020 Uses permitted.
- 17.315.030 Lot requirements.
- 17.315.040 Height regulations.
- 17.315.050 Signs.
- 17.315.060 Off-street parking.
- 17.315.070 Other provisions.

#### 17.315.010 Purpose.

This zone is intended to be located along the boundaries of existing urban growth areas (UGAs). The zone is intended to allow continued rural development while discouraging land use patterns that could foreclose options for inclusion into future UGAs and their higher densities and land use intensities. This zone may also apply to properties which are being considered for non-residential use. (Ord. 415 (2008) § 87, 2008: Ord. 367 (2006) § 11 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

#### 17.315.020 Uses permitted.

Uses shall be allowed in accordance with Chapter 17.381 and Table 17.381.040(E), Parks, Rural and Resource Zones Use Table. (Ord. 367 (2006) § 11 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.315.030 Lot requirements.**

Lot requirements shall be in accordance with Chapter 17.382 and Table 17.382.100, Parks, Rural and Resource Density and Dimensions Table.

(Ord. 367 (2006) § 11 (part), 2006: Ord. 346 (2005) § 5, 2005: Ord. 216 (1998) § 4 (part), 1998)

**17.315.040 Height regulations.**

Height requirements shall be in accordance with Chapter 17.382 and Table 17.382.100, Parks, Rural and Resource Density and Dimensions Table.

(Ord. 367 (2006) § 11 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.315.050 Signs.**

Signs shall be permitted according to the provisions of Chapter 17.445.

(Ord. 367 (2006) § 11 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.315.060 Off-street parking.**

Off-street parking shall be provided according to the provisions of Chapter 17.435.

(Ord. 367 (2006) § 11 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.315.070 Other provisions.**

For other provisions, see Chapters 17.430 and 17.455.

(Ord. 367 (2006) § 11 (part), 2006: Ord. 216 (1998) § 4 (part), 1998)

**Chapter 17.318****POULSBO URBAN TRANSITION AREA****Sections:**

- 17.318.010 Purpose.
- 17.318.020 City Zoning Ordinance adopted.
- 17.318.030 City of Poulsbo Zoning Ordinance – Exceptions and additional requirements.

- 17.318.040 Resolutions of conflicts between City of Poulsbo Zoning Code and Kitsap County Code.

**17.318.010 Purpose.**

The purpose of this chapter is to recognize the adoption of the Poulsbo Sub-Area Plan and designation of the Poulsbo Urban Growth Area (UGA), and to provide for development within the UGA that is consistent with the City of Poulsbo's existing development standards, thereby allowing for a smooth transition of the UGA into the city's corporate limits through future annexations.

(Ord. 415 (2008) § 88 (part), 2008: Ord. 273 (2002) § 2 (part), 2002)

**17.318.020 City Zoning Ordinance adopted.**

Except as specified elsewhere in this chapter, the City of Poulsbo Zoning Ordinance, adopted on February 9, 2003, and effective March 3, 2003, is adopted and incorporated herein by reference, as now or hereafter amended, for the sole purpose of regulating development within the Poulsbo Urban Transition Area, as depicted on Kitsap County's Comprehensive Plan Land Use Map.

(Ord. 415 (2008) § 88 (part), 2008: Ord. 273 (2002) § 2 (part), 2002)

**17.318.030 City of Poulsbo Zoning Ordinance – Exceptions and additional requirements.**

A. Within the Poulsbo Urban Transition Area, all sections of the City of Poulsbo Zoning Ordinance shall control; except for the following provisions:

1. Chapter I – General Provisions;
2. Chapter VII – Zoning Review and Approval;
3. Chapter VIII.A – Director Authority;
4. Chapter VIII.J – Housing Authority Development Permits;
5. Chapter X.C – Comprehensive Plan Amendments;

6. Chapter IX – Non-Conforming Structures and Uses;

7. Chapter X.A – Variances;

8. Chapter X.B – Zoning Changes, Amendments and Alterations;

9. Chapter X.E – Appeals; and

10. Chapter XI – Zoning Enforcement, Penalties and Other Conditions;

B. The minimum lot size is seven thousand five hundred square feet unless included in a planned unit development as provided in the City of Poulsbo Zoning Ordinance; and

C. Application fees are determined as provided by Kitsap County Code Chapter 21.06. (Ord. 415 (2008) § 88 (part), 2008)

**17.318.040 Resolutions of conflicts between City of Poulsbo Zoning Code and Kitsap County Code.**

If it is not clear from Kitsap County Code Section 17.318.030 whether the City of Poulsbo Zoning Ordinance or Kitsap County Code applies, then the following general rules shall be applied:

A. The requirements for the city’s zoning districts, and other substantive requirements of the city’s zoning ordinance, apply instead of the substantive requirements in this title; and

B. The procedural requirements for reviewing and processing development permits and for appeals of decisions on such permits, as well as any other procedural requirements of this title, and the procedural requirements of Kitsap County Code Chapter 21.04, apply instead of the procedural requirements of the city’s zoning ordinance.

(Ord. 415 (2008) § 88 (part), 2008)

**Chapter 17.321**

**LIMITED AREAS OF MORE INTENSIVE RURAL DEVELOPMENT (LAMIRD)\***

\* **Editor’s Note:** Chapter 17.321 is a general chapter heading. Subchapters are given a letter designation, 17.321A, 17.321B, etc.

**Chapter 17.321A**

**SUQUAMISH RURAL VILLAGE**

**Sections:**

- 17.321A.010 Purpose.
- 17.321A.020 Uses permitted.
- 17.321A.030 Lot requirements.
- 17.321A.040 Height regulations.
- 17.321A.050 Signs.
- 17.321A.060 Off-street parking.
- 17.321A.070 Other provisions.
- 17.321A.080 Requirements specific to the Suquamish Rural Village.
- 17.321A.090 Variance.

**17.321A.010 Purpose.**

In 2000, the Suquamish Limited Area of More Intense Rural Development, or LAMIRD, was established in the Kitsap County Comprehensive Plan. These amendments within the LAMIRD designation provided an opportunity to help reconcile the county’s historical land use pattern within the parameters of the Growth Management Act (GMA). The purpose of this section is to reflect the rural character of the Suquamish areas as prescribed by the Suquamish Rural Village Sub-Area Plan.

In the event of a conflict between the requirements of these regulations for the Suquamish Rural Village Sub-Area Plan and any other statute, rule, ordinance or regulation, the more restrictive requirement shall govern. (Ord. 415 (2008) § 89, 2008: Ord. 232 (1999) § 1(N) (part), 1999)

**17.321A.020 Uses permitted.**

Uses shall be allowed in accordance with Chapter 17.381 and Table 17.381.040(D), LAMIRD use table. (Ord. 415 (2008) § 90, 2008: Ord. 367 (2006) § 16, 2006: Ord. 232 (1999) § 1(N) (part), 1999)

**17.321A.030 Lot requirements.**

Lot requirements shall be in accordance with Chapter 17.382 and Table 17.382.090, LAMIRD Density and Dimensions Table. (Ord. 415 (2008) § 91, 2008: Ord. 367 (2006) § 18, 2006: Ord. 232 (1999) § 1(N) (part), 1999)

**17.321A.040 Height regulations.**

Height requirements shall be in accordance with Chapter 17.382 and Table 17.382.090, LAMIRD Density and Dimensions Table. (Ord. 415 (2008) § 92, 2008: Ord. 367 (2006) § 20, 2006: Ord. 232 (1999) § 1(N) (part), 1999)

**17.321A.050 Signs.**

Signs shall be permitted according to the provisions of Chapter 17.445. (Ord. 232 (1999) § 1(N) (part), 1999)

**17.321A.060 Off-street parking.**

Off-street parking shall be provided according to the provisions of Chapter 17.435. (Ord. 232 (1999) § 1(N) (part), 1999)

**17.321A.070 Other provisions.**

For other provisions, see Chapters 17.430 and 17.455. (In addition: SVC zone see Chapter 17.385) (Ord. 232 (1999) § 1(N) (part), 1999)

**17.321A.080 Requirements specific to the Suquamish Rural Village.**

Within the area identified as the Suquamish Rural Village Sub-Area Plan, the following conditions apply to all existing, newly created and/or reconfigured lots.

1. All new construction, including any site development activity permit (SDAP), grading or building permit requiring access to a county right-of-way, must undergo appropriate review by the department of public works to meet current right-of-way use requirements before any site work may begin.

2. No right-of-way may be opened or improved without the approval of the director

of the department of public works or his designee (director).

3. No grading of more than twenty-five cubic yards of earth may occur unless a site development activity permit (SDAP) is first obtained.

4. Drainage review is required prior to issuance of any SDAP or building permit. When the issuance of a grading or building permit will result in an increase in the total amount of impervious surface that currently exists on a lot:

a. The director will review each SDAP and building permit application to determine whether special drainage requirements are necessary to prevent newly installed impervious surfaces from creating a drainage problem or exacerbating an existing drainage problem. In making this determination, the director may consult the citizen complaint databases, perform an on-site inspection, review the condition of the receiving downstream drainage system, review the Kitsap County soil survey, and consult with the surface and storm water management program to determine if the Suquamish Drainage Study, currently underway, has identified drainage problems or corrections that are located in the vicinity of the application. The director will conduct his review in accordance with the "Downstream Analysis" section of Chapter 2 of the county's Storm Water Design Manual;

b. If, in the opinion of the director, the proposal will not create a drainage problem or exacerbate an existing drainage problem, the applicant will be required to meet the minimum drainage and erosion control requirements of the Storm Water Management Ordinance (Chapters 12.04 through 12.32 of this code);

c. If, in the opinion of the director, the proposal will create or exacerbate an existing drainage problem then, before the director can recommend approval of the application, the applicant may be required to:

(1) Provide an engineered drainage plan that addresses impacts of increased runoff on adjacent and downstream properties;

(2) Provide on-site storm water management BMPs to reduce or eliminate surface water discharge; and/or

(3) Improve or contribute to the improvement of the downstream drainage system.

(Ord. 415 (2008) § 93, 2008: Ord. 367 (2006) § 22, 2006: Ord. 232 (1999) § 1(N) (part), 1999)

**17.321A.090 Variance.**

Variances may be authorized according to the provisions of Chapter 17.500.

(Ord. 232 (1999) § 1(N) (part), 1999)

**Chapter 17.321B**

**PORT GAMBLE RURAL HISTORIC TOWN**

**Sections:**

- 17.321B.010 Purpose.
- 17.321B.015 Applicability.
- 17.321B.020 Rural historic town zones.
- 17.321B.025 Town development objectives.
- 17.321B.030 Procedures.
- 17.321B.040 Uses.
- 17.321B.045 Infrastructure capacity required.
- 17.321B.050 Density.
- 17.321B.055 Lot size.
- 17.321B.060 Height.
- 17.321B.065 Parking.
- 17.321B.070 Setbacks.
- 17.321B.075 Lot coverage.
- 17.321B.080 Signs and lighting.

**17.321B.010 Purpose.**

The purpose of this chapter is to set forth the regulations, procedures and special development objectives that apply to the rural historic town of Port Gamble. The county has identified Port Gamble as a limited area of more intensive rural development (LAMIRD) and classified

the town as a rural historic town (RHT). A fundamental underpinning of this chapter is to comply with the requirements of the State Growth Management Act, while preserving and enhancing the unique historic qualities of the town. The intent of these regulations is to provide for visually compatible infill, development, and redevelopment of the existing commercial, industrial and residential areas in Port Gamble, while also containing such development within logical, permanent town boundaries.

(Ord. 415 (2008) § 94, 2008: Ord. 236 (1999) § 2 (part), 1999)

**17.321B.015 Applicability.**

This chapter applies to all development within the boundaries of the rural historic town of Port Gamble. The Comprehensive Plan and the county zoning maps designate the permanent town boundaries and zoning districts within the town boundaries. In the event of a conflict between the requirements of these regulations and any other applicable statute, rule, ordinance, or regulation, the more restrictive regulation shall apply.

(Ord. 236 (1999) § 2 (part), 1999)

**17.321B.020 Rural historic town zones.**

Within the rural historic town of Port Gamble, three land use zones exist. The purpose of the three RHT zones is set forth below.

A. Rural Historic Town Residential (RHTR). This zone is intended to recognize and encourage redevelopment of the historic residential patterns in the town. Residential densities may approximate historic town densities but shall not exceed 2.5 dwelling units per acre. Residential acreage in the RHTR zone totals 69.76 acres, including the town cemetery. Site design and architecture in the RHTR zone may reflect new interpretations of the historic styles and patterns, but must also work to enhance and preserve the defining “company town” characteristics of Port Gamble as described in the Historic American Engineering Record for Port Gamble, Washington,

dated August 1997, on file with the department of community development. To ensure that historic platting patterns are acknowledged, maximum lot sizes shall apply and community open space is required.

B. Rural Historic Town Commercial (RHTC). This zone is intended to meet many of the town needs for basic shopping and simple services. The zone also recognizes and reflects the historically significant commercial use of the town, as well as the types of uses present in July 1990. The commercial zone may provide for tourist, visitor, and recreation uses. This zone may also support limited new commercial uses including isolated small-scale businesses and cottage industries not designed to serve the town population, but providing jobs to rural residents.

C. Rural Historic Town Waterfront (RHTW). This zone is intended to allow for maintaining, developing, or redeveloping a range of uses reflecting historic development and 1990 uses while supporting revitalization of the town as a whole. Forest products manufacturing, natural resource industries, and waterfront shipping are allowed, within the constraints imposed by the county's Shoreline Management Master Program. Other less intensive industrial and commercial uses similar to those of the commercial zone are also allowed. The areas within two hundred feet of the water are governed by the county's Shoreline Management Master Program, which expresses a preference for water-dependent or water-related uses.

(Ord. 415 (2008) § 95, 2008: Ord. 236 (1999) § 2 (part), 1999)

**17.321B.025 Town development objectives.**

In 1967, Port Gamble was added to the National Register of Historic Places and designated a Historic Landmark. The designation recognized the unique aspects of the town, including its development as a "company town" built around the former Pope Resources (Puget Mill Company/Pope & Talbot) sawmill.

The mill began operation in 1853 and, until its closure in 1995, was the oldest continuously operating sawmill and company town in the nation. In recognition of the historic value of Port Gamble and the unique factors affecting maintenance and potential development or redevelopment of the town, the county created a special planning and zoning designation for the town. In addition, special town development objectives (TDOs), set forth below, have been adopted to ensure that development maintains and enhances the defining and essential characteristics of the town.

A. Development proposals shall be designed in a manner that highlights and enhances the historic nature of the town. Building design shall be based on characteristics of historic structures, but need not literally mimic historic styles. New structures are to be compatible with the old in mass, scale and character, but subtle differences in stylistic treatment that make buildings distinguishable as new construction are appropriate.

B. New construction, including site design and layout, may reflect the evolution of the town, but must retain the existing visually significant sense of historic time and place. Development proposals should strive to create a dialogue between new and historic development in the town.

C. In reviewing development proposals, the county shall consider architectural styles and traditional site design. The Secretary of the Interior's Standards for Historic Preservation Projects (36 CFR 68) shall be used as a guideline for evaluating future development. The Historic American Engineering Record for Port Gamble, Washington, dated August 1997, on file with the department of community development shall also be used to evaluate future development. In addition, new development shall, to the greatest extent feasible, comply with the following objectives:

1. New development shall reflect historic town platting patterns, including small lot development, alleys, narrow streets, sidewalks,

on-street parking, and historic styles of street lighting.

2. Homes shall face the street, with access for garages and parking off alleys whenever possible. Detached garages are preferred, with alley access or shared driveway access from the street. A development pattern with repeating double-bay garage doors facing the street shall be prohibited.

3. Large community open spaces are preferred, rather than large private yards.

4. Development in the RHTC zone shall be compatible in massing, size and scale with historic structures. As with residential development, existing styles should provide the basic framework, but new development shall be differentiated from the old.

5. Waterfront development may reflect the significant industrial and commercial nature of early uses on the site. Larger, bulkier structures than would be allowed in the RHTR and RHTC zones may be permitted in this zone. Tilt-up concrete structures, reflective glass, or other treatments which commonly characterize modern industrial park developments are to be prohibited.

6. Parking for the RHTC and RHTW zones shall be provided in shared or common parking areas whenever feasible. The parking standards set forth in Section 17.321B.070 shall be considered an element of these TDOs and shall apply to all new commercial and waterfront development.

7. New development shall be landscaped in such a manner as to reflect the historical character of the town and preserve and enhance publicly accessible open spaces and retain mature trees to the extent possible.

8. Creating, enhancing and preserving a town commons or a series of connected public open space linkages shall be required in conjunction with any master planned or other significant redevelopment of the town that reflects the same qualities of the historic town including visual assets and species of vegetation.

D. All development in the town shall comply with these TDOs. TDO review may occur for simple permitted uses as part of the building permit plan review process.

E. As provided for in the Comprehensive Plan, a qualified consultant or site design and architectural review committee shall be appointed to provide comments or a recommendation on all proposed development.

F. The TDOs and other development standards of this chapter shall be applied to a defined project area (DPA) as designated by the applicant. Alternatively, development proposals shall include boundary line adjustments, subdivisions, or binding site plans that serve to define lot, site or project area.

(Ord. 415 (2008) § 96, 2008: Ord. 236 (1999) § 2 (part), 1999)

#### **17.321B.030 Procedures.**

A. In order to ensure that all development furthers the goal of maintaining and enhancing the historic nature of the town, all development shall comply with the town development objectives of Section 17.321B.025. The director of community development shall refer any formal proposal requiring a conditional use permit or PBD approval for review by the architectural and site design committee or consultant as provided by the Comprehensive Plan.

B. Any proposal for large-scale development or redevelopment, as determined by the director, shall require preparation of a town master plan. Examples of large-scale development include subdivisions creating five or more lots, residential development of five or more homes, or new commercial development greater than five thousand square feet. A town master plan that lays out the preferred development scenario and phasing for each of the three zones may be approved by the board of county commissioners using the performance based development process of Chapter 17.425. (The TDOs and specific requirements of this chapter for density, height, parking, and other development standards shall replace the PBD standards



and requirements of Section 17.425.040.) Detailed project-level environmental analysis, including analysis of site-specific alternatives, shall be required as part of a master plan review.

(Ord. 367 (2006) § 23, 2006: Ord. 236 (1999) § 2 (part), 1999)

**17.321B.040 Uses.**

Uses shall be allowed in accordance with Chapter 17.381 and Table 17.381.040(D), LAMIRD use table.

(Ord. 415 (2008) § 97, 2008: Ord. 367 (2006) § 24, 2006: Ord. 236 (1999) § 2 (part), 1999)

**17.321B.045 Infrastructure capacity required.**

In all zones, no development shall be allowed unless adequate infrastructure, including but not limited to sewer and water service, is available. Allowed densities shall be restricted to reflect the capacity of the sewer and water systems.

(Ord. 236 (1999) § 2 (part), 1999)

**17.321B.050 Density.**

Density shall be in accordance with Chapter 17.382 and Table 17.382.090, LAMIRD Density and Dimensions Table.

(Ord. 415 (2008) § 98, 2008: Ord. 367 (2006) § 25, 2006: Ord. 236 (1999) § 2 (part), 1999)

**17.321B.055 Lot size.**

Lot sizes shall be in accordance with Chapter 17.382 and Table 17.382.090, LAMIRD Density and Dimensions Table.

(Ord. 415 (2008) § 99, 2008: Ord. 367 (2006) § 26, 2006: Ord. 236 (1999) § 2 (part), 1999)

**17.321B.060 Height.**

Height requirements shall be in accordance with Chapter 17.382 and Table 17.382.090, LAMIRD Density and Dimensions Table.

(Ord. 415 (2008) § 100, 2008: Ord. 367 (2006) § 27, 2006: Ord. 236 (1999) § 2 (part), 1999)

**17.321B.065 Parking.**

A. Parking requirements for all uses shall be determined by the director through analysis of the proposed use and with reference to the parking requirements of Chapter 17.435. The availability of street parking may be considered by the director. The determination of the director shall be an administrative decision made concurrently with the department's decision or recommendation on a proposal.

B. Parking associated with an individual use shall, to the greatest extent feasible, be located behind structures or otherwise fully screened from street view.

C. All required parking in the RHTC and RHTW zones may be provided off-site in shared or joint use parking areas, except that provision must be made to develop or reserve on-site or on-street parking spaces for handi-capped parking.

D. Shared or joint use parking lots shall be screened. The following standards may be modified upon recommendation of the consultant or architectural and site design review committee.

1. From adjacent residential zones by six foot high solid wood fencing or by a three foot high earthen berm planted densely with native evergreen shrubs and groundcover to form a visual separation and soften the edges of the parking area;

2. From adjacent streets by a combination of solid wood fencing, plantings, public seating, shelters, or public information kiosks. Screening and plantings shall be of a height to shield light from vehicles but shall not interfere with general visibility into the parking area for public safety purposes. The goal is to achieve visual separation and soften the edges of the parking area.

3. From adjacent commercial properties by a four-foot wide perimeter landscape area, planted to achieve visual separation and soften the edges of the parking area.

E. Shared or joint use parking lots shall provide internal landscaping as follows:

1. For parking areas providing up to fifty stalls, twelve square feet of landscaping, in addition to the perimeter or street screening, must be provided for each stall, including one tree for every five stalls.

2. For parking in excess of fifty stalls, an additional eighteen square feet of landscaping shall be provided for each stall over fifty, including one tree for every four stalls over fifty.

3. Landscaped areas shall have minimum dimensions of four feet in any direction, exclusive of vehicle overhangs, and a minimum area of thirty-six square feet.

4. Trees shall be a minimum of six feet high, with a minimum two-inch caliper if deciduous.

5. Landscaped areas shall be distributed equally throughout the parking area to create shade and break up large expanses of asphalt or other paving.

(Ord. 236 (1999) § 2 (part), 1999)

**17.321B.070 Setbacks.**

Setbacks shall be in accordance with Chapter 17.382 and Table 17.382.090, LAMIRD Density and Dimensions Table.

(Ord. 415 (2008) § 101, 2008; Ord. 367 (2006) § 28, 2006; Ord. 236 (1999) § 2 (part), 1999)

**17.321B.075 Lot coverage.**

Lot coverage shall be in accordance with Chapter 17.382 and Table 17.382.090, LAMIRD Density and Dimensions Table.

(Ord. 415 (2008) § 102, 2008; Ord. 367 (2006) § 29, 2006; Ord. 236 (1999) § 2 (part), 1999)

**17.321B.080 Signs and lighting.**

A. Signs and external lighting shall be designed to reflect historic styling and comply with the town development objectives and shall be reviewed by an architectural and site design review committee.

B. Internal illumination and neon lighting or signage is prohibited, except for window signs not exceeding four square feet; provided, that an applicant may request review of pro-

posed signs by an architectural and site design review committee, if one has been appointed. Following such review and on the recommendation of the committee, the director may allow internally illuminated signs or signs with neon lighting.

C. All other requirements of Chapter 17.445, Signs, apply in the RHT zones. (Ord. 236 (1999) § 2 (part), 1999)

**Chapter 17.321C**

**MANCHESTER RURAL VILLAGE**

**Sections:**

- 17.321C.010 Purpose.
- 17.321C.020 Uses.
- 17.321C.030 Vegetation restrictions.
- 17.321C.040 Height regulations.
- 17.321C.050 Lot requirements.
- 17.321C.060 Off-street parking requirements.
- 17.321C.080 Impervious surface limits.
- 17.321C.100 Access prohibition.
- 17.321C.110 Sewer connections.

**17.321C.010 Purpose.**

The May 7, 1998 Comprehensive Plan stated that the county could use limited areas of more intense rural developments (LAMIRDs) to reconcile historical land development patterns, and Manchester was identified as a candidate for this designation. As result of a public planning effort, the Manchester Community Plan was initially developed in 2002, setting specialized goals and policies for the Manchester Village. This subchapter establishes development regulations to implement these goals and policies. In addition to these regulations, the policies and goals of the Manchester Community Plan are incorporated herein by reference, and application within the Manchester LAMIRD must also be able to demonstrate compliance with the Manchester Community Plan. In the event of a conflict between the requirements of these regulations for the Manchester Rural Village and any other statute, rule, ordinance or

regulation, the more restrictive requirement shall govern.

(Ord. 405 (2007) § 5 (part), 2007: Ord. 267 (2002) § 3 (part), 2002)

**17.321C.020 Uses.**

Uses shall be allowed in accordance with Chapter 17.381 and Table 17.381.040(D), Rural Sub-Areas Use Table.

(Ord. 367 (2006) § 31, 2006: Ord. 267 (2002) § 3 (part), 2002)

**17.321C.030 Vegetation restrictions.**

After adoption of the Manchester Community Plan, newly planted row trees (three or more) and shrubbery such as hedges may not be maintained in a way that significantly impacts existing views from neighboring properties. All existing vegetation is exempt from this restriction.

(Ord. 415 (2008) § 103, 2008)

**17.321C.040 Height regulations.**

Height requirements shall be in accordance with Chapter 17.382 and Table 17.382.090, Rural Sub-Areas Density and Dimensions Table.

(Ord. 367 (2006) § 33, 2006: Ord. 267 (2002) § 3 (part), 2002)

**17.321C.050 Lot requirements.**

Lot requirements shall be in accordance with Chapter 17.382 and Table 17.382.090, Rural Sub-Areas Density and Dimensions Table.

(Ord. 367 (2006) § 35, 2006: Ord. 267 (2002) § 3 (part), 2002)

**17.321C.060 Off-street parking requirements.**

The off-street parking requirements for commercial uses within the Manchester Village are identical to those found in Chapter 17.435 of this title, except as follows:

A. Retail stores generating little automobile traffic, such as appliance, furniture, hardware or repair stores – one parking space per four hundred fifty square feet of gross floor area;

B. 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 parking space per two hundred twenty-five square feet of gross floor area;

C. Drive-in and fast food restaurants – one parking space per one hundred twenty-five square feet of gross floor area with a minimum of five, provided, drive-in window holding and stacking area shall not be considered parking places;

D. Restaurants, Drinking Establishments.

1. If under four thousand square feet of gross floor area – one parking space per three hundred square feet of gross floor area;

2. If four thousand or more square feet of gross floor area – sixteen parking spaces, plus one parking space per each additional one hundred fifty square feet of gross floor area over four thousand square feet;

E. Medical and dental office or clinic – one parking space per three hundred square feet of gross floor area;

F. Bank, professional office (except medical or dental) – one parking space per five hundred square feet of gross floor area.

(Ord. 415 (2008) § 104, 2008: Ord. 367 (2006) § 36, 2006: Ord. 267 (2002) § 3 (part), 2002)

**17.321C.080 Impervious surface limits.**

Impervious surface limits shall be in accordance with Chapter 17.382 and Table 17.382.090, LAMIRD Density and Dimensions Table.

(Ord. 415 (2008) § 105, 2008: Ord. 367 (2006) § 37, 2006: Ord. 267 (2002) § 3 (part), 2002)

**17.321C.100 Access prohibition.**

Commercial properties are prohibited from using private residential roadways for vehicular or pedestrian access through commercial properties is prohibited.

(Ord. 267 (2002) § 3 (part), 2002)

**17.321C.110 Sewer connections.**

All new development within two hundred feet of existing sewer lines must be connected to sewer to develop. Additions or remodels to existing structures involving an increase in sewage flow beyond the existing capacity of the septic system constitute new development. (Ord. 267 (2002) § 3 (part), 2002)

**Chapter 17.321D****KEYPORT RURAL VILLAGE****Sections:**

- 17.321D.010 Purpose.
- 17.321D.015 Applicability.
- 17.321D.020 Rural village zones.
- 17.321D.025 Keyport Design Guidelines.
- 17.321D.030 Procedures.
- 17.321D.040 Uses.
- 17.321D.050 Density.
- 17.321D.055 Lot size.
- 17.321D.060 Height.
- 17.321D.065 Parking.
- 17.321D.070 Setbacks.
- 17.321D.075 Lot coverage.
- 17.321D.080 Signs and lighting.
- 17.321D.090 Special provisions.
- 17.321D.100 Variance.

**17.321D.010 Purpose.**

The purpose of this chapter is to set forth the regulations, procedures and special development objectives that apply to the Keyport rural village. The county has identified Keyport as a limited area of more intensive rural development (LAMIRD). A fundamental underpinning of this chapter is to comply with the requirements of the State Growth Management Act, while preserving and enhancing the unique historic character of the village. The intent of these regulations is to provide for visually compatible infill, development, and redevelopment of the existing commercial and residential areas in Keyport, while also containing such development within logical, permanent LAMIRD boundaries.

In the event of a conflict between the requirements of these regulations for the Keyport rural village and any other statute, rule, ordinance or regulation, the more restrictive requirement shall govern. The Keyport Community Plan shall be considered as a reference in any resolution.

(Ord. 402 (2007) § 2 (part), 2007)

**17.321D.015 Applicability.**

This chapter applies to all development within the boundaries of the Keyport Limited Area of More Intense Development (LAMIRD). The Comprehensive Plan and the county zoning maps designate the permanent LAMIRD boundaries and zoning districts within the LAMIRD boundaries. In the event of a conflict between the requirements of these regulations and any other applicable statute, rule, ordinance, or regulation, the more restrictive regulation shall apply.

(Ord. 402 (2007) § 2 (part), 2007)

**17.321D.020 Rural village zones.**

Within the Keyport rural village, three land use zones exist. The purpose of each of the three Keyport rural village zones is set forth below.

A. Keyport Village Residential (KVR). This zone is intended to recognize and encourage redevelopment of the historic residential patterns within the village. Residential densities may approximate historic densities but shall not exceed five dwelling units per acre.

B. Keyport Village Commercial (KVC). This zone is intended to meet many of the village needs for basic retail shopping, tourism, and local services. The zone also recognizes and reflects the historically significant commercial use of the village, as well as the types of uses present in July, 1990. The commercial zone may provide for tourist, visitor, and recreation uses. This zone may also support limited new commercial uses including isolated small-scale businesses and cottage industries not designed to serve the town population, but providing jobs to rural residents. Residential den-

sities may approximate historic densities of five dwelling units per acre with the provision for a mixed-use development density bonus based upon the historic underlying platted lots.

C. Keyport Village Low Residential (KVLR). This zone is intended to recognize and encourage redevelopment of the existing residential patterns in the Keyport village area west of Sunset Avenue. Residential densities may approximate historic density maximums of two dwelling units per acre with a provision for performance based developments to allow a maximum of three units per acre per the conditions of KCC 17.321D.090(B).

(Ord. 402 (2007) § 2 (part), 2007)

**17.321D.025 Keyport Design Guidelines.**

All references to Keyport Design Guidelines shall refer to the Keyport Community Plan, Appendix G. Within the area identified as the Keyport Rural Village Limited Area of More Intense Rural Development (LAMIRD), the following conditions apply to all commercial development within Keyport Village Commercial (KVC) or Neighborhood Commercial (NC) zones for:

A. All new construction, including any land use permit, grading or building permit, must undergo review by the department of community development to meet the Keyport Design Guideline requirements before any land use or building permit may be issued.

B. Any remodel of existing structures that impacts more than twenty percent of the perimeter walls of the structure must undergo review by the department of community development to meet the Keyport Design Guideline requirements before any land use or building permit may be issued.

C. Any remodel of existing structures that impacts more than fifty percent of the building facade along Washington Avenue must undergo review by the department of community development to meet the Keyport Design

Guideline requirements before any land use or building permit may be issued.

(Ord. 402 (2007) § 2 (part), 2007)

**17.321D.030 Procedures.**

A. In order to ensure that all commercial development furthers the goal of maintaining and enhancing the rural character of the village, all commercial development shall comply with the Keyport development objectives of Section 17.321D.025. The director of community development shall refer any formal proposal requiring a administrative conditional use permit or conditional use permit or PBD approval for consistency with the Keyport Design Guidelines as provided by the Keyport Community Plan, Appendix G.

(Ord. 402 (2007) § 2 (part), 2007)

**17.321D.040 Uses.**

Uses shall be allowed in accordance with Chapter 17.381 and Section 17.381.040(D), Rural Sub-Areas Use Table.

(Ord. 402 (2007) § 2 (part), 2007)

**17.321D.050 Density.**

Density shall be in accordance with Chapter 17.382 and Section 17.382.090, Rural Sub-Areas Density and Dimensions Table.

(Ord. 402 (2007) § 2 (part), 2007)

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**17.321D.055 Lot size.**

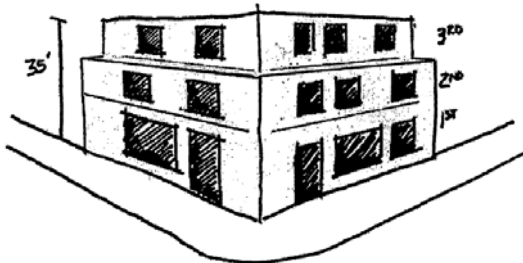
Lot sizes shall be in accordance with Chapter 17.382 and Section 17.382.090, Rural Sub-Areas Density and Dimensions Table. (Ord. 402 (2007) § 2 (part), 2007)

**17.321D.060 Height.**

A. No structure in the Keyport Village Commercial (KVC) zone shall be constructed to have more than two stories facing Washington Avenue; provided however, additional stories may be allowed if those stories above the second story are set back a minimum of ten additional feet from the facade line and if the building otherwise meets height limitations.

1. Sub-grade stories and basements are permitted up to thirty inches above sidewalk grade along Washington Avenue.

2. All other height requirements shall be in accordance with Chapter 17.382 and Section 17.382.090, Rural Sub-Areas Density and Dimensions Table.



(Ord. 402 (2007) § 2 (part), 2007)

**17.321D.065 Parking.**

A. Parking requirements for all uses shall be determined by the director through analysis of the proposed use and with reference to the parking requirements of Chapter 17.435. The availability of street parking may be considered by the director. The determination of the director shall be an administrative decision made concurrently with the department's decision or recommendation on a proposal.

B. Parking associated with an individual use shall, to the greatest extent feasible, be

located behind structures or otherwise fully screened from street view.

C. All required commercial parking in the KVC zone may be provided off-site in shared or joint use parking areas, or considered with on-street parking except that provision must be made to develop or reserve on-site or on-street parking spaces for handicapped parking.

D. All required residential parking in the KVC zone for mixed use projects must be provided on site. No off-site parking is acceptable for residential parking requirements.

E. Shared or joint use parking lots shall be screened. The following standards may be modified upon recommendation of the director.

1. From adjacent residential zones by six-foot-high solid wood fencing or landscaped screen, or similar visual separation intended to soften the edges of the parking area;

2. From adjacent streets by a combination of solid wood fencing, plantings, public seating, shelters, or public information kiosks. Screening and plantings shall be of a height to shield light from vehicles but shall not interfere with general visibility into the parking area for public safety purposes. The goal is to achieve visual separation and soften the edges of the parking area.

F. Shared or joint use parking lots shall provide internal landscaping as follows:

1. For parking areas providing up to fifty stalls, twelve square feet of landscaping, in addition to the perimeter or street screening, must be provided for each stall, including one tree for every five stalls.

2. For parking in excess of fifty stalls, an additional eighteen square feet of landscaping shall be provided for each stall over fifty, including one tree for every four stalls over fifty.

3. Landscaped areas shall have minimum dimensions of four feet in any direction, exclusive of vehicle overhangs, and a minimum area of thirty-six square feet.

4. Trees shall be a minimum of six feet high, with a minimum two-inch caliper if deciduous.

5. Landscaped areas shall be distributed equally throughout the parking area to create shade and break up large expanses of asphalt or other paving.

(Ord. 402 (2007) § 2 (part), 2007)

**17.321D.070 Setbacks.**

Setbacks shall be in accordance with Chapter 17.382 and Section 17.382.090, Rural Sub-Areas Density and Dimensions Table.

(Ord. 402 (2007) § 2 (part), 2007)

**17.321D.075 Lot coverage.**

Lot coverage shall be in accordance with Chapter 17.382 and Section 17.382.090, Rural Sub-Areas Density and Dimensions Table.

(Ord. 402 (2007) § 2 (part), 2007)

**17.321D.080 Signs and lighting.**

A. Signs and external lighting shall be designed to reflect historic styling and comply with the town development objectives and shall be reviewed by the director or designee for architectural and site design consistency with the Keyport Design Guidelines.

B. Internal illumination and neon lighting or signage is prohibited, except for window signs not exceeding four square feet; provided, that an applicant may request review of proposed signs by the director or his designated community committee, if one has been appointed. Following such review and on the recommendation of the committee, the director may allow internally illuminated signs or signs with neon lighting.

C. All other requirements of Chapter 17.445, Signs, apply in the KVC zones.

(Ord. 402 (2007) § 2 (part), 2007)

**17.321D.090 Special provisions.**

A. Within the area identified as the Keyport Rural Village, the following conditions apply to all existing, newly created and or reconfigured lots.

1. All new construction, including any site development activity permit (SDAP), grading or building permit requiring access to a county right-of-way, must undergo appropriate review by the department of public works to meet current right-of-way use requirements before any site work may begin.

2. No grading of more than seventy-five cubic yards of earth may occur unless a site development activity permit (SDAP) is first obtained.

3. Drainage review is required prior to issuance of any SDAP or building permit. When the issuance of a grading or building permit will result in an increase in the total amount of impervious surface that currently exists on a lot:

a. The director will review each SDAP and building permit application to determine whether special drainage requirements are necessary to prevent newly installed impervious surfaces from creating a drainage problem or exacerbating an existing drainage problem. In making this determination, the director may consult the citizen complaint data bases, perform an on-site inspection, review the condition of the receiving downstream drainage system, review the Kitsap County soil survey, and consult with the surface and storm water management program to determine if there have been identified drainage problems or corrections that are located in the vicinity of the application. The director will conduct his review in accordance with the “Downstream Analysis” section of Chapter 2 of the county’s Storm Water Design Manual;

b. If, in the opinion of the director, the proposal will not create a drainage problem or exacerbate an existing drainage problem, the applicant, will be required to meet the minimum drainage and erosion control requirements of the Storm Water Management Ordinance (Chapters 12.04 through 12.32 of this code);

c. If, in the opinion of the director, the proposal will create or exacerbate an existing



drainage problem then, before the director can recommend approval of the application, the applicant may be required to:

- (1) Provide an engineered drainage plan that addresses impacts of increased runoff on adjacent and downstream properties;
- (2) Provide on-site storm water management BMPs to reduce or eliminate surface water discharge; and/or
- (3) Improve or contribute to the improvement of the downstream drainage system.

B. Within the Keyport Village low residential zone, the following conditions apply to all newly created and/or reconfigured lots that request or result in a density of three units per acre.

1. Three units per acre may only be requested through a performance based development (Chapter 17.425) and the use of lot clustering, common open space (Section 17.425.040(B)).

a. Within the Keyport LAMIRD, recreational open space (Section 17.425.040(C)) is modified as follows. All residential PBDs in Keyport village low residential shall provide a developed recreational area that meets the following requirements:

(1) A contiguous area that is five percent of the lot area, (excluding critical areas). 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 critical areas, or their buffers), that contains a pathway and benches;

(b) Owned in common and/or available for use by all residents of Keyport; and

(c) A provision implemented 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 (bocce ball, volleyball, horseshoes, putting

green, rock climbing wall, etc.) Facilities shall be provided as follows:

(a) One facility per every three lots, partial calculations above 0.49 are rounded up to include an additional facility.

(b) All facilities shall be located adjacent to a public right-of-way or provided pedestrian easement access to the nearest public right-of-way and shall include directional signage and signage identifying the ability for public use.

(c) 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:

1. 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;

2. A private nonprofit 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.

(Ord. 402 (2007) § 2 (part), 2007)

**17.321D.100 Variance.**

Variances may be authorized according to the provisions of Chapter 17.500. (Ord. 402 (2007) § 2 (part), 2007)

**Chapter 17.322**

**(Repealed)\***

\* **Editor's Note:** Former Chapter 17.322, Urban Holding Area Zone (UHA), was repealed by Section 4 of Ord. 384 (2007).

**Chapter 17.325**

**URBAN RESTRICTED ZONE (UR)**

**Sections:**

- 17.325.010 Purpose.
- 17.325.020 Uses.
- 17.325.050 Height regulations.
- 17.325.060 Lot requirements.
- 17.325.070 Lot coverage.
- 17.325.080 Signs.
- 17.325.090 Off-street parking.
- 17.325.100 Other provisions.

**17.325.010 Purpose.**

The urban restricted zone is applied to areas within urban growth areas that have been identified with a significant concentration of critical areas regulated pursuant to the Title 19, or are planned as greenbelts, and are therefore appropriate for lower-density development. These areas may include significant salmon spawning streams, wetlands and/or steep slopes. Actual densities allowed will be determined at the time of land use approval, following a site-specific analysis and review of potential impacts to the on-site or adjacent critical areas. (Ord. 415 (2008) § 106, 2008: Ord. 216 (1998) § 4 (part), 1998)

**17.325.020 Uses.**

Uses shall be allowed in accordance with Chapter 17.381 and Table 17.381.040(A), Urban Residential Zones Use Table. (Ord. 367 (2006) § 41, 2006: Ord. 292 (2002) § 3, 2002: Ord. 216 (1998) § 4 (part), 1998)

**17.325.050 Height regulations.**

Height requirements shall be in accordance with Chapter 17.382 and Table 17.382.060, Urban Residential Density and Dimensions Table. (Ord. 367 (2006) § 43, 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.325.060 Lot requirements.**

Lot requirements shall be in accordance with Chapter 17.382 and Table 17.382.060, Urban Residential Density and Dimensions Table. (Ord. 367 (2006) § 44, 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.325.070 Lot coverage.**

Lot coverage requirements shall be in accordance with Chapter 17.382 and Table 17.382.060, Urban Residential Density and Dimensions Table. (Ord. 367 (2006) § 45, 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.325.080 Signs.**

Signs shall be permitted according to the provisions of Chapter 17.445. (Ord. 216 (1998) § 4 (part), 1998)

**17.325.090 Off-street parking.**

Off-street parking shall be provided according to the provisions of Chapter 17.435. (Ord. 216 (1998) § 4 (part), 1998)

**17.325.100 Other provisions.**

- A. For other provisions, see Chapters 17.430 and 17.455.
- B. See Chapter 17.351, Multi-Family Development – Design Criteria. (Ord. 415 (2008) § 107, 2008: Ord. 216 (1998) § 4 (part), 1998)

## Chapter 17.326

### ILLAHEE GREENBELT ZONE (IGZ)

#### Sections:

- 17.326.010 Purpose.
- 17.326.020 Uses.
- 17.326.050 Height regulations.
- 17.326.060 Lot requirements.
- 17.326.070 Lot coverage.
- 17.326.080 Signs.
- 17.326.090 Off-street parking.
- 17.326.100 Other provisions.

#### 17.326.010 Purpose.

The Illahee Greenbelt Zone is applied to those areas within Illahee which have identified parcels constrained by critical areas of fifty percent or greater and are within Washington State Department of Fish and Wildlife (DFW) certified wildlife corridors. Development would be limited to a density range of one to four 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. (Ord. 420 (2008) § 8 (part), 2008)

#### 17.326.020 Uses.

Uses shall be allowed in accordance with Chapter 17.381 and Table 17.381.040(A), Urban Residential Zones Use Table. (Ord. 420 (2008) § 8 (part), 2008)

#### 17.326.050 Height regulations.

Height requirements shall be in accordance with Chapter 17.382 and Table 17.382.060, Urban Residential Density and Dimensions Table. (Ord. 420 (2008) § 8 (part), 2008)

#### 17.326.060 Lot requirements.

Lot requirements shall be in accordance with Chapter 17.382 and Table 17.382.060, Urban Residential Density and Dimensions Table. (Ord. 420 (2008) § 8 (part), 2008)

#### 17.326.070 Lot coverage.

Lot coverage requirements shall be in accordance with Chapter 17.382 and Table 17.382.060, Urban Residential Density and Dimensions Table. (Ord. 420 (2008) § 8 (part), 2008)

#### 17.326.080 Signs.

Signs shall be permitted according to the provisions of Chapter 17.445. (Ord. 420 (2008) § 8 (part), 2008)

#### 17.326.090 Off-street parking.

Off-street parking shall be provided according to the provisions of Chapter 17.435. (Ord. 420 (2008) § 8 (part), 2008)

#### 17.326.100 Other provisions.

For other provisions, see Chapters 17.430 and 17.455. (Ord. 420 (2008) § 8 (part), 2008)

## Chapter 17.330

### URBAN LOW RESIDENTIAL ZONE (UL)

#### Sections:

- 17.330.010 Purpose.
- 17.330.020 Uses.
- 17.330.050 Height regulations.
- 17.330.060 Lot requirements.
- 17.330.070 Signs.
- 17.330.080 Off-street parking.
- 17.330.090 Other provisions.

#### 17.330.010 Purpose.

The intent of this zone is to recognize, maintain, and encourage urban low density residential areas by including a full range of urban services and facilities that are adequate at the time of development. This zone is also intended to create cost-efficient residential areas which are capable of allowing the provision of community services in a more economical manner. (Ord. 415 (2008) § 108, 2008; Ord. 216 (1998) § 4 (part), 1998)

**17.330.020 Uses.**

Uses shall be allowed in accordance with Chapter 17.381 and Table 17.381.040(A), Urban Residential Zones Use Table. (Ord. 367 (2006) § 47, 2006: Ord. 292 (2002) § 4, 2002: Ord. 216 (1998) § 4 (part), 1998)

**17.330.050 Height regulations.**

Height requirements shall be in accordance with Chapter 17.382 and Table 17.382.060, Urban Residential Density and Dimensions Table. (Ord. 367 (2006) § 49, 2006: Ord. 311 (2003) [Attachment 7 (part)], 2003: Ord. 216 (1998) § 4 (part), 1998)

**17.330.060 Lot requirements.**

Lot requirements shall be in accordance with Chapter 17.382 and Table 17.382.060, Urban Residential Density and Dimensions Table. (Ord. 367 (2006) § 50, 2006: Ord. 346 (2005) § 6, 2005: Ord. 311 (2003) [Attachment 7 (part)], 2003: Ord. 226-1998 § 2, 1998; Ord. 222-1998 § 2, 1998; Ord. 216 (1998) § 4 (part), 1998)

**17.330.070 Signs.**

Signs shall be permitted according to the provisions of Chapter 17.445. (Ord. 216 (1998) § 4 (part), 1998)

**17.330.080 Off-street parking.**

Off-street parking shall be provided according to the provisions of Chapter 17.435. (Ord. 216 (1998) § 4 (part), 1998)

**17.330.090 Other provisions.**

A. Generally. See Chapters 17.430 and 17.455.

B. Master Planning Requirements for the ULID #6/McCormick Woods Sub-Area. Consistent with Chapter 17.428 of this title, prior to any new development within an area zoned UL which is also designated for master planning in an approved sub-area plan, a master plan shall be prepared for the entirety of the zone which is contiguous with the area proposed for new development; provided, that the director may

either increase or decrease the area within the sub-area that will be included in the master plan in order to maximize the efficiency of the process and assure coordination with areas that may be affected by the proposed new developments.

If the subject zone exists elsewhere within the sub-area, and is not contiguous to the area proposed for new development, it is not required that those non-contiguous same-zoned lands be included in the subject master plan.

C. For multi-family development, see Chapter 17.351, Multi-Family Development – Design Criteria. (Ord. 415 (2008) § 109, 2008: Ord. 311 (2003) [Attachment 7 (part)], 2003: Ord. 216 (1998) § 4 (part), 1998)

**Chapter 17.335****URBAN CLUSTER RESIDENTIAL ZONE (UCR)****Sections:**

- 17.335.010 Purpose.
- 17.335.020 Uses.
- 17.335.030 Densities.
- 17.335.040 Lot requirements.
- 17.335.050 Height regulations.
- 17.335.060 Signs.
- 17.335.070 Off-street parking.
- 17.335.080 Other provisions.

**17.335.010 Purpose.**

The Urban Cluster Residential zone is intended to apply to areas that are characterized by large contiguous ownership parcels capable of development as a single, unified project. Clustering of appropriate residential densities in areas most suitable for such development, while simultaneously providing a high level of protection for wetlands, streams, critical aquifer recharge areas and wildlife habitat areas, is encouraged. Flexibility related to site planning and affordable housing through innovative design is also encouraged, as the exact locations of uses should be based on the location of

critical areas, transportation corridors, community needs and market conditions.

At the same time, the UCR zone should foster a development pattern that results in the design and construction of an interconnected system of pedestrian and bicycle trails and facilities linking residential neighborhoods with open spaces, recreational areas, transportation corridors and retail and employment opportunities, both within and outside the zone. (Ord. 415 (2008) § 110, 2008: Ord. 311 (2003) [Attachment 7 (part)], 2003)

#### **17.335.020 Uses.**

Uses shall be allowed in accordance with Chapter 17.381 and Table 17.381.040(A), Urban Residential Zones Use Table. (Ord. 367 (2006) § 52, 2006: Ord. 311 (2003) [Attachment 7 (part)], 2003)

#### **17.335.030 Densities.**

Density shall be in accordance with Chapter 17.382 and Table 17.382.060, Urban Residential Density and Dimensions Table. (Ord. 367 (2006) § 53, 2006: Ord. 311 (2003) [Attachment 7 (part)], 2003)

#### **17.335.040 Lot requirements.**

Lot requirements shall be in accordance with Chapter 17.382 and Table 17.382.060, Urban Residential Density and Dimensions Table. (Ord. 367 (2006) § 54, 2006: Ord. 311 (2003) [Attachment 7 (part)], 2003)

#### **17.335.050 Height regulations.**

Height requirements shall be in accordance with Chapter 17.382 and Table 17.382.060, Urban Residential Density and Dimensions Table. (Ord. 367 (2006) § 55, 2006: Ord. 311 (2003) [Attachment 7 (part)], 2003)

#### **17.335.060 Signs.**

Signs shall be permitted according to the provisions of Chapter 17.445. (Ord. 311 (2003) [Attachment 7 (part)], 2003)

#### **17.335.070 Off-street parking.**

Off-Street parking shall be provided according to the provisions of Chapter 17.435. (Ord. 311 (2003) [Attachment 7 (part)], 2003)

#### **17.335.080 Other provisions.**

A. See Chapters 17.385, 17.430 and 17.455.

B. All development shall comply with the standards in the Kitsap County Storm Water Management Ordinance, Title 12 of this code, and the Kitsap County Critical Areas Ordinance, Title 19 of this code, as they now exist or are later amended, as well as all SEPA mitigation requirements.

C. Master Planning Requirements. Prior to any new development within an area zoned Urban Cluster Residential (UCR) which is also designated for master planning in an approved sub-area plan, a master plan shall be prepared for the entirety of the zone which is contiguous with the area proposed for new development; provided, that the director may either increase or decrease the area within the sub-area that will be included in the master plan in order to maximize the efficiency of the process and assure coordination with areas that may be affected by the proposed new development. If the subject zone exists elsewhere within the sub-area, and is not contiguous to the area proposed for new development, it is not required that those non-contiguous same-zoned lands be included in the subject master plan.

D. For multi-family development, see Chapter 17.351, Multi-Family Development – Design Criteria. (Ord. 415 (2008) § 111, 2008: Ord. 311 (2003) [Attachment 7 (part)], 2003)

### **Chapter 17.340**

#### **URBAN MEDIUM RESIDENTIAL ZONE (UM)**

##### **Sections:**

17.340.010 Purpose.

17.340.020 Uses.

- 17.340.050 Height regulations.
- 17.340.060 Lot requirements – Density limitations.
- 17.340.070 Signs.
- 17.340.080 Off-street parking.
- 17.340.090 Other provisions.

**17.340.010 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. This zone is also intended to create energy-efficient residential areas by allowing common wall construction, as well as to facilitate residential development which utilizes cost-efficient design.

(Ord. 415 (2008) § 112, 2008: Ord. 250-2000 § 3 (part), 2000: Ord. 216 (1998) § 4 (part), 1998)

**17.340.020 Uses.**

Uses shall be allowed in accordance with Chapter 17.381 and Table 17.381.040(A), Urban Residential Zones Use Table.

(Ord. 367 (2006) § 57, 2006: Ord. 292 (2002) § 5, 2002: Ord. 250-2000 § 3 (part), 2000: Ord. 216 (1998) § 4 (part), 1998)

**17.340.050 Height regulations.**

Height requirements shall be in accordance with Chapter 17.382 and Table 17.382.060, Urban Residential Density and Dimensions Table.

(Ord. 367 (2006) § 59, 2006: Ord. 311 (2003) [Attachment 7 (part)], 2003: Ord. 250-2000 § 3 (part), 2000: Ord. 216 (1998) § 4 (part), 1998)

**17.340.060 Lot requirements – Density limitations.**

Lot requirements shall be in accordance with Chapter 17.382 and Table 17.382.060, Urban Residential Density and Dimensions Table.

(Ord. 367 (2006) § 60, 2006: Ord. 346 (2005) § 13, 2005: Ord. 311 (2003) [Attachment 7 (part)], 2003: Ord. 250-2000 § 3 (part), 2000: Ord. 216 (1998) § 4 (part), 1998)

**17.340.070 Signs.**

Signs shall be permitted according to the provisions of Chapter 17.445.

(Ord. 250-2000 § 3 (part), 2000: Ord. 216 (1998) § 4 (part), 1998)

**17.340.080 Off-street parking.**

Off-street parking shall be provided according to the provisions of Chapter 17.435.

(Ord. 250-2000 § 3 (part), 2000: Ord. 216 (1998) § 4 (part), 1998)

**17.340.090 Other provisions.**

A. See Chapters 17.430 and 17.455.

B. For multi-family development, see Chapter 17.351, Multi-Family Development – Design Criteria.

C. Master Planning Requirements. Prior to any new development within an area zoned Urban Medium (UM) which is also designated for master planning in an approved ULID #6 sub-area plan, a master plan shall be prepared for the entirety of the zone which is contiguous with the area proposed for new development; provided, that the director may either increase or decrease the area within the sub-area that will be included in the master plan in order to maximize the efficiency of the process and assure coordination with areas that may be affected by the proposed new development. If the subject zone exists elsewhere within the sub-area, and is not contiguous to the area proposed for new development, it is not required that those non-contiguous same-zoned lands be included in the subject master plan.

(Ord. 415 (2008) § 113, 2008: Ord. 311 (2003) [Attachment 7 (part)], 2003: Ord. 250-2000 § 3 (part), 2000: Ord. 216 (1998) § 4 (part), 1998)

**Chapter 17.350**

**URBAN HIGH RESIDENTIAL ZONES (UH)**

**Sections:**

- 17.350.010 Purpose.
- 17.350.020 Uses.

- 17.350.030 Height regulations.
- 17.350.040 Lot requirements.
- 17.350.050 Densities.
- 17.350.060 Off-street parking.
- 17.350.070 Signs.
- 17.350.080 Landscaping.
- 17.350.090 Recreational open space.
- 17.350.100 Other provisions.

**17.350.010 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 complement 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. (Ord. 216 (1998) § 4 (part), 1998)

**17.350.020 Uses.**

Uses shall be allowed in accordance with Chapter 17.381 and Table 17.381.040(A), Urban Residential Zones Use Table. (Ord. 367 (2006) § 61, 2006: Ord. 292 (2002) § 6, 2002: Ord. 216 (1998) § 4 (part), 1998)

**17.350.030 Height regulations.**

Height requirements shall be in accordance with Chapter 17.382 and Table 17.382.060,

Urban Residential Density and Dimensions Table.

(Ord. 367 (2006) § 62, 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.350.040 Lot requirements.**

Lot requirements shall be in accordance with Chapter 17.382 and Table 17.382.060, Urban Residential Density and Dimensions Table.

(Ord. 367 (2006) § 63, 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.350.050 Densities.**

Density shall be in accordance with Chapter 17.382 and Table 17.382.060, Urban Residential Density and Dimensions Table.

(Ord. 367 (2006) § 64, 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.350.060 Off-street parking.**

Off-street parking shall be provided according to the provisions of Chapter 17.435.

(Ord. 216 (1998) § 4 (part), 1998)

**17.350.070 Signs.**

Signs shall be permitted according to the provisions of Chapter 17.445.

(Ord. 216 (1998) § 4 (part), 1998)

**17.350.080 Landscaping.**

Landscaping shall be provided according to the provisions of Chapter 17.385.

(Ord. 216 (1998) § 4 (part), 1998)

**17.350.090 Recreational open space.**

For recreational open space provisions, see Section 17.425.040(C).

(Ord. 216 (1998) § 4 (part), 1998)

**17.350.100 Other provisions.**

A. See Chapters 17.430 and 17.455.

B. For multi-family development, see Chapter 17.351, Multi-Family Development – Design Criteria.

(Ord. 415 (2008) § 114, 2008: Ord. 216 (1998) § 4 (part), 1998)

**Chapter 17.351**

**MULTI-FAMILY DEVELOPMENT –  
DESIGN CRITERIA**

**Sections:**

- 17.351.010 Purposes and intent.
- 17.351.020 Applicability – How to use the design criteria.
- 17.351.030 Multi-family site design – Orientation (UCR, UM and UH zones).
- 17.351.040 Fences and walls.
- 17.351.050 Recreation centers, mailboxes, site lighting, bus stops.
- 17.351.060 Grading and tree/vegetation retention.
- 17.351.070 Open space.
- 17.351.080 Landscape design.

**17.351.010 Purposes and intent**

The general purposes of these design criteria are as follows:

- A. To encourage better design and site planning.
- B. To ensure that new multi-family development is sensitive to the character of the surrounding neighborhoods.
- C. To enhance the built environment for pedestrians in higher-density areas.



D. To provide for development of neighborhoods with attractive, well-connected streets, sidewalks, and trails that enable convenient, direct access to neighborhood centers, parks, and transit stops.

E. To ensure adequate light, air, and readily accessible open space for multi-family development in order to maintain public health, safety and welfare.

F. To ensure the compatibility of dissimilar adjoining land uses.

G. To maintain or improve the character, appearance, and livability of established neighborhoods by protecting them from incompatible uses, excessive noise, illumination, loss of privacy, and similar significant impacts.

H. To encourage creativity and flexibility in the design of multi-family developments in a manner that maximizes unique site attributes and is compatible with the character and intensity of adjoining land uses.

(Ord. 311 (2003) [Attachment 7 (part)], 2003)

#### **17.351.020 Applicability – How to use the design criteria.**

##### **A. Applicability.**

1. The “requirements sections” in the following design criteria apply to each multi-family project requiring conditional use review under Chapters 17.420 or 17.421 of this title.

2. In addition to the requirements set forth in this Chapter 17.351, the “requirements sections” set forth in Section 17.354.160 and Sections 17.354.180 to 17.354.240 shall apply to each multi-family project requiring review under subsection (A), above.

B. How to Use the Design Criteria. The “requirements sections” state the design criteria that each project shall meet. These design criteria are intended to supplement the development standards of the UCR, UM and UH zones. Where the provisions of this Chapter 17.351 conflict with the provisions of Chapters 17.335 (UCR), 17.340 (UM), and 17.350 (UH), the provisions of the zoning district shall apply. The “guidelines” which follow

each requirement statement are suggested ways to achieve the design intent. Each guideline is meant to indicate the preferred conditions, but other equal or better design solutions will be considered acceptable by the director or hearing examiner, so long as these solutions meet the intent of these sections. They are to be applied with an attitude of flexibility, recognizing that each development site and project will have particular characteristics that may suggest that some guidelines be emphasized and others de-emphasized. However, while alternative solutions can be proposed, none of the criteria in the requirement statements can be disregarded.

(Ord. 367 (2006) § 65, 2006: Ord. 311 (2003) [Attachment 7 (part)], 2003)

#### **17.351.030 Multi-family site design – Orientation (UCR, UM and UH zones).**

A. Requirement. Design multi-family projects to be oriented to public streets or common open spaces and to provide pedestrian and vehicular connections to existing neighborhoods.

B. Guidelines. Possible ways to achieve neighborhood connections include:

1. Use a modified street grid system where most buildings in a project front on a street. Where no public streets exist, create a modified grid street system within the project.

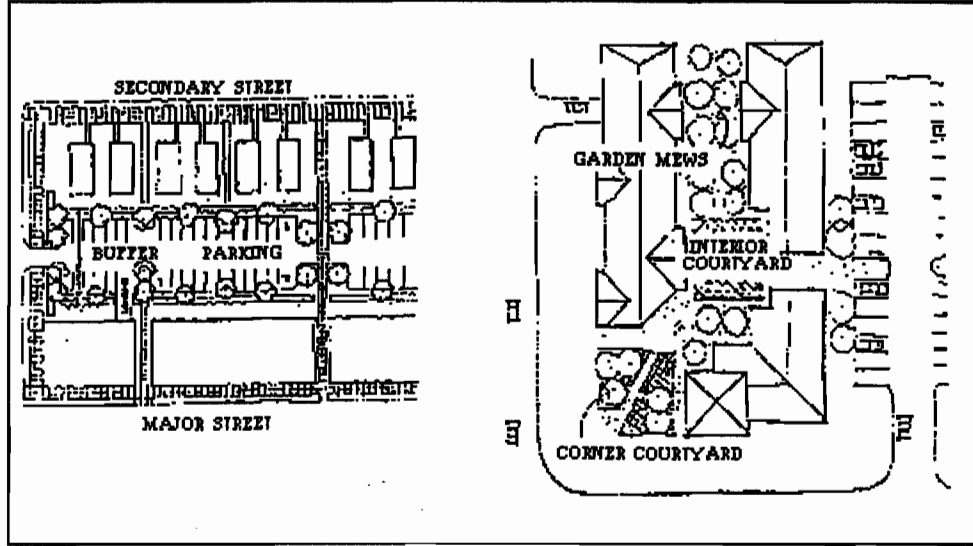
2. Locate parking areas behind or under building and access such parking from alley-type driveways. If driveway access from streets is necessary, minimum width driveway providing adequate fire-fighting access should be used.

3. Provide each building with direct pedestrian access from the main street fronting the building and from the back where the parking is located.

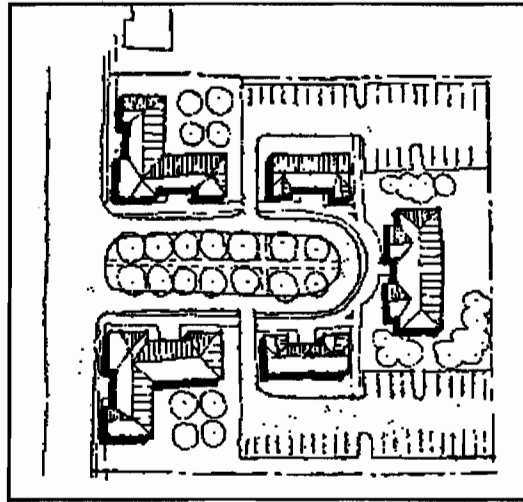
4. Another alternative may be to orient the buildings into U-shaped courtyards where the front door/main entry into the building is from a front courtyard. Access to the courtyard from the rear parking area should be through a well-lighted breezeway or stairway. This alternative will work where projects abut

an arterial or major collector street where the quality of living could be enhanced with building facing into the courtyard. The buildings would still be located between the street and parking lot.

5. The following illustrations depict site-planning techniques that orient multi-family projects to streets, adding value and identity to the complex, by siting parking behind the buildings:



*Examples of preferred site planning that orients multi-family projects to streets, adding value and identity to the complex, by siting parking behind the buildings.*



(Ord. 311 (2003) [Attachment 7 (part)], 2003)

**17.351.040 Fences and walls.**

A. Requirement. Design the site to minimize the need for fences and walls that inhibit or discourage pedestrian use of sidewalks or paths, isolate neighborhoods, or separate neighborhoods from main roads.

B. Guidelines.

1. Place pedestrian breaks and/or crossing at frequent intervals where a fence, wall or

landscaped area separates a sidewalk from a building or one development from another.

2. Employ small setbacks, indentations, stepped fence heights, or other means of breaking up the wall or fence surface and height.

[Illustration Follows on Next Page.]



*Alternative to solid, or blank-looking fence.*

3. Employ different textures, color or materials (including landscape materials) to break up the wall's surface and add visual interest.

4. If fencing is required, repeat the use of building facade materials on fence columns and or/stringers.

(Ord. 311 (2003) [Attachment 7 (part)], 2003)

#### **17.351.050 Recreation centers, mailboxes, site lighting, bus stops.**

A. Requirement. Provide adequate lighting, screening and pedestrian access to supporting facilities such as recreation centers, mailboxes, play yards, bus stops and dumpsters. If otherwise required as a condition of project approval, locate passenger shelters in well-lit areas with access to the multi-family walkway network. Provide for shielding and directing of light to minimize impacts upon residents and abutting property owners.

B. Guidelines:

1. Recreation Centers.

a. Recreation centers should have adequate parking and bike racks for the guests of tenants.

b. The center should be directly connected by a series of walkways to all the multi-family buildings in the complex. These walkways should be barrier free, landscaped, and lighted

with fixtures not to exceed fifteen feet in height. The walkways should provide visual contrast where they cross driveways or streets.

2. Site Lighting.

a. Site lighting (pedestrian-scale and low level) should be provided throughout the project.

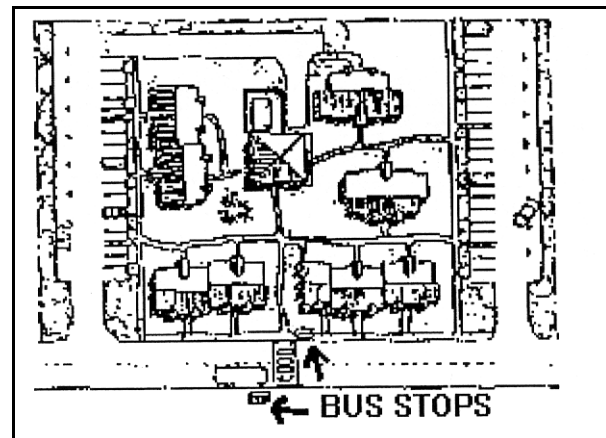
b. Security lighting should be provided in parking areas and play areas.

c. Lighting should not shine into the dwelling units in the development.

d. Lighting should be directed away from neighboring development.

3. Mailboxes. If common mailboxes are used, they should be located near the project entry or near the recreational facilities. The architectural character should be similar in form, materials, and colors to the surrounding buildings. Mailboxes should be well lighted and pedestrian accessible.

4. Bus Stops. The multi-family walkway network shall provide convenient pedestrian access to the nearest transit stop.



(Ord. 311 (2003) [Attachment 7 (part)], 2003)

#### **17.351.060 Grading and tree/vegetation retention.**

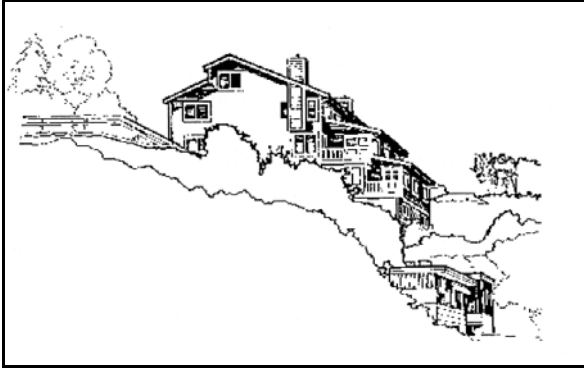
A. Requirement. To the extent reasonable and practicable, multi-family projects shall be designed to minimize impacts to existing topography and vegetation.

B. Guidelines.

1. Incorporate the natural grades in the overall design of the project.

2. Incorporate existing groups of trees/vegetation to be protected and retained on the site.

3. Minimize disturbance of open space to better facilitate storm water infiltration.



*Stepping the building down a hillside to match the topography can reduce the impact of the building on smaller, nearby buildings.*

(Ord. 311 (2003) [Attachment 7 (part)], 2003)

**17.351.070 Open space.**

A. Requirement. Open space shall be provided in or adjacent to multi-family development for all the residents of the development.

B. Guidelines.

1. Where possible, combine the open space of contiguous properties to provide for larger viable open space areas.

2. Site permanent outdoor recreation equipment away from storm drainage facilities.

3. Use walkways to connect the open spaces to the multi-family buildings, parking areas, and adjacent neighborhoods.

4. Incorporate a variety of activities for all age groups in the active recreational open space.



*Consider drainage/retention areas that enhance the environment and open space usage.*

(Ord. 311 (2003) [Attachment 7 (part)], 2003)

**17.351.080 Landscape design.**

A. Requirement. In addition to the requirements in Chapter 17.385 of this Zoning Code, landscaping and supporting elements (such as trellises, planters, site furniture or similar features) shall be appropriately incorporated into the project design.

B. Guidelines.

1. Minimize tree removal and incorporate larger caliper trees to obtain the immediate impact of more mature trees when the project is completed.

2. Provide frameworks such as trellises or arbors for plants to grow on.

3. Incorporate planter guards or low planter walls as part of the architecture.

4. Landscape the open areas created by building modulation.

5. Incorporate upper story planter boxes or roof plants.

6. Retain natural greenbelt vegetation that contributes to greenbelt preservation.

7. On streets with uniform planting of street trees and/or distinctive species, plant street trees that match the street tree spacing and/or species.

8. Use plants that require low amounts of water, including native drought-resistant spe-

cies, and require low amounts of chemicals and fertilizers.  
(Ord. 311 (2003) [Attachment 7 (part)], 2003)

## **Chapter 17.352**

### **MIXED USE ZONE (MU)**

#### **Sections:**

- 17.352.010 Purpose.
- 17.352.020 Uses.
- 17.352.030 Standards and requirements.
- 17.352.040 Off-street parking.
- 17.352.050 Signs.
- 17.352.060 Landscaping.
- 17.352.070 Residential recreational open space.

#### **17.352.010 Purpose.**

This proposed mixed use zone is intended to encourage flexible land uses, recognizing that the exact configuration of uses must be responsive to community needs and market conditions. Accordingly, commercial and residential uses may be mixed either vertically or horizontally in the MU zone. Such a mix of uses is encouraged within individual projects and/or between adjacent projects. The MU zone is intended to foster a development pattern focused on the public street that will provide for an integrated, compatible mix of single and multi-family housing and commercial businesses and services. Mixed use development as defined by Section 17.110.485 is encouraged within this zone but not required.  
(Ord. 415 (2008) § 115, 2008: Ord. 367 (2006) § 66 (part), 2006)

#### **17.352.020 Uses.**

A. Uses shall be allowed in accordance with Chapter 17.381 and Table 17.381.040(B), Commercial and Mixed Use Zones use table.

B. Uses allowed in the Highway Tourist Commercial (HTC) zone but prohibited in the Mixed Use (MU) zone may be allowed on MU zoned properties, provided:

1. The site is located along State Highway 303 or Bethel Road; and

2. The use is reviewed in accordance with the administrative conditional use permit process, except for the following uses, which shall require hearing examiner conditional use permit review:

- a. Congregate care facilities;
  - b. Fuel distributors;
  - c. Outdoor movie theaters;
  - d. Recreational vehicle camping parks; and
  - e. Vehicle storage and towing.
- (Ord. 415 (2008) § 116, 2008: Ord. 367 (2006) § 66 (part), 2006)

#### **17.352.030 Standards and requirements.**

Standards and requirements shall be in accordance with Chapter 17.382 and Table 17.382.070, Urban Commercial and Mixed Use Density and Dimensions Table.  
(Ord. 367 (2006) § 66 (part), 2006)

#### **17.352.040 Off-street parking.**

Off-street parking shall be provided according to the provisions of Chapter 17.435.  
(Ord. 367 (2006) § 66 (part), 2006)

#### **17.352.050 Signs.**

Signs shall be permitted according to the provisions of Chapter 17.445.  
(Ord. 367 (2006) § 66 (part), 2006)

#### **17.352.060 Landscaping.**

Landscaping shall be provided according to the provisions of Chapter 17.385.  
(Ord. 367 (2006) § 66 (part), 2006)

#### **17.352.070 Residential recreational open space.**

A. For recreational open space provisions, see Section 17.425.040(C).

B. For multi-family development, see Chapter 17.351, Multi-Family Development – Design Criteria.  
(Ord. 415 (2008) § 117, 2008: Ord. 367 (2006) § 66 (part), 2006)

## Chapter 17.353

### URBAN CENTER ZONES

#### Sections:

- 17.353.010 Purposes.
- 17.353.020 Uses.
- 17.353.030 Densities.
- 17.353.040 Lot requirements.
- 17.353.050 Commercial and residential floor area limitations.
- 17.353.060 Height regulations.
- 17.353.070 Signs.
- 17.353.080 Off-street parking.
- 17.353.090 Master planning requirements for the South Kitsap UGA/ULID #6 Sub-Area.
- 17.353.100 Other provisions.

#### 17.353.010 Purposes.

A. Purposes – Generally. The general purposes of the urban center zones are as follows:

1. To foster a development pattern offering direct, convenient pedestrian, bicycle, and vehicular access between residences and businesses, in order to facilitate pedestrian and bicycle travel and reduce the number and length of automobile trips.

2. To provide for a compatible mix of single-family, multi-family housing and neighborhood commercial businesses and services, with an emphasis on promoting multi-story structures with commercial uses generally located on the lower floors and residential housing generally located on upper floors.

3. To promote a compact growth pattern to efficiently use developable land within UGAs, to enable the cost-effective extension of utilities, services and streets, to enable frequent and efficient transit service, and to help sustain neighborhood businesses.

4. To foster the development of mixed-use areas that are arranged, scaled and designed to be compatible with surrounding land.

B. Specific Purposes for the Urban Village Center (UVC) Zone. This zone provides for a compatible mix of small-scale commercial uses

and mixed-density housing, typically in multi-story buildings. Development within the zone should promote neighborhood identity, by providing a range of commercial retail and service opportunities in close proximity to housing. The UVC zone is intended to encourage flexible land uses, recognizing that the exact configuration of uses must be responsive to community needs and market conditions. Accordingly, commercial and residential uses may be mixed either vertically or horizontally in the UVC zone, though the more common configuration locates commercial uses on the lower floors of multi-story structures, with residential units located above. Residential densities within this zone may not exceed 18 units per net acre. Development within the UVC zone must occur in a manner that results in the design and construction of an interconnected system of pedestrian and bicycle trails and facilities linking the development in the UVC zone to surrounding residential neighborhoods, open spaces, recreational areas, and transportation corridors.

C. Specific Purposes for the Urban Town Center (UTC) Zone. [Reserved.]  
(Ord. 311 (2003) [Attachment 7 (part)], 2003)

#### 17.353.020 Uses.

Uses shall be allowed in accordance with Chapter 17.381 and Table 17.381.040(B), Commercial and Mixed Use Zones.  
(Ord. 415 (2008) § 118, 2008: Ord. 367 (2006) § 68, 2006: Ord. 311 (2003) [Attachment 7 (part)], 2003)

#### 17.353.030 Densities.

Density shall be in accordance with Chapter 17.382 and Table 17.382.070, Commercial and Mixed Use Density and Dimensions Table.  
(Ord. 415 (2008) § 119, 2008: Ord. 367 (2006) § 69, 2006: Ord. 311 (2003) [Attachment 7 (part)], 2003)

#### 17.353.040 Lot requirements.

Lot requirements shall be in accordance with Chapter 17.382 and Table 17.382.070, Com-

mercial and Mixed Use Density and Dimensions Table.

(Ord. 415 (2008) § 120, 2008; Ord. 367 (2006) § 70, 2006; Ord. 311 (2003) [Attachment 7 (part)], 2003)

**17.353.050 Commercial and residential floor area limitations.**

Floor area limitations shall be in accordance with Chapter 17.382 and Table 17.382.070, Commercial and Mixed Use Density and Dimensions Table.

(Ord. 415 (2008) § 121, 2008; Ord. 367 (2006) § 71, 2006; Ord. 311 (2003) [Attachment 7 (part)], 2003)

**17.353.060 Height regulations.**

Height requirements shall be in accordance with Chapter 17.382 and Table 17.382.070, Commercial and Mixed Use Density and Dimensions Table.

(Ord. 415 (2008) § 122, 2008; Ord. 367 (2006) § 72, 2006; Ord. 311 (2003) [Attachment 7 (part)], 2003)

**17.353.070 Signs.**

Signs shall be permitted according to the provisions of Chapter 17.445.

(Ord. 311 (2003) [Attachment 7 (part)], 2003)

**17.353.080 Off-street parking.**

Off-street parking shall be provided according to the provisions of Chapter 17.435.

(Ord. 311 (2003) [Attachment 7 (part)], 2003)

**17.353.090 Master planning requirements for the South Kitsap UGA/ULID #6 Sub-Area.**

Master Planning Requirements. Prior to any new development within an area zoned Urban Center which is also designated for master planning in an approved sub-area plan, a master plan shall be prepared for the entirety of the zone which is contiguous with the area proposed for new development, provided that the director may either increase or decrease the area within the sub-area that will be included in the master plan in order to maximize the effi-

ciency of the process and assure coordination with areas that may be affected by the proposed new development. If the subject zone exists elsewhere within the sub-area, and is not contiguous to the area proposed for new development, it is not required that those non-contiguous same-zoned lands be included in the subject master plan.

(Ord. 311 (2003) [Attachment 7 (part)], 2003)

**17.353.100 Other provisions.**

For other provisions, see Chapters 17.351, 17.382, 17.430 and 17.455.

(Ord. 415 (2008) § 123, 2008)

**Chapter 17.354**

**URBAN CENTER ZONES – DESIGN CRITERIA**

**Sections:**

**ARTICLE 1 – SITE DESIGN AND ORIENTATION: APPLICABLE TO ALL DEVELOPMENT IN THE UVC AND UTC ZONES**

- 17.354.010 How to use the design criteria.
- 17.354.020 Site design – Streets, trails and open space.
- 17.354.030 Site design and orientation – Location and use of centers and common open spaces.
- 17.354.040 Site design and orientation – Gateways and focal points.
- 17.354.050 Site design and orientation – Pedestrian/sidewalk orientation.
- 17.354.060 Site design and orientation – Fences and walls adjacent to pedestrian scale streets.

**ARTICLE 2 – COMMERCIAL AND MIXED-USE BUILDING DESIGN, LANDSCAPING, AND SIGNS**

- 17.354.070 Building design – Commercial and mixed use.
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**ARTICLE 4 – OTHER RESIDENTIAL DEVELOPMENT IN THE UVC AND UTC ZONES: DUPLEX AND MANUFACTURED HOUSING, COTTAGE HOUSING AND SINGLE FAMILY HOUSING**

- 17.354.250 Duplexes and manufactured housing – Applicability.
- 17.354.260 Duplex – Building design – Roof form and architectural detail.
- 17.354.270 Duplexes – Building design – Entries.
- 17.354.280 Duplexes – Building design – Garage design.
- 17.354.290 Duplexes – Building design – Materials and colors.

**ARTICLE 5 – ACCESSORY DWELLING UNITS (ADU) IN THE UVC AND UTC ZONES**

- 17.354.300 Accessory dwelling units – Site and building design – Privacy.
- 17.354.310 Accessory dwelling units – Building design – Entry features.
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**ARTICLE 6 – COTTAGE HOUSING IN THE UVC AND UTC ZONES**

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**ARTICLE 7 – DEFINITIONS**

- 17.354.340 [Reserved]



**ARTICLE 1 – SITE DESIGN AND  
ORIENTATION: APPLICABLE TO ALL  
DEVELOPMENT IN THE UVC AND UTC  
ZONES**

**17.354.010 How to use the design criteria.**

The “requirement sections” in the following design criteria for Kitsap County apply to each project requiring conditional use review under Chapters 17.420 or 17.421 of this title. These design criteria are intended to supplement the development standards of the Urban Village Commercial (UVC) and Urban Town Center (UTC) zones. Where the provisions of this Chapter 17.354 conflict with the provisions of the UVC and UTC zones in Chapter 17.353, the provisions of the zoning district shall apply. The “guidelines” that follow each requirement statement are suggested ways to achieve the design intent. Each guideline is meant to indicate the preferred conditions, but other equal or better design solutions will be considered acceptable by the director or hearing examiner, so long as these solutions meet the intent of these sections. Where a requirement and/or guideline is followed by the abbreviations UVC or UTC – these requirements and/or guidelines are applicable to that particular zone found in Chapter 17.353.

(Ord. 415 (2008) § 124 (part), 2008; Ord. 367 (2006) § 73, 2006; Ord. 311 (2003) [Attachment 7 (part)], 2003)

**17.354.020 Site design – Streets, trails and open space.**

A. Requirement. Arrange the streets and trails on the site so that the central internal open space and other community facilities can be accessed from all areas of the development without using an arterial street. The street layout shall be a modified grid street pattern adapted to the topography, unique natural features, and environmental constraints of the site. The street layout shall provide direct convenient access to the Village or Town Center, community focus areas, and internal open space areas, and shall showcase gateways and

vistas. When making connections with adjacent neighborhoods, use traffic calming techniques where necessary. Public access shall be provided to water bodies as required by the Shoreline Management Act.

B. Guideline.

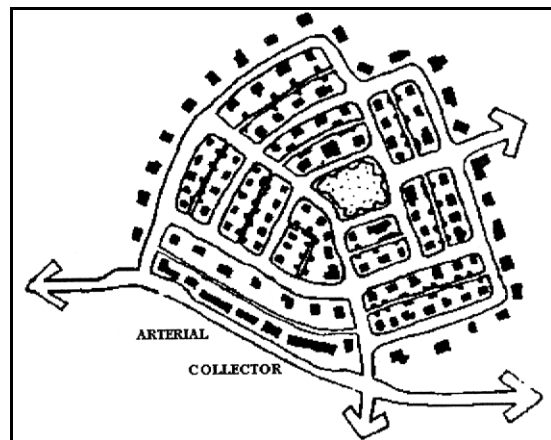
1. Street layout should have a minimum of two interconnections with the existing public street system rated as an arterial or collector (UVC, UTC).

2. The modified grid street pattern should define blocks that are two hundred fifty to three hundred fifty feet long (UVC, UTC).

3. When a block face is longer than three hundred fifty feet, an alley should be provided with through access to another street or alley (UVC, UTC).

4. Street layout that includes access from alleys to development is preferred (UVC, UTC).

5. Blocks should be designed to have a maximum length of six hundred feet from street to street and should either continue through the intersection or terminate in a “T” intersection directly opposite the center of a building, an internal open space area, or a view into a peripheral open space area (UVC, UTC).



*Diagram of a modified grid street pattern built around a Village or Town Center. Note the connections to the surrounding street system. Each Village or Town Center must have at least two peripheral attachments.*

6. A majority of the streets should be curved or terminated so that no street vista is longer than one thousand two hundred feet (UVC, UTC).

7. Provide a connected system of recreation areas, trails, and natural open spaces that are linked to the Village or Town Center and to natural features by streets or foot paths (UVC, UTC).

8. Provide street linkages, including pedestrian and bike facilities to adjacent developments and neighborhoods where possible (UVC, UTC).

9. Encourage pedestrian accessibility from adjacent residential neighborhoods by the use of through-block connections or other accessibility methods (UVC, UTC).

10. Where there are wildlife habitat areas on a Village or Town Center site, connect them to adjacent habitat areas to facilitate wildlife movement (UVC, UTC).

(Ord. 415 (2008) § 124 (part), 2008; Ord. 311 (2003) [Attachment 7 (part)], 2003)

**17.354.030 Site design and orientation – Location and use of centers and common open spaces.**

A. Requirement. Common open space shall be used for social, recreational, and/or natural environment preservation purposes. It shall include at least one internal open space (such as a Village Center Park) that will serve as a center around which commercial, mixed use, and some higher density housing may be located (UVC, UTC).

**B. Guideline.**

1. An internal open space should be designed as a center park, town square, or urban park, should be an active gathering place in both day and evening, and should include places for strolling, sitting, social interaction, and recreation (UTC, UVC).

2. All commercial development in villages and centers should be within approximately six hundred feet of an existing or planned transit stop (UTC, UVC).

3. Surround the center park with a concentration of high-density development that may include commercial, residential, public and semi-public uses, community clubs, and community facilities (UTC, UVC).

4. The center park should be landscaped using elements such as formal gardens, walkways, monuments, statues, gazebos, fountains, park benches, children's play equipment, small playfields and pedestrian-scale lamp posts (UVC, UTC).

5. Internal open spaces should be landscaped with trees and shrubs that do not visually obstruct scenic vistas (UVC, UTC).

6. A center green or plaza should have a distinct geometric shape. Streets with curbside parking may surround it, or it may abut major commercial, residential, civic, or other buildings, achieving a sense of scale and enclosure from them. While a center plaza should include trees, shrubs, and other landscape materials, it may emphasize decorative paving and other materials and surfaces appropriate to high pedestrian traffic areas (UVC, UTC).

(Ord. 415 (2008) § 124 (part), 2008; Ord. 311 (2003) [Attachment 7 (part)], 2003)

**17.354.040 Site design and orientation – Gateways and focal points.**

A. Requirement. Distinct or prominent buildings shall be located at gateways within a Village or Town Center at focal points, such as corner sites or landmarks, or at points of visual termination (UVC, UTC).

**B. Guideline.**

1. Prominent, monumental buildings or structures should mark gateways, focal points, or points of visual termination. This can be accomplished by using:

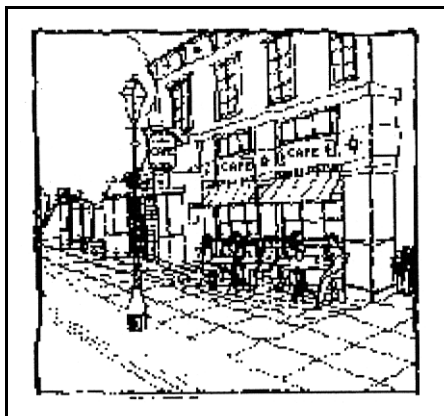
a. Distinct massing (such as the use of recessed entries, contrasting materials and architectural features that identify a bottom, middle and top of a building);

b. Additional height or the appearance of enhanced height (such as with the use of roof pitches and shapes, or cornice detail); and/or

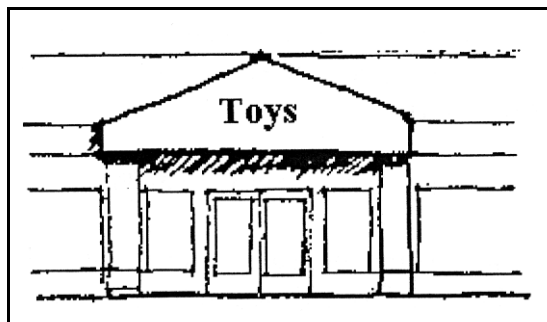
c. Distinct architectural embellishments or ornamentation that break up and create variety on flat facades.



*Focal points should terminate views down streets.*



*Gateway buildings should mark transition areas.*



*Provide a clear sense of entry upon arrival to the building.*

(Ord. 415 (2008) § 124 (part), 2008; Ord. 311 (2003) [Attachment 7 (part)], 2003)

**17.354.050 Site design and orientation – Pedestrian/sidewalk orientation.**

A. Requirement. Create an interesting street that is visually attractive, and easy to use for pedestrians who will live, work or shop in the area.

B. Guideline.

1. Orientation.

a. Store fronts should face the core area, center park, and/or sidewalk of the streets on the site (UVC, UTC).

b. Buildings fronting on a center park, green or plaza should be at least two stories high (UVC, UTC).

c. Corner lots at major street entry points or Village or Town Center areas should be occupied by buildings or structures designed to emphasize their prominent location (UVC, UTC).

d. Locate service and delivery away from the main streets where possible, using alleys or side streets where possible (UVC, UTC).

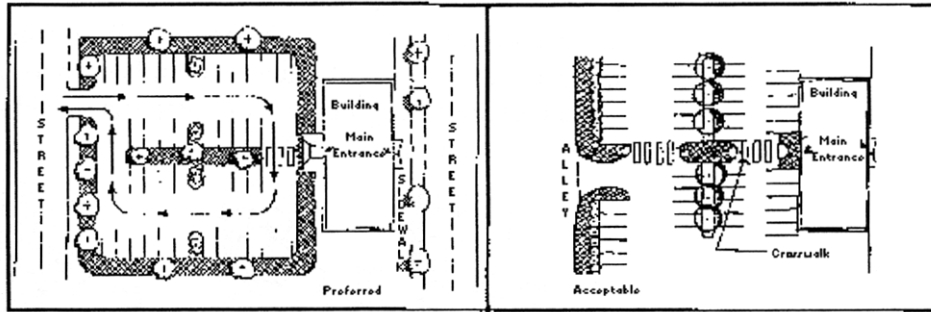
e. Site design should accommodate transit on transit routes:

i. Bordering the site, and

ii. Within a core area that may have transit service (UVC, UTC).

2. Enhanced Pedestrian Access.

a. Direct pedestrian access should be provided from sidewalks and parking lots to building entrances, bus stops, and adjacent buildings. Where practical and consistent with the other provisions of the zone, parking isles should be aligned perpendicular to the building, and pedestrian access should be separate from vehicular travel lanes (UVC, UTC).



*Parking isles perpendicular to a building entrance are preferred to allow easy and safe connection to building entrances. A convenient pedestrian walkway should be provided between a sidewalk and the building entrance where a sidewalk is separated by a parking lot.*

b. Where a parking lot separates a building entrance from a sidewalk in the rights-of-way, a pedestrian walkway at least six feet in width should be provided connecting the street, the sidewalk and the building entrance. Such crossings should be clearly marked (UVC, UTC).

c. Define walkways with vertical plants (such as trees or shrubs) and lighting (UVC, UTC).

d. Street lights, utility poles, benches, trees, trash receptacles and similar streetscape fixtures should, to the greatest extent practical, be situated so that sidewalks in the rights-of-way have a passable width of at least five feet (UVC, UTC).

e. A walkway or shared bike/pedestrian network should be provided throughout the site that interconnects all dwelling units with other units, nonresidential uses, and common open space. Bike and pedestrian ways should be part of the street and alley network, but additional connections may be provided (UVC, UTC).

3. Enhanced Pedestrian Amenity. Walkway materials and patterns and pedestrian amenities such as benches, shelters, trash receptacles, street trees, pedestrian lighting, and drinking fountains should be coordinated to provide some uniformity of design throughout the site. Such improvements should comply with any applicable, adopted streetscape plan

and should be incorporated into the Village or Town Center (UVC, UTC).

4. Possible amenities include:

a. Walls and planters that can be used for seating (UVC, UTC);

b. Seating in a variety of locations such as places that are sunny, sheltered from the rain and wind, or shaded in the summer (UVC, UTC);

c. Fountains or sculpture incorporated into small under-utilized areas (UVC, UTC);

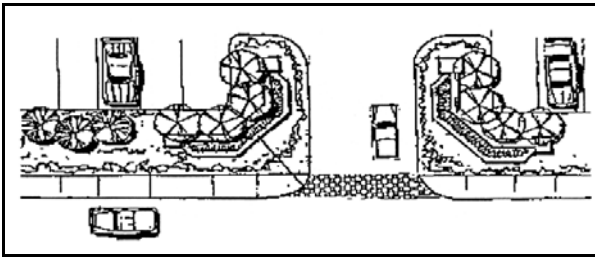
d. Seating that allows users to observe the activities of the street or enjoy a scenic view (UVC, UTC);

e. Plazas and courtyards with fountains, sculpture, mobiles, flower boxes, kiosks, banners, etc. (UVC, UTC);

f. Street vendor stations where allowed (UVC, UTC); and bike racks (UVC, UTC).

5. Add Character and Visual Diversity to Walkways.

a. Use a change in color and materials such as pavers, brick, stone, and exposed aggregate set in patterns to add interest and variety to walking surface (UVC, UTC).



*Pavers can be used to clearly identify pedestrian areas.*

b. Identify street crossings through changes in color, materials, or patterns (UVC, UTC).

c. Separate the pedestrian from the street by placing planters, street trees and planter strips, bollards, or similar elements at the street edge of the sidewalk (UVC, UTC).

d. Encourage the use of alleys by pedestrians by providing alleys with lighting, plantings, and paving materials in areas of the site where the alley is or may be used as a pedestrian link (UVC, UTC).

#### 6. On-Site Parking.

a. Parking shall be located on the side or behind the buildings, because the goal is to have buildings as the dominant feature on corner lots (UVC, UTC).

b. Off-street parking should have access from alleys or from streets at locations that do not conflict with pedestrian circulation in the center park or main street (UVC, UTC).

c. Minimize the apparent width of parking lots that are located adjacent to the street through landscaping and screening (UVC, UTC).

d. Limit parking lots to thirty percent of the street frontage of the property. Exceptions may be considered for grocery store parking lots. An exempted grocery store parking lot should not face a center park or plaza (UVC, UTC).

e. Maintain the building line by screening parking lots that abut the street. Hedges, fences, raised planters, and low walls combined with

plantings are possible solutions, as long as they do not obscure vehicular sight lines necessary for safety. Also consider extending the facade of a building with parking located behind it (UVC, UTC).

f. Where parking structures or covered parking faces the street, at least sixty percent of the parking structure facing the street between two and eight feet above the sidewalk should incorporate at least one of the following treatments where pedestrian-oriented businesses are located along the facade of the structure (UVC, UTC):

i. Transparent windows (with clear or lightly tinted glass);

ii. Display windows;

iii. Decorative metal grille work or similar detailing that provides texture and covers parking structure openings (not including entrances and exits);

iv. Art or architectural treatment such as sculpture, mosaic, glass block, opaque art glass, relief art work, or similar features; or

g. Vehicle entries to garages should be recessed at least six feet from the primary facade plane in order to minimize their prominence.

7. Lighting. To accent structures, conserve energy and provide visibility and security with lighting, consider the following (UVC, UTC):

a. Use lighting to accent key architectural elements or to emphasize landscape features (UVC, UTC);

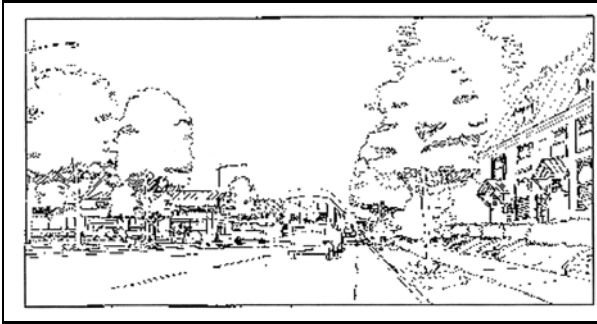
b. Provide well-lighted pedestrian sidewalks and alleys in accordance with adopted County standards (UVC, UTC);

c. Locate lighting so as not to have a negative impact on adjacent properties such as shining off site into adjacent buildings (UVC, UTC); and

d. Decorative street lights should be placed at regular intervals throughout the development (UVC, UTC).

8. Physical Context. Conform floor elevations to sidewalk grades where possible, except

for residential units where first floors may be elevated two to four feet above grade to provide privacy (UVC, UTC).



*Entries to residential units with small setbacks are raised two to four feet above the sidewalk grade to provide privacy for residents.*

9. Consolidation.

a. Consider using common wall side-by-side development with continuity of facades (as allowed by Section 17.353.050, Lot requirements) (UVC, UTC).

b. Consolidate required parking for several businesses within one parking lot, wherever possible (UVC, UTC).

10. Buildings internal to a Village or Town Center shall generally face and be located on pedestrian streets. This will allow entries, display windows, and building facades to create a continuous row of storefronts and residences.

11. Parking shall be clustered and/or located on the side or behind buildings and be designed in a way that gives pedestrians access to building entrances that are as direct as possible (UVC, UTC). Exceptions to building and parking orientation may be made for grocery stores. The orientation and facade of a building adjacent to an arterial or major collector shall be designed to enhance the adjacent neighborhood.

12. Buildings and parking lots located adjacent to an arterial or major collector on the edge of a village or center shall be designed and oriented to:

a. Maximize the presence and prominence of the building on village corners and at gateways; and

b. Minimize the presence and prominence of parking lots.

Where a building entry faces a parking lot, pedestrian linkages to the internal street network must be as pleasant, visible, well lit, and direct as possible (UVC, UTC).

(Ord. 415 (2008) § 124 (part), 2008; Ord. 311 (2003) [Attachment 7 (part)], 2003)

**17.354.060 Site design and orientation –  
Fences and walls adjacent to  
pedestrian scale streets.**

A. Requirement. Design the site to minimize the need for fences and walls that inhibit or discourage pedestrian use of sidewalks or paths, isolate neighborhoods, or separate neighborhoods from main roads. Allow exceptions where necessary to reduce noise, provide buffers or create private yards (UVC, UTC).

B. Guideline.

1. Consider shrubs and natural landscaping, wherever possible, as an alternative to fences and walls.

2. Where fences or walls are necessary to reduce noise, provide buffers, or create private yards, consider the following guidelines to maintain a pedestrian scale along the street (UVC, UTC):

a. Provide art (mosaic, mural decorative masonry pattern, sculpture, relief, etc.) over a substantial portion of the blank wall surface (UVC, UTC);

b. Employ small setbacks, indentations, stepped fence heights, or other means of breaking up the wall or fence surface and height (UVC, UTC);

c. Employ different texture, colors, or materials (including landscape materials) to break up the wall's surface (UVC, UTC);

d. Provide special lighting, a canopy, awning, horizontal trellis or other pedestrian-oriented feature that breaks up the size of the blank wall's surface and adds visual interest (UVC, UTC); and

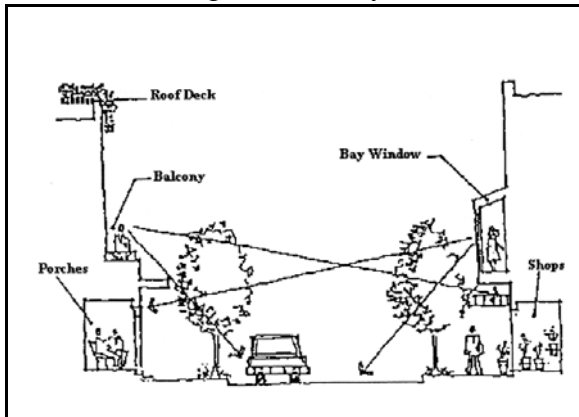
e. If fencing is required, repeat the use of facade building materials on fence columns and/or stringers (UVC, UTC).

(Ord. 415 (2008) § 124 (part), 2008; Ord. 311 (2003) [Attachment 7 (part)], 2003)

## ARTICLE 2 – COMMERCIAL AND MIXED-USE BUILDING DESIGN, LANDSCAPING, AND SIGNS

### 17.354.070 Building design – Commercial and mixed-use.

A. Requirement. Maintain interest in buildings at the street level by orienting active uses (such as retail storefront window displays or restaurants) to the street and center park where possible (UVC, UTC). Commercial and mixed-use buildings shall appear to create a ‘pedestrian shopping street’ with a clearly defined street edge and clearly defined entries.



*An active street that is human scale and attractive to pedestrians.*

The rear of these buildings shall be designed so that they are also accessible from rear lot parking where necessary, and are not obtrusive to adjacent neighbors (UVC, UTC). Buildings shall avoid long, monotonous uninterrupted walls or roof planes. Buildings shall use articulation and/or modulation on all walls that are visible to pedestrians (UVC, UTC). Buildings occupying corners shall be designed as more dramatic structures to emphasize their prominent locations (UVC, UTC).

### B. Guideline.

1. Building materials and colors may include any of the following:

a. Masonry, wood, stucco, concrete, stone, and tile, each broken into small modules (UVC, UTC);

b. Accent or trim colors are encouraged (UVC, UTC).

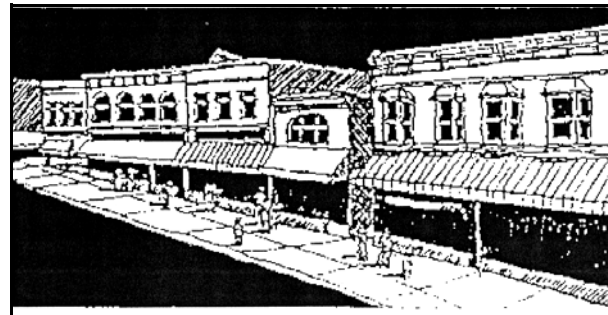
2. Building elements should employ the following:

a. Vertical and horizontal relief in the facade that identifies a bottom, middle and top of the building (UVC, UTC);

b. A clearly defined pedestrian entry facing the street (UVC, UTC);

c. Window systems grouped together to form larger areas of glass separated by moldings or jambs (UVC, UTC); and

d. Awnings, canopies, marquees, building overhangs, or similar form of pedestrian weather protection at least four and one-half feet wide along at least eighty percent of the frontage of buildings that abut a pedestrian street (UVC, UTC).



*Align the bottom edge of awnings, canopies or marquees on a group of buildings so that the unity of the store front line is maintained with adjacent buildings.*

3. Building Proportions – Size, Height and Bulk.

a. Use design techniques that minimize the apparent size of the building such as:

i. Building stepbacks on upper levels (UVC, UTC);

ii. Curved or articulated surfaces (UVC, UTC);

- iii. Recessed entries (UVC, UTC);
  - iv. Roof lines, pitches and shapes (UVC, UTC);
  - v. Cornices (UVC, UTC);
  - vi. Building ornamentation (UVC, UTC);
  - vii. Overhangs and soffits (UVC, UTC);
  - viii. Dormers, balconies and porches that clearly define street-facing entries to residential properties (UVC, UTC);
  - ix. Building fenestration and detailing (store front or multi-paned windows for residential units) (UVC, UTC); and
  - x. Awnings and marquees (UVC, UTC).
- b. Buildings on corner lots may be designed with additional height and architectural embellishments such as corner towers to emphasize their location (UVC, UTC).



*Corner buildings should be designed as more dramatic structures to emphasize their prominent location.*

4. Exterior Wall Treatments.
- a. Consider providing accessible views into interior activities of office and commercial buildings from the street. For example, use a high proportion of clear glass at the street level or have displays or services directly available from the street where appropriate (UVC, UTC).
  - b. In mixed-use buildings, the difference between ground floor commercial uses and entrances for upper level commercial or residential uses may be reflected by differences in facade treatment. Differentiation can be achieved through distinct but compatible exterior materials, signs, awnings and exterior lighting (UVC, UTC).

c. One or more of the following wall treatments are required for building faces fronting on a sidewalk that exceed thirty feet in length, and should cover or comprise at least sixty percent of the building face between two and eight feet in elevation above the sidewalk.

- i. Clear or lightly tinted windows that are transparent when viewed from the sidewalk; (UVC, UTC);
- ii. Ornamental and structural architectural details: mosaic, decorative masonry or tile, surface texture, relief art work, sculpture or murals (UVC, UTC);
- iii. Climbing plants, vines, trees or other vegetation (UVC, UTC); or
- iv. A pedestrian area located along the southern, eastern, or western exposure of a building face at a transit stop, intersection corner, or other location identified in an adopted streetscape plan may substitute for the wall treatments listed above (UVC, UTC).

(Ord. 415 (2008) § 124 (part), 2008; Ord. 367 (2006) § 74, 2006; Ord. 311 (2003) [Attachment 7 (part)], 2003)

#### **17.354.080 Building design – Creation of human scale.**

A. Requirement. Use design elements that result in buildings that maintain a human scale street. These design elements are also useful and should be considered when commercial buildings abut residential development (UVC, UTC).

##### **B. Guideline.**

- 1. Use rooflines to maintain a consistent and apparent scale, and reinforce or create architectural character on a street (UVC, UTC).
- 2. Use architectural features such as cornices or other details that lower the apparent height (UVC, UTC).
- 3. Use modulation (stepping back and stepping forward) and articulation on building facades to reduce the bulk of buildings (UVC, UTC). Articulation methods include:
  - a. Broken rooflines; and



b. Building elements such as balconies, chimneys, porches or other entry details, and landscaping.

4. Place display windows and retail shops at the street level around the exterior of larger buildings (UVC, UTC).

(Ord. 415 (2008) § 124 (part), 2008; Ord. 311 (2003) [Attachment 7 (part)], 2003)

**17.354.090 Building design – Building wall finishes for stand alone and corner site buildings.**

A. Requirement. Ensure buildings have consistent visual identity from all sides visible to the general public (UVC, UTC).

B. Guideline. Continue exterior materials, architectural detailing, and color scheme around all sides of the building visible to the general public (UVC, UTC).

(Ord. 415 (2008) § 124 (part), 2008; Ord. 311 (2003) [Attachment 7 (part)], 2003)

**17.354.095 Building design – Commercial use with ancillary drive-through component.**

A. Requirement. Locate the main entry to a bank, dry cleaner, coffeehouse, or other commercial use with ancillary drive-through component on a pedestrian-oriented street. Orient drive-through facilities in a way that ensures minimal disruption on the street edge. Such commercial uses with an ancillary drive-through component are prohibited from locating directly on the street that surrounds the center park or square (UVC, UTC).

B. Guideline.

1. Design the drive-through window so that it is clearly subordinate to the main building (UVC, UTC);

2. Where the drive-through is a separate structure, use architectural details that conform to those used on the main building (UVC, UTC);

3. Minimize curb cuts and the disruption of a sidewalk by:

a. Making the width of the lane approaching the window as narrow as possible; and

b. Using landscaping and planters to provide a street edge adjacent to the sidewalk (UVC, UTC).

(Ord. 415 (2008) § 124 (part), 2008; Ord. 311 (2003) [Attachment 7 (part)], 2003)

**17.354.100 Landscape design for urban village and town centers.**

A. Requirement. Treat plantings and other landscape elements as enhancements to the built environment. Street trees shall be planted along at least one side of all streets (UVC, UTC).

B. Guideline.

1. Employ any of the following planting techniques for landscape design:

a. Small planting areas with flowering shrubs (UVC, UTC);

b. Trimmed hedges, window boxes, hanging flower baskets (UVC, UTC);

c. Use of shrubs or vines trained to grow upright on wires or trellises (espaliers) next to blank walls with narrow planting areas (UVC, UTC);

d. Isolated trees installed in pavement cut-outs (UVC, UTC);

e. Street trees should be massed at critical points such as at focal points along a curve in a roadway (UVC, UTC);

f. Low maintenance, low chemical dependent drought-tolerant plant materials should be used (UVC, UTC);

g. Repeat similar tree and shrub types to coordinate old and new phases of development and provide visual continuity (UVC, UTC);

h. Limit varieties of plant types, use shrubs in multiples of similar types, and avoid a haphazard mixture of textures, colors and plant types (UVC, UTC);

i. Include a well-landscaped surface stormwater treatment area in the landscape design where surface stormwater treatment is provided (UVC, UTC);

j. Retain natural greenbelt vegetation that contributes to greenbelt preservation (UVC, UTC);

k. The owners will provide regular maintenance to ensure that plants are kept healthy and dead or dying plant materials are replaced (UVC, UTC);

l. Landscape open areas created by building modulation (UVC, UTC);

m. Incorporate upper story planter boxes or roof plants into facades that can be seen by pedestrians (UVC, UTC); and

n. Emphasize entries with special planting in conjunction with decorative paving and/or lighting (UVC, UTC).

(Ord. 415 (2008) § 124 (part), 2008; Ord. 311 (2003) [Attachment 7 (part)], 2003)

**17.354.110 Landscape design – Screening.**

A. Requirement. Use landscaping to help define, break up and screen parking areas. Landscaping shall provide a separation between incompatible land uses or activities (such as a parking lot next to the bedrooms of a residential structure). Landscaping shall also provide a physical or visual barrier for service areas, mechanical equipment, loading docks or similar areas (UVC, UTC).

B. Guideline.

1. Canopy trees (able to spread and shade) should be added to parking areas – there should be no more than six parking spaces in a row without a landscape peninsula within the parking area having a two inch caliper tree, shrubs, and ground covers (UVC, UTC).

2. Wheel stops, curbs, or walkways should be used to protect landscaping from being run over by vehicles in the parking lot (UVC, UTC).

3. Consider screening with the use of hedges, densely planted shrubs, evergreen trees, or combinations of these (UVC, UTC).

4. Screen parking from the street with low walls or fencing that maintain building facades, but also maintain vehicular sight lines at the corners and security for customers (UVC, UTC).

5. If fencing is required, repeat the use of facade building materials on fence columns and/or stringers (UVC, UTC).

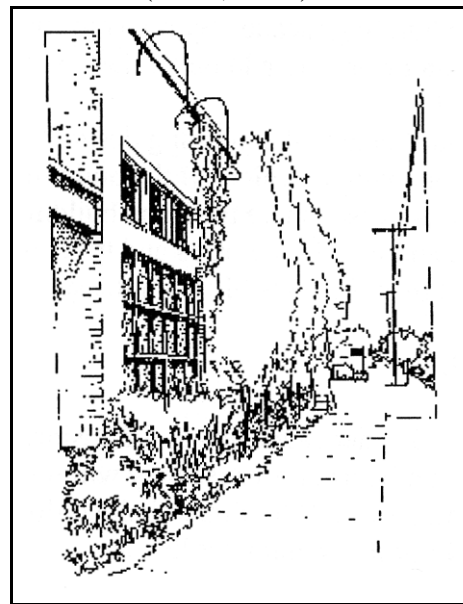
6. Berms, walls and fences are encouraged in combination with trees, shrubs and vines to screen parking lots (UVC, UTC).

7. Raised planter boxes of concrete, stone, wood, brick or other compatible materials can provide useful separation and screening (UVC, UTC).

8. Locate appropriate landscape materials near building walls or service areas where screening is needed. Large planters may be used as alternative solutions (UVC, UTC).

9. Planters may be placed at the end of bays, on the interior or between rows of parking stalls, providing linear strips for plantings. Use of compact parking spaces as allowed provides some flexibility in design (UVC, UTC).

10. Unrelieved blank walls with narrow planting areas can be softened with espaliered shrubs or vines (UVC, UTC).



*Vines, hardy shrubs and columnar trees used to landscape a narrow planting bed.*

(Ord. 415 (2008) § 124 (part), 2008; Ord. 311 (2003) [Attachment 7 (part)], 2003)

**17.354.120 Landscape design – Existing trees.**

A. Requirement. Healthy existing trees, that are unique due to size, species, historical association or other factors, shall be incorporated into the landscaping whenever possible and if appropriate to the site at their mature size (UVC, UTC).

B. Guideline.

1. Retain healthy mature trees where possible (UVC, UTC);

2. Design the site to preserve unique specimens (UVC, UTC);

3. Minimize site alteration, soil disturbance, and compaction within the drip line of existing trees (UVC, UTC);

4. Provide a tree well or other form of protection where the surrounding grade must be raised (UVC, UTC);

5. Fence around drip line during construction (UVC, UTC); and

6. Incorporate the tree plan into the landscape plan (UVC, UTC).

(Ord. 415 (2008) § 124 (part), 2008; Ord. 311 (2003) [Attachment 7 (part)], 2003)

**17.354.130 Signs – Attached to the building.**

A. Requirement. Provide adequate signs for businesses while maintaining the building's architectural integrity, by locating signs so that building details shall not be covered or obscured (UVC, UTC). Signs shall conform to the requirements set forth in Chapter 17.445 of this title.

B. Guideline.

1. Use sign panel shapes that accentuate the building's architectural forms (UVC, UTC);

2. Use window signs where wall signs would detract from architectural elements of the building facade. Symbols for the business such as a pair of eyeglasses can be used to add detail that can be viewed from the sidewalk (UVC, UTC);

3. Keep signs subordinate to the building design (UVC, UTC);

4. Coordinate colors with the colors of the building (UVC, UTC);

5. When several businesses share the same building, use directory signs where possible and use similar sizes and types of signs (UVC, UTC); and

6. Addresses must be clearly visible from the street edge (UVC, UTC).

(Ord. 415 (2008) § 124 (part), 2008; Ord. 311 (2003) [Attachment 7 (part)], 2003)

**17.354.140 Signs – Freestanding.**

A. Requirement. Provide adequate signage for businesses when building mounted signs cannot be used because they will obscure the architectural details of the building (UVC, UTC). Signs shall conform to the requirements set forth in Chapter 17.445 of this title.

B. Guideline.

1. A key design feature should be a compact building pattern with buildings located close to and behind the sidewalks and street trees separating the sidewalk from moving vehicles. In an effort to reduce the number of view obstructions in Village and Town Centers, signs should be attached to the building. However, where buildings are set back from the sidewalk and/or property line, freestanding signs would be an appropriate second choice using the following guidelines:

a. Freestanding signs should be limited in size and height. The maximum height should be four feet above grade (UVC, UTC);

b. For visual clarity, the lettering style and colors should be limited to two lettering styles and three colors (UVC, UTC); and

c. Incorporate signs in planters or as screening walls (UVC, UTC).

(Ord. 415 (2008) § 124 (part), 2008; Ord. 311 (2003) [Attachment 7 (part)], 2003)

**ARTICLE 3 – MULTI-FAMILY  
PROJECTS IN THE UVC AND UTC  
ZONES (INCLUDING TOWNHOUSES OF  
FIVE UNITS OR MORE)**

**17.354.150 Multi-family – Site design –  
Orientation.**

A. Requirement. Design multi-family projects to be oriented towards the core area or center park/plaza in the Village or Town Center (UVC, UTC).

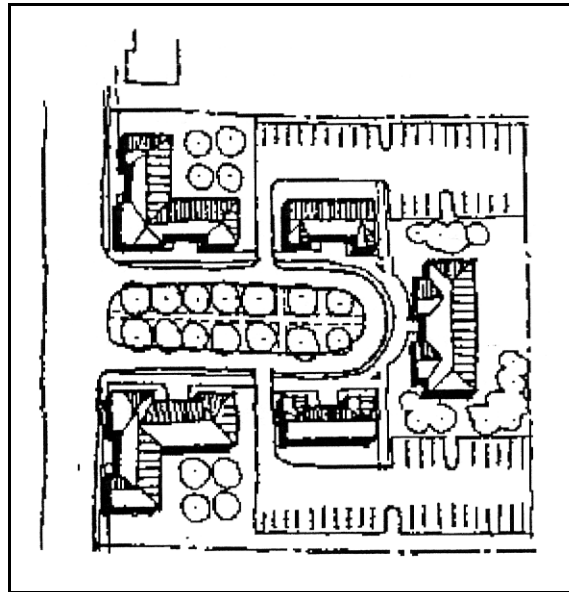
B. Guideline.

1. Use a modified street grid system with buildings fronting on a street (UVC, UTC).

a. Parking areas should be located behind or under buildings and accessed from alley-type driveways. If driveway access from streets is necessary, minimum-width driveways meeting the fire access standards should be used (UVC, UTC);

b. Each building should have direct pedestrian access from the street fronting the building and from the back where the parking is located (UVC, UTC).

2. Another alternative may be to orient the buildings into U-shaped courtyards where the front door/main entry into the building is from a front courtyard. Access to the courtyard from the rear parking area should be through a well-lighted breezeway or stairway. This alternative will work where projects abut an arterial or major collector street where the quality of living could be enhanced with buildings facing into the courtyard. The buildings would still be located between the street and the parking lot (UVC, UTC).



(Ord. 415 (2008) § 124 (part), 2008; Ord. 311 (2003) [Attachment 7 (part)], 2003)

**17.354.160 Multi-family – Site design –  
Parking location and design.**

A. Requirement. Minimize the impact of driveways and parking lots on pedestrians and neighboring properties by designing and locating parking lots, carports, and garages in a way that creates few interruptions on the street, sidewalk or building facade (UVC, UTC).

B. Guideline.

1. Locate surface parking at rear or side of lot (UVC, UTC);

2. Break large parking lots into small ones, and share with adjacent property owners where possible (UVC, UTC);

3. Minimize the number and width of driveways and curb cuts (UVC, UTC);

4. Share driveways with adjacent property owners (UVC, UTC);

5. Locate parking in areas that are less visible from the street (UVC, UTC);

6. Locate driveways so they are visually less dominant (UVC, UTC);

7. Berm and landscape parking lots when they are visible from the street (UVC, UTC);

8. Screen parking lots abutting single-family residences with landscaping and/or fencing (UVC, UTC); and

9. Limit parking lots on street frontages to thirty percent of the street frontage (UVC, UTC).

(Ord. 415 (2008) § 124 (part), 2008; Ord. 311 (2003) [Attachment 7 (part)], 2003)

**17.354.170 Multi-family – Site design – Mailboxes, site lighting, and bus stops.**

A. Requirement. Provide adequate lighting and pedestrian access to mailboxes, and bus stops (UVC, UTC).

B. Guideline.

1. Mail Boxes. If common mailboxes are used, they should be located near the project entry or any recreational facilities, as approved by the U.S. Postal Service. The architectural character should be similar in form, materials, and colors to the surrounding buildings. Mailboxes should be well lit and pedestrian-accessible (UVC, UTC).

2. Site Lighting.

a. Site lighting (pedestrian-scale, low-level lighting) should be provided throughout, and located at the walkways (UVC, UTC);

b. Security lighting should be provided in the parking areas, play areas and bus stops (UVC, UTC);

c. Lighting should not shine into the dwelling units on the site (UVC, UTC); and

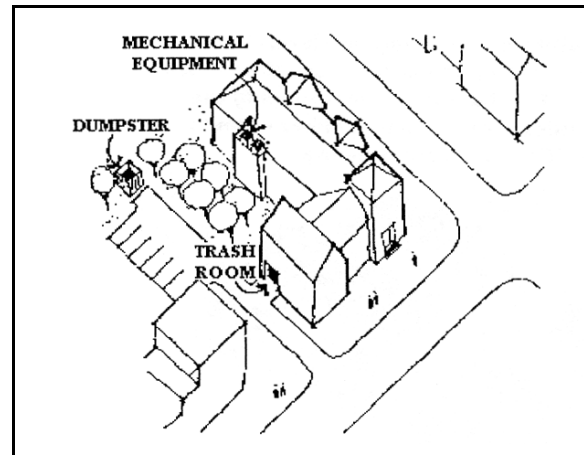
d. Lighting should be directed away from neighboring development (UVC, UTC).

(Ord. 415 (2008) § 124 (part), 2008; Ord. 311 (2003) [Attachment 7 (part)], 2003)

**17.354.180 Multi-family – Site design – Screening.**

A. Requirement. Provide adequate screening for support facility needs associated with multi-family developments (UVC, UTC).

B. Guideline. Support areas should be located adjacent to parking areas and should be fully screened with a minimum six-foot high fence. The screening material should match the main buildings, and the perimeters planted with shrubs and ornamental trees (UVC, UTC).



*Service elements located away from the street edge and not generally visible from the sidewalk.*

(Ord. 415 (2008) § 124 (part), 2008; Ord. 311 (2003) [Attachment 7 (part)], 2003)

**17.354.190 Multi-family – Building design – Neighborhood scale.**

A. Requirement. Architectural scale of those portions of a multi-family building facing a neighborhood with a different scale shall use design techniques that minimize the contrast in scale (UVC, UTC). [See illustration below.]

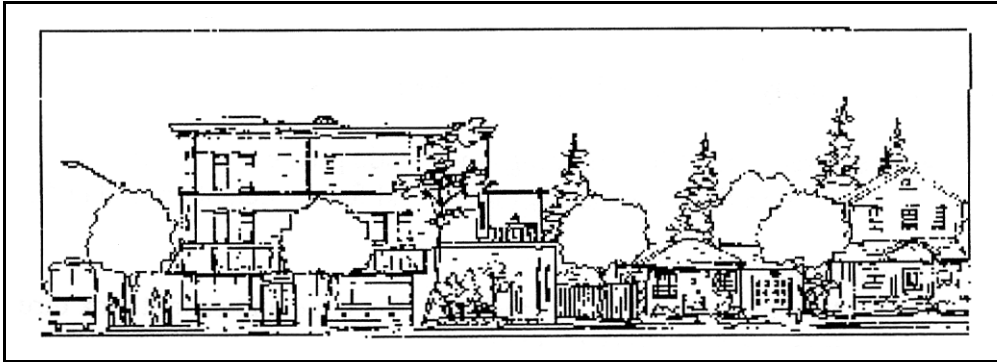
B. Guideline.

1. Use house-size building elements when locating a multi-family project adjacent to a single-family neighborhood by employing any of the following techniques:

a. Place one- and two-story units adjacent to existing one-story houses, and two- and three-story units adjacent to existing two-story houses (UVC, UTC);

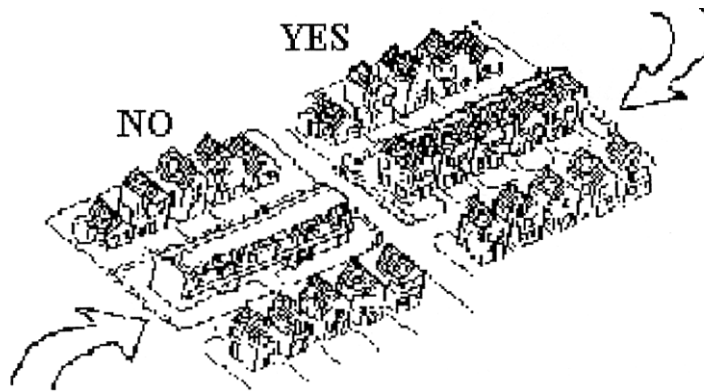
b. Use wall plane articulation/modulation to break a multi-family building into house size building elements, especially where there is a building height transition (UVC, UTC);

c. Design the exterior of multi-family buildings to appear as a single building, such as a large single-family detached dwelling (UVC, UTC).



*This higher density multi-family building “steps back” to conform to the abutting lower density property. This use of modulation helps the multi-family building fit into the neighborhood.*

**Preferred:** *This is a multifamily building which has been built on an identical site, but whose design has taken clues from the neighborhood. This building covers roughly the same lot area and provides for the same number of units while appearing as if it “fits” in its surroundings.*



**To be avoided:** *This multifamily building has been built on a site surrounded by single-family development. The building bears no resemblance to the existing surrounding buildings and looks out of place.*

(Ord. 415 (2008) § 124 (part), 2008; Ord. 311 (2003) [Attachment 7 (part)], 2003)

**17.354.200 Multi-family – Building design – Privacy.**

A. Requirement. Orient buildings to provide privacy, to the extent practical, both within the multi-family project and for the neighborhood (UVC, UTC).

B. Guideline.

1. Locate windows so that residents from one unit cannot look directly into another unit (UVC, UTC);

2. Locate parking lots so that they do not impose on the ground floor units’ privacy. If this is not feasible, locate buildings so that ade-

quate landscaping can be planted to provide privacy (UVC, UTC).

(Ord. 415 (2008) § 124 (part), 2008; Ord. 311 (2003) [Attachment 7 (part)], 2003)

**17.354.210 Multi-family – Building design – facade, footprint, and roof articulation.**

A. Requirement. Avoid the barracks-like quality of flat walls and roofs by separations, changes in plane and height, and the inclusion of elements such as balconies, porches, arcades, dormers, and cross gables (UVC, UTC).

**B. Guideline.**

1. Buildings should be divided and given human scale by using articulation and/or modulation at least every thirty feet. Ways to do this include the following:

a. Facade modulation – stepping back or extending forward a portion of the facade at least six feet (measured perpendicular to the front facade), for each interval (UVC, UTC);

b. Articulating each interval with architectural elements like porches, balconies, bay windows and/or covered entries (UVC, UTC);

c. Articulating the roofline by stepping the roof and by emphasizing dormers, chimneys, gables (UVC, UTC); and

d. Providing a ground or wall mounted light fixture, a trellis, a tree, or other site feature within each interval (UVC, UTC).

2. Reduce the apparent size of multi-family buildings by using:

a. Roof design that employs:

i. Gable, gambrel or hipped roof;

ii. Broken or articulated roof line;

iii. Prominent cornice or fascia that emphasizes the top of the building; or

iv. Other roof elements that emphasizes a building's concept and enables it to fit in with neighboring structures with prominent roofs (UVC, UTC);

b. Using architectural details that are well proportioned to achieve human scale such as:

i. Entry details like covered porches and recesses;

ii. Occupiable spaces like bay windows and balconies;

iii. Window details like vertically proportioned window openings that are recessed into the face of the building and broken up with smaller panes of glass;

iv. Roof details like brackets, chimneys, roof overhangs of at least sixteen inches (measured horizontally), or roof cornice elements at least twelve inches in width (measured vertically);

iv. Windows that are trimmed to create relief in the facade by being detailed to appear to recede into the building face (UVC, UTC).

3. Where parking structures or covered parking faces the street, at least sixty percent of the parking facade facing the street between two and eight feet above the sidewalk should incorporate at least one of the following treatments where pedestrian-oriented businesses are located along the facade of the structure (UVC, UTC):

a. Transparent windows (with clear or lightly tinted glass);

b. Display windows;

c. Decorative metal grille work (or similar detailing) that provides texture and covers parking structure openings (not including entrances and exits); or

d. Art or architectural treatment such as sculpture, mosaic, glass block, opaque art glass, relief art work, or similar features.

4. Vehicle entries to garages should be recessed at least six feet from the primary facade plane in order to minimize their prominence (UVC, UTC).

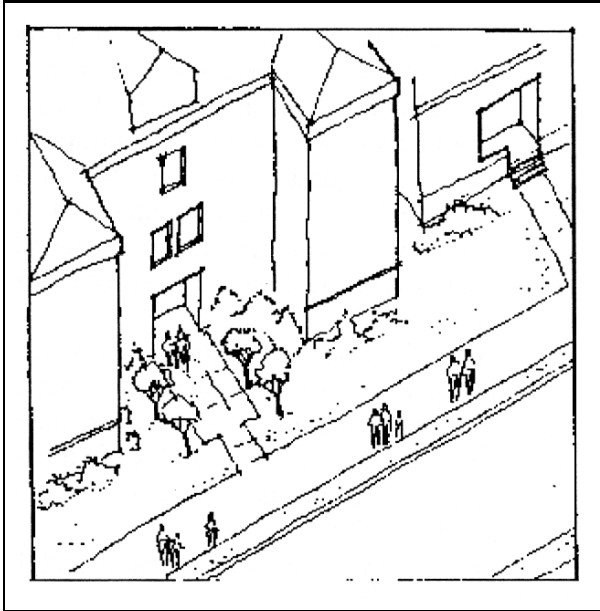
(Ord. 415 (2008) § 124 (part), 2008; Ord. 311 (2003) [Attachment 7 (part)], 2003)

**17.354.220 Multi-family – Building design – Entries.**

**A. Requirement.** Provide clearly defined building or courtyard entries that are well lighted, easily accessible, and satisfy the Washington State Barrier Free Regulations (UVC, UTC).

**B. Guideline.** The entrances should be plainly visible from the fronting street and walkway. The use of distinctive architectural elements and materials to denote prominent entrances will be encouraged. The entries should include a transition space from the sidewalks such as steps, a terrace, or a landscaped area (UVC, UTC). Dark, hidden corridors or stairways and long entry balconies are discouraged (UVC, UTC). Avoid the use of exterior stairways when porches and front doors can be

used as a primary building entry. If exterior stairways are used, they should fit with the architectural massing and form of the multi-family structure. Thin-looking, open metal, prefabricated stairs are discouraged (UVC, UTC).



*Clear entries to the sidewalk encourage pedestrian circulation.*

(Ord. 415 (2008) § 124 (part), 2008; Ord. 311 (2003) [Attachment 7 (part)], 2003)

### **17.354.225 Building design – Windows.**

A. Requirement. Provide relief, detail, and variation on the facade by employing well-proportioned openings (as defined in Guideline (B)(1), below) that are designed to create shade and shadow detail.

B. Guideline. Provide horizontal and vertical variation in windows. Bay and projecting windows are encouraged.

1. Use vertically proportioned windows that generally have a height one and one-half times their width;
2. Use multiple-paned windows;
3. Build windows either recessed or protruding (such as bay windows);
4. Use significant trim (drip cap, sill, trim); and

5. Provide ground floor windows that have a greater vertical height than upper story windows.

(Ord. 311 (2003) [Attachment 7 (part)], 2003)

### **17.354.230 Multi-family – Building design – Materials and colors.**

A. Requirement. Use exterior building materials that have texture or pattern and lend themselves to a high level of quality and detailing.

B. Guideline.

1. The selection and use of exterior materials and colors are key ingredients in determining how a building will look. Some materials, by their nature, can give a sense of permanence or provide texture or human scale that enables new buildings to fit better in their surroundings (UVC, UTC). Use exterior materials that are durable, easily maintainable and are attractive even when viewed up close.

2. Preferred materials in Kitsap County include:

- a. Clear/painted horizontal or lap siding;
- b. Shingles;
- c. Brick;
- d. Stone;
- e. Stucco;
- f. Stucco-like exterior insulation finish systems, used in small modules; and

g. Ceramic or terra cotta tile.

3. Bright or intense colors should be reserved for accent or trim. Colors should be chosen to visually reduce the size of buildings that are larger than others in the neighborhood. Changes in wall colors should differentiate the ground floor from the upper floors.

4. Changes in materials on larger buildings should be coordinated with articulation and modulation within the building's architecture. Changes in the building materials can also be used to differentiate the ground floor from upper floors of the building and should vary



from building to building in multi-building projects (UVC, UTC).

(Ord. 415 (2008) § 124 (part), 2008; Ord. 311 (2003) [Attachment 7 (part)], 2003)

#### **17.354.240 Multi-family – Signs.**

A. Requirement. Minimize the amount of signage needed to identify the multi-family development (UVC, UTC). Signs shall conform to Chapter 17.445 of the Kitsap County Zoning Ordinance, Signs.

##### **B. Guideline.**

1. Multi-family projects should have a sign at the main entry from the street to identify the project. The sign should also include the street address (UVC, UTC).

2. Internal directional signs showing the building locations and building numbers are encouraged (UV, NV, COSC, NC, UC).

3. Each building will have clearly displayed street numbers, building numbers, and building name, if applicable. Choose materials for the signs that are used in the architectural details of the buildings (UVC, UTC).

(Ord. 415 (2008) § 124 (part), 2008; Ord. 311 (2003) [Attachment 7 (part)], 2003)

### **ARTICLE 4 – OTHER RESIDENTIAL DEVELOPMENT IN THE UVC AND UTC ZONES: DUPLEX AND MANUFACTURED HOUSING, COTTAGE HOUSING AND SINGLE FAMILY HOUSING**

#### **17.354.250 Duplexes and manufactured housing – Applicability.**

Sections 17.354.250 through 17.354.290 of this chapter apply to duplexes and manufactured housing within the UVC and UTC zones. (Ord. 415 (2008) § 124 (part), 2008; Ord. 311 (2003) [Attachment 7 (part)], 2003)

#### **17.354.260 Duplex – Building design – Roof form and architectural detail.**

A. Requirement. Design residences to reinforce the architectural character of the Village or Town Center (UVC, UTC).

##### **B. Guideline.**

1. Create architectural character in the village or centers through the use of the following:

a. Roof design. Pitched or articulated roof line, or other roof elements such as eyebrow roof forms or dormers that emphasize building form and help it to fit in with neighboring structures with prominent roofs (UVC, UTC).

b. Architectural details that are well proportioned to achieve human scale such as:

i. Entry details like porches and recesses;

ii. Occupiable spaces like bay windows and balconies;

iii. Window details like vertically proportioned window openings which are recessed into the face of the building and broken up with smaller panes of glass;

iv. Roof details like brackets, chimneys, roof overhangs of at least sixteen inches (measured horizontally);

v. Windows that create relief in the facade by being detailed to appear to recede into the building face (UVC, UTC).

(Ord. 415 (2008) § 124 (part), 2008; Ord. 311 (2003) [Attachment 7 (part)], 2003)

#### **17.354.270 Duplexes – Building design – Entries.**

A. Requirement. Provide clearly defined building entries or entry courtyards that are well lighted and easily accessible (UVC, UTC).

##### **B. Guideline.**

1. The entries should include a transition space from the sidewalks such as steps, a covered porch, a terrace, or a landscaped area (UVC, UTC).

2. Entries should include, at a minimum, eave overhangs extending at least sixteen inches (measured horizontally) and covered porches (UVC, UTC).

3. Avoid the use of exterior stairways when porches and front doors can be used as a primary building entry. If exterior stairways are used, they should fit with the architectural massing and form of the multi-family structure.

Thin looking, open metal, prefabricated stairs and railings are discouraged (UVC, UTC). (Ord. 415 (2008) § 124 (part), 2008; Ord. 311 (2003) [Attachment 7 (part)], 2003)

**17.354.280 Duplexes – Building design – Garage design.**

A. Requirement. Design garages and carports in a way that does not dominate the dwelling's front facade. If an alley exists, the garage or carport shall be located off the alley. Otherwise, garages and carports shall be located behind the residence with or without a partial view from the street, or stepped back from the facade of the building, or located below sidewalk grade (UVC, UTC).

B. Guideline.

1. The entrance to a residence should be plainly visible from the fronting street and the walkway and should not be dominated by a garage or carport (UVC, UTC).

2. Driveways should be as narrow as possible and shared where possible to minimize disruption of the sidewalk and planting strip by curb cuts. The use of wheel tracks or a grass/concrete porous pavement system is encouraged (UVC, UTC).

3. Garage sidewalls that face the street (e.g., as a result of garages being aligned at an angle or perpendicular with the house) should appear to contain habitable space. This can be accomplished by incorporating windows and other design elements into the garage wall that are in character with the remainder of the dwelling (UVC, UTC).

(Ord. 415 (2008) § 124 (part), 2008; Ord. 311 (2003) [Attachment 7 (part)], 2003)

**17.354.290 Duplexes – Building design – Materials and colors.**

A. Requirement. To use building materials on exteriors that are durable, easy to maintain, are of human scale and that are attractive even when viewed up close. These include materials that have texture, pattern, or lend themselves to a high level of quality and detailing (UVC, UTC).

B. Guideline.

1. Preferred materials that could be used in a Village or Town Center include (UVC, UTC):

- a. Clear/painted/stained horizontal lap siding
- b. Shingles
- c. Brick
- d. Stone
- e. Stucco
- f. Stucco-like exterior insulation finish systems, used in small modules

g. Ceramic or terra cotta tile

2. Preferred roofing materials include: composition or wood shake shingles, standing seam non-glare metal, or tile (UVC, UTC).

3. In multi-building projects materials and colors should be varied from structure to structure to provide variety and interest to the streetscape. Bright or intense colors should be reserved for accent or trim. Colors should be chosen to visually reduce the size of buildings that are larger than others in the neighborhood (UVC, UTC).

(Ord. 415 (2008) § 124 (part), 2008; Ord. 311 (2003) [Attachment 7 (part)], 2003)

**ARTICLE 5 – ACCESSORY DWELLING UNITS (ADU) IN THE UVC AND UTC ZONES**

**17.354.300 Accessory dwelling units – Site and building design – Privacy.**

A. Requirement. To the extent practical, maintain privacy of adjoining residences, and the primary residence (UVC, UTC).

B. Guideline. Use a combination of landscape screening, fencing and window and door placement so that ADU residents cannot look directly into the windows, porches and decks of adjoining residences (UVC, UTC).

(Ord. 415 (2008) § 124 (part), 2008; Ord. 311 (2003) [Attachment 7 (part)], 2003)

**17.354.310 Accessory dwelling units – Building design – Entry features.**

A. Requirement. Provide a clearly defined building entry, which is well lighted, easily accessible and integral to the building structure (UVC, UTC).

B. Guideline.

1. Entries should be plainly visible from the fronting street sidewalk (UVC, UTC);

2. If the entry cannot be seen from the fronting street sidewalk, a well-defined walkway (e.g., constructed of contrasting materials or lined with a pattern of shrubbery) should be used to “lead” the visitor to the entry of the ADU (UVC, UTC);

3. Where an ADU is added within an existing primary residence, entry may be off an existing foyer (UVC, UTC);

4. Where there is a separate entry, an identifying feature, such as a portico, porch, stoop and/or eave overhang or a similar entry structure shall be constructed that is designed to be integral to the structure (UVC, UTC);

5. Walkways, entry porches, or stairways that are dark or hidden are to be avoided (UVC, UTC);

6. Where an exterior stairway to the main entrance to the ADU is needed or a porch, portico, or eave overhang constructed, it should be constructed of wood, or the most common material used in the construction of the primary residence. Thin looking, open metal, prefabricated stairs are discouraged (UVC, UTC).

(Ord. 415 (2008) § 124 (part), 2008; Ord. 311 (2003) [Attachment 7 (part)], 2003)

**17.354.320 Accessory dwelling units – Building design – Materials and colors.**

A. Requirement. Ensure that ADUs conform to the design theme of the Village or Town Center, and contribute to the livability of the neighborhood (UVC, UTC).

B. Guideline.

1. Use a roof form and roof pitch, and window and door form and arrangement that looks like the primary residence (UVC, UTC);

2. Use the same exterior materials (roof, siding, and trim) and a color that matches the primary residence (UVC, UTC);

3. In general, the roof ridge of the primary residence should be higher than the ADU. An obvious exception is when the ADU is built onto the second story of an existing unit (UVC, UTC).

(Ord. 415 (2008) § 124 (part), 2008; Ord. 311 (2003) [Attachment 7 (part)], 2003)

**ARTICLE 6 – COTTAGE HOUSING IN THE UVC AND UTC ZONES**

**17.354.330 Cottage housing – Site design.**

A. Requirement. Design cottage housing to use shared off street parking, orienting the cottages to the street edge and to the shared interior courtyard (UVC, UTC).

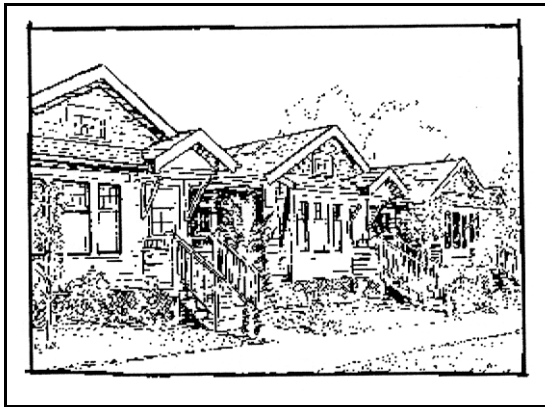
B. Guideline.

1. Entryways should be oriented to the public street, with secondary entries oriented to the shared courtyard (UVC, UTC);

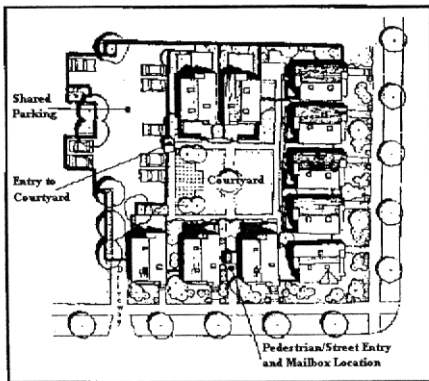
2. Parking should be shared and accessed off an alley or secondary street wherever possible (UVC, UTC);

3. The width of the driveway curb cut entry to the parking areas should be minimized to prevent as much pedestrian/sidewalk disruption as possible (UVC, UTC);

4. Provide pedestrian connections from the interior courtyard to the shared parking area and to the street and sidewalk (UVC, UTC).



*Cottage Housing*



*Cottage Housing*

(Ord. 415 (2008) § 124 (part), 2008; Ord. 311 (2003) [Attachment 7 (part)], 2003)

**ARTICLE 7 – DEFINITIONS**

**17.354.340 [Reserved]**  
(Ord. 311 (2003) [Attachment 7 (part)], 2003)

**Chapter 17.355**

**COMMERCIAL ZONES**

**Sections:**

- 17.355.010 Purpose.
- 17.355.020 Uses.
- 17.355.030 Height regulation.
- 17.355.040 Lot requirements.
- 17.355.050 Signs.
- 17.355.060 Off-street parking and loading.
- 17.355.070 Landscaping.
- 17.355.080 Other provisions.

**17.355.010 Purpose.**

A. Neighborhood Commercial (NC). These centers are intended to provide for the quick stop shopping needs of the immediate neighborhood in which they are located. These centers should be based upon demonstrated need and shall be sized in a manner compatible with a residential setting.

B. Highway/Tourist Commercial (HTC). These centers are intended to provide for those commercial establishments which require large sites. This zone serves the shopping and service needs for large sections of the county and provides visitor services and accommodations for both destination and en route travelers.

C. Regional Commercial (RC). These centers are intended to provide for the shopping and service needs of the region. Generally these centers contain two or more major department stores along with several shops of the same kind for comparative shopping.

(Ord. 367 (2006) § 75, 2006: Ord. 250-2000 § 4 (part), 2000: Ord. 247-2000 § 2 (Att. 2 (part)), 2000: Ord. 216 (1998) § 4 (part), 1998)

**17.355.020 Uses.**

Uses shall be allowed in accordance with Chapter 17.381 and Table 17.381.040(B), Urban Commercial and Mixed Use Zones Use Table. Properties with these zoning classifications located outside of urban growth areas are

allowed the same uses as their urban counterparts.

(Ord. 367 (2006) § 76, 2006: Ord. 292 (2002) § 7, 2002: Ord. 281 (2002) § 8, 2002: Ord. 250-2000 § 4 (part), 2000: Ord. 247-2000 § 2 (Att. 2 (part)), 2000: Ord. 216 (1998) § 4 (part), 1998)

#### **17.355.030 Height regulation.**

Height requirements shall be in accordance with Chapter 17.382 and Table 17.382.070, Urban Commercial and Mixed Use Density and Dimensions Table.

(Ord. 367 (2006) § 77, 2006: Ord. 250-2000 § 4 (part), 2000: Ord. 247-2000 § 2 (Att. 2 (part)), 2000: Ord. 216 (1998) § 4 (part), 1998)

#### **17.355.040 Lot requirements.**

Lot requirements shall be in accordance with Chapter 17.382 and Table 17.382.070, Urban Commercial and Mixed Use Density and Dimensions Table.

(Ord. 367 (2006) § 78, 2006: Ord. 247-2000 § 2 (Att. 2 (part)), 2000: Ord. 216 (1998) § 4 (part), 1998)

#### **17.355.050 Signs.**

Signs shall be permitted according to the provisions of Chapter 17.445.

(Ord. 247-2000 § 2 (Att. 2 (part)), 2000: Ord. 216 (1998) § 4 (part), 1998)

#### **17.355.060 Off-street parking and loading.**

Off-street parking shall be provided according to the provisions of Chapter 17.435.

(Ord. 247-2000 § 2 (Att. 2 (part)), 2000: Ord. 216 (1998) § 4 (part), 1998)

#### **17.355.070 Landscaping.**

For landscaping provisions, see Chapter 17.385.

(Ord. 247-2000 § 2 (Att. 2 (part)), 2000: Ord. 216 (1998) § 4 (part), 1998)

#### **17.355.080 Other provisions.**

For other provisions, see Chapter 17.430.

(Ord. 247-2000 § 2 (Att. 2 (part)), 2000: Ord. 216 (1998) § 4 (part), 1998)

## **Chapter 17.360**

### **BUSINESS PARK ZONE (BP)**

#### **Sections:**

- 17.360.010 Purpose.
- 17.360.020 Uses.
- 17.360.030 Height regulation.
- 17.360.040 Site requirements.
- 17.360.050 Signs.
- 17.360.060 Off-street parking and loading.
- 17.360.070 Site landscaping and design plan.
- 17.360.080 Performance standards.
- 17.360.090 Administration.
- 17.360.100 Master planning requirements for the ULID #6/McCormick Woods Sub-Area.

#### **17.360.010 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.

(Ord. 216 (1998) § 4 (part), 1998)

#### **17.360.020 Uses.**

Uses shall be allowed in accordance with Chapter 17.381 and Table 17.381.040(C), Airport and Industrial Zones Use Table. Properties with these zoning classifications located outside of urban growth areas are allowed the same uses as their urban counterparts.

(Ord. 384 (2007) § 5, 2007: Ord. 367 (2006) § 79, 2006: Ord. 216 (1998) § 4 (part), 1998)

#### **17.360.030 Height regulation.**

Height requirements shall be in accordance with Chapter 17.382 and Table 17.382.070,

Urban Commercial and Mixed Use Density and Dimensions Table.

(Ord. 367 (2006) § 80, 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.360.040 Site requirements.**

A. Site requirements shall be in accordance with Chapter 17.382 and Table 17.382.080, Industrial Density and Dimensions Table.

B. Fences. 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. Lot requirements shall be in accordance with Chapter 17.382 and Table 17.382.070, Urban Commercial and Mixed Use Density and Dimensions Table.

(Ord. 367 (2006) § 81, 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.360.050 Signs.**

Signs shall be permitted according to the provisions of Chapter 17.445, except that a free standing sign not to exceed thirty-five 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 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.

(Ord. 216 (1998) § 4 (part), 1998)

**17.360.060 Off-street parking and loading.**

Off-street parking and loading shall be provided as required by Chapter 17.435.

(Ord. 216 (1998) § 4 (part), 1998)

**17.360.070 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 Chapter 17.385, the following requirements shall apply:

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

(Ord. 216 (1998) § 4 (part), 1998)

**17.360.080 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.

(Ord. 216 (1998) § 4 (part), 1998)

#### **17.360.090 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.

(Ord. 216 (1998) § 4 (part), 1998)

#### **17.360.100 Master planning requirements for the ULID #6/McCormick Woods Sub-Area.**

Consistent with Chapter 17.428, prior to any new development within an area zoned BP in the ULID #6/McCormick Woods Sub-Area, a master plan shall be prepared for the entirety of the BP zone located within the ULID #6/McCormick Woods Sub-Area prior to any new development; provided that, the director may decrease the area within the sub-area that will be included in the master plan upon making a written finding that doing so will not adversely effect the provision of a coordinated system of open space, parks, recreational areas, transportation improvements and water and

wastewater facilities within the entirety of the zone.

(Ord. 311 (2003) [Attachment 7 (part)], 2003)

### **Chapter 17.365**

#### **BUSINESS CENTER ZONE (BC)**

##### **Sections:**

- 17.365.010 Purpose.
- 17.365.020 Uses.
- 17.365.030 Height regulations.
- 17.365.040 Site requirements.
- 17.365.050 Signs.
- 17.365.060 Off-street parking and loading.
- 17.365.070 Site landscaping and design plan.
- 17.365.080 Performance standards.
- 17.365.090 Administration.

##### **17.365.010 Purpose.**

This zone is intended to provide for integrated grouping of medium to large size businesses within an attractive park-like setting. The Business Center (BC) 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.

(Ord. 415 (2008) § 125, 2008: Ord. 311 (2003) [Attachment 5 [§ 4 (part)]], 2003)

##### **17.365.020 Uses.**

Uses shall be allowed in accordance with Chapter 17.381 and Table 17.381.040(C), Airport and Industrial Zones use table.

(Ord. 415 (2008) § 126, 2008: Ord. 384 (2007) § 6, 2007: Ord. 367 (2006) § 83, 2006: Ord. 311 (2003) [Attachment 5 [§ 4 (part)]], 2003)

**17.365.030 Height regulation.**

Height requirements shall be in accordance with Chapter 17.382 and Table 17.382.080, Industrial Density and Dimensions Table. (Ord. 367 (2006) § 85, 2006: Ord. 311 (2003) [Attachment 5 [§ 4 (part)]], 2003)

**17.365.040 Site requirements.**

A. Site requirements shall be in accordance with Chapter 17.382 and Table 17.382.080, Industrial Density and Dimensions Table.

B. Fences. 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 located in or adjacent to a required yard adjacent to a public right-of-way. (Ord. 367 (2006) § 86, 2006: Ord. 311 (2003) [Attachment 5 [§ 4 (part)]], 2003)

**17.365.050 Signs.**

Signs shall be permitted according to the provisions of Chapter 17.445 of this code, providing that signs also conform to design standards associated with this zone and/or design standards associated with a particular sub-area. (Ord. 311 (2003) [Attachment 5 [§ 4 (part)]], 2003)

**17.365.060 Off-street parking and loading.**

Off-street parking and loading shall be provided as required by Chapter 17.435 of this code. (Ord. 311 (2003) [Attachment 5 [§ 4 (part)]], 2003)

**17.365.070 Site landscaping and design plan.**

As a component of permit and/or land use review, development within this zone shall be subject to review and approval by the director of a site landscape and design plan based on conformance with Chapter 17.385, any design standards associated with this zone and/or design standards associated with a particular

sub-area, whichever is most restrictive. In addition to these requirements, the following shall apply:

A. All required landscaping shall be installed prior to occupancy.

B. Required rear and side yard setback areas abutting a residential zone shall provide and maintain a dense evergreen screening buffer which attains a mature height of at least eleven feet, or other screening measure as approved 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. (Ord. 415 (2008) § 127, 2008: Ord. 311 (2003) [Attachment 5 [§ 4 (part)]], 2003)

**17.365.080 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 meet standards 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.

(Ord. 311 (2003) [Attachment 5 [§ 4 (part)]], 2003)

#### **17.365.090 Administration.**

A. 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. Maximum permissible noise levels shall be in compliance with the Kitsap County Noise Ordinance.

(Ord. 367 (2006) § 87, 2006: Ord. 311 (2003) [Attachment 5 [§ 4 (part)]], 2003)

### **Chapter 17.370**

#### **INDUSTRIAL ZONE (IND)**

##### **Sections:**

- 17.370.010 Purpose.
- 17.370.020 Uses.
- 17.370.022 Master planning – When required.
- 17.370.025 Existing plan recognition – Bremerton National Airport and Olympic View Industrial Park.
- 17.370.030 Height regulation.
- 17.370.040 Lot requirements.
- 17.370.050 Lot coverage.
- 17.370.060 Signs.
- 17.370.070 Off-street parking and loading.
- 17.370.080 Site landscaping and design plan.
- 17.370.090 Other provisions.

#### **17.370.010 Purpose.**

This zone allows a wide range of industrial activities including heavy industry such as fabrication, warehousing, processing of raw materials, bulk handling and storage, construction, and heavy transportation. 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.

(Ord. 415 (2008) § 128, 2008: Ord. 216 (1998) § 4 (part), 1998)

#### **17.370.020 Uses.**

Uses shall be allowed in accordance with Chapter 17.381 and Table 17.381.040(C), Airport and Industrial Zones Use Table. Properties with these zoning classifications located outside of urban growth areas are allowed the same uses as their urban counterparts.

(Ord. 384 (2007) § 7, 2007: Ord. 367 (2006) § 88, 2006: Ord. 350 (2005) § 1 (part), 2005: Ord. 311 (2003) [Attachment 5 [§ 5 (part)]], 2003: Ord. 292 (2002) § 8, 2002: Ord. 281 (2002) § 9, 2002: Ord. 216 (1998) § 4 (part), 1998)

#### **17.370.022 Master planing – When required.**

Development of Property within the South Kitsap Industrial Area (SKIA) with a Master Plan. Required overlay must be consistent with a master plan approved under Chapter 17.415 of this code. Property with no overlay, or a master plan optional overlay, may elect to develop a master plan to receive the expedited review of individual land use permits shown in Section 17.381.040(C). Master plans developed within the SKIA must include analyses of the entire sub-basin(s) in which the development is proposed.

(Ord. 415 (2008) § 129, 2008: Ord. 311 (2003) [Attachment 5 [§ 6 (part)]], 2003)

**17.370.025 Existing plan recognition – Bremerton National Airport and Olympic View Industrial Park.**

Except for development of Port of Bremerton properties located within sub-basin(s) where storm water runoff flows to the business center zone properties with a master plan required overlay, plans for the Bremerton National Airport and the Olympic View Industrial Park in place before the adoption of the South Kitsap Industrial Area Plan will be considered master plans consistent with Chapter 17.415 until the earliest of the following events:

A. The Port of Bremerton chooses to submit a master plan(s) meeting the requirements of Chapter 17.415; or

B. The Port of Bremerton or other developers of these lands within these areas submit development applications inconsistent with the currently recognized plans.

(Ord. 367 (2006) § 89, 2006: Ord. 311 (2003) [Attachment 5 [§ 6 (part)]], 2003)

**17.370.030 Height regulation.**

Height requirements shall be in accordance with Chapter 17.382 and Table 17.382.080, Industrial Density and Dimensions Table.

(Ord. 367 (2006) § 90, 2006: Ord. 311 (2003) [Attachment 5 [§ 7]], 2003: Ord. 216 (1998) § 4 (part), 1998)

**17.370.040 Lot requirements.**

Lot requirements shall be in accordance with Chapter 17.382 and Table 17.382.080, Industrial Density and Dimensions Table.

(Ord. 367 (2006) § 91, 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.370.050 Lot coverage.**

Lot coverage requirements shall be in accordance with Chapter 17.382 and Table 17.382.080, Industrial Density and Dimensions Table.

(Ord. 367 (2006) § 92, 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.370.060 Signs.**

Signs shall be permitted according to the provisions of Chapter 17.445.

(Ord. 216 (1998) § 4 (part), 1998)

**17.370.070 Off-street parking and loading.**

Off-street parking and loading shall be provided as required by Chapter 17.435. In addition, no off-street parking or loading shall be allowed within fifty 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 thirty 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.

(Ord. 415 (2008) § 130, 2008: Ord. 216 (1998) § 4 (part), 1998)

**17.370.080 Site landscaping and design plan.**

As a component of permit and/or land use review, development within this zone shall be subject to review and approval by the director of a site landscape and design plan. Such a plan shall be consistent with Chapter 17.385 and any applicable design standards for the area.

(Ord. 415 (2008) § 131, 2008: Ord. 216 (1998) § 4 (part), 1998)

**17.370.090 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 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 industrial zones or by conditional use review when located in an industrial park is 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 feet.
  - d. Lot setback – Minimum lot setback shall be one hundred 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 feet.
  - e. Front Yard – Minimum front yard setback shall be forty feet.
  - f. Side Yard – Minimum side yard setback shall be twenty-five feet.
  - g. Rear Yard – Minimum rear yard setback shall be twenty feet.
  - h. Lot coverage – Maximum lot coverage by buildings shall be consistent with provisions set forth in Section 17.382.080.
  - i. No service roads, spur tracks, hard stands, or outside storage areas shall be permitted within required yard areas adjacent to residential zones.
  - j. No yards are required at points where side or rear yards abut a railroad right-of-way or spur track.
  - k. 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 Chapter 17.445.
  3. Off-street parking and loading shall be provided as required by Chapter 17.435, 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 feet of a public right-of-way or access easement.
  4. Site Landscaping and Design Plan. As a component of land use review, 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 Chapter 17.385 and any required design standards for the area, the following requirements shall apply:

- a. All required landscaping shall be installed prior to occupancy.
  - 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 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 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.

B. Other provisions: see Chapter 17.430. (Ord. 415 (2008) § 132, 2008: Ord. 367 (2006) § 93, 2006: Ord. 216 (1998) § 4 (part), 1998)

## Chapter 17.375

### AIRPORT ZONE (A)

#### Sections:

- 17.375.010 Purpose.
- 17.375.020 Uses.
- 17.375.044 Master plan required.
- 17.375.046 Existing plan recognition – Bremerton National Airport.
- 17.375.050 Height regulation.
- 17.375.060 Lot requirements.
- 17.375.070 Signs.
- 17.375.080 Off-street parking and loading.
- 17.375.100 Other provisions.

#### **17.375.010 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.

(Ord. 216 (1998) § 4 (part), 1998)

#### **17.375.020 Uses.**

Uses shall be allowed in accordance with Chapter 17.381 and Table 17.381.040(C), Airport and Industrial Zones Use Table.

(Ord. 384 (2007) § 8, 2007: Ord. 367 (2006) § 95, 2006: Ord. 216 (1998) § 4 (part), 1998)

#### **17.375.044 Master plan required.**

Development of property(s) with a master plan required overlay must be consistent with a master plan approved under Chapter 17.415 of

this code. Master plans developed within the South Kitsap Industrial Area must include analyses of the entire sub-basin(s) in which the development is proposed.

(Ord. 311 (2003) [Attachment 5 [§ 9 (part)]], 2003)

#### **17.375.046 Existing plan recognition – Bremerton National Airport.**

The Port of Bremerton's plan for the Bremerton National Airport in place before the adoption of the South Kitsap Industrial Area Plan will be considered a master plan consistent with Chapter 17.415 until the earliest of the following events:

A. The Port of Bremerton chooses to submit a master plan(s) meeting the requirements of Chapter 17.415; or

B. The Port of Bremerton or other developers of the lands in this area submit development applications inconsistent with the currently recognized plan.

(Ord. 367 (2006) § 97, 2006: Ord. 311 (2003) [Attachment 5 [§ 9 (part)]], 2003)

#### **17.375.050 Height regulation.**

Height requirements shall be in accordance with Chapter 17.382 and Table 17.382.080, Industrial Density and Dimensions Table.

(Ord. 367 (2006) § 98, 2006: Ord. 311 (2003) [Attachment 5 [§ 8]], 2003: Ord. 216 (1998) § 4 (part), 1998)

#### **17.375.060 Lot requirements.**

Lot requirements shall be in accordance with Chapter 17.382 and Table 17.382.080, Airport and Industrial Density and Dimensions Table.

(Ord. 415 (2008) § 133, 2008: Ord. 367 (2006) § 99, 2006: Ord. 216 (1998) § 4 (part), 1998)

#### **17.375.070 Signs.**

Signs shall be permitted according to the provisions of Chapter 17.445.

(Ord. 216 (1998) § 4 (part), 1998)

**17.375.080 Off-street parking and loading.**

Off-street parking and loading shall be provided as required by Chapter 17.435. (Ord. 216 (1998) § 4 (part), 1998)

**17.375.100 Other provisions.**

For other provisions, see Chapter 17.430. (Ord. 216 (1998) § 4 (part), 1998)

**Chapter 17.377****PARKS ZONE (P)****Sections:**

- 17.377.010 Purpose.
- 17.377.020 Uses.
- 17.377.030 General requirements.
- 17.377.040 Height regulations.
- 17.377.050 Signs.
- 17.377.060 Off-street parking.
- 17.377.070 Other provisions.

**17.377.010 Purpose.**

The intent of this zone is to create long-term consistency between the purpose for the purchase of parks and open space properties and the zoning regulations that apply to their development. Parks properties are intended for the development of parks, open space areas and recreational facilities for the benefit of the citizens of Kitsap County. Uses for these properties should be limited to those serving this purpose. (Ord. 367 (2006) § 101 (part), 2006)

**17.377.020 Uses.**

Uses shall be allowed in accordance with Chapter 17.381 and Table 17.381.040(E), Parks, Rural and Resource Zones Use Table. (Ord. 367 (2006) § 101 (part), 2006)

**17.377.030 General requirements.**

A. Standards and requirements shall be in accordance with Chapter 17.382 and Table 17.382.100, Parks, Rural and Resource Density and Dimensions Table.

B. Development within this zone must be consistent with the Parks and Open Space chap-

ter of the Comprehensive Plan and other titles of Kitsap County Code.

(Ord. 367 (2006) § 101 (part), 2006)

**17.377.040 Height regulations.**

Height requirements shall be in accordance with shall be in accordance with Chapter 17.382 and Table 17.382.100, Parks, Rural and Resource Density, Dimensions and Design Table.

(Ord. 367 (2006) § 101 (part), 2006)

**17.377.050 Signs.**

Signs shall be permitted according to the provisions of Chapter 17.445.

(Ord. 367 (2006) § 101 (part), 2006)

**17.377.060 Off-street parking.**

Off-street parking shall be provided according to the provisions of Chapter 17.435.

(Ord. 367 (2006) § 101 (part), 2006)

**17.377.070 Other provisions.**

[Reserved.]

(Ord. 367 (2006) § 101 (part), 2006)

**Chapter 17.380****MINERAL RESOURCE (MR)****Sections:**

- 17.380.010 Purpose.
- 17.380.020 Uses.
- 17.380.030 Special standards or requirements.
- 17.380.040 (Repealed)
- 17.380.050 Information on plans and in specifications.
- 17.380.060 Land restoration.
- 17.380.065 Transition of uses from Mineral Resource and removal of the Mineral Resource Overlay.
- 17.380.070 Special provisions.

**17.380.010 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.

(Ord. 415 (2008) § 134, 2008; Ord. 216 (1998) § 4 (part), 1998)

**17.380.020 Uses.**

Uses shall be allowed in accordance with Chapter 17.381 and Table 17.381.040(E), Parks, Rural and Resource Zones Use Table.

(Ord. 367 (2006) § 102, 2006; Ord. 216 (1998) § 4 (part), 1998)

**17.380.030 Special standards or requirements.**

A. All activities shall be consistent with all applicable Washington State surface mining permits and approvals.

B. The director shall review all plans meeting the submittal requirements of Section 17.380.050 through a process consistent with Title 21 of this code.

C. Site area shall be in accordance with Chapter 17.382 and Table 17.382.100, Parks, Rural and Resource Density and Dimensions Table.

D. Lot width shall be in accordance with Chapter 17.382 and Table 17.382.100, Parks, Rural and Resource Density and Dimensions Table.

E. Fencing. The periphery of all sites within the gross site area being actively mined or reclaimed shall be fenced.

F. 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.

G. 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 subsection (J) of this section.

H. Maximum Permissible Noise Levels. Maximum permissible noise levels shall be according to the provisions of the Kitsap County Noise Ordinance.

I. Hours of Operation. Hours of operation unless otherwise authorized by the director, shall be between 7:00 a.m. and 6:00 p.m.

J. 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.

K. 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).

L. 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.

M. Bench/Terrace. Benches shall be back-sloped, and shall be established at not more than forty-foot vertical intervals, to control surface drainage and debris. Swales or ditches on benches shall have a maximum gradient of five percent.

N. 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.

O. Overburden. Overburden shall only be removed to accommodate aggregate removal operations and related activities of this section. (Ord. 415 (2008) § 135, 2008; Ord. 367 (2006) § 103, 2006; Ord. 216 (1998) § 4 (part), 1998)

#### **17.380.040 (Repealed)\***

\* **Editor's Note:** Former Section 17.380.040, "Investigation and report," was repealed by § 136 of Ord. 415 (2008). Section 4 (part) of Ord. 216 (1998) was formerly codified in this section.

#### **17.380.050 Information on plans and in specifications.**

Plans shall be drawn to an appropriate engineer's scale upon substantial paper, mylar, or electronic, as authorized by state law, 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 feet of the property.

F. Landscape and rehabilitation plan as required by Section 17.380.060.

(Ord. 415 (2008) § 137, 2008; Ord. 216 (1998) § 4 (part), 1998)

#### **17.380.060 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 nonputrescible solids.

D. Such graded or back-filled areas, except for roads, shall be sodded or surfaced with soil of a quality at least equal to the topsoil of the land areas immediately surrounding the site, and to a depth of at least four inches, or a depth of that of the topsoil of surrounding land, if less than four inches.

E. Such topsoil as required by Section 17.380.060(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 subsections (D) and (E) of this section.

(Ord. 415 (2008) § 138, 2008; Ord. 216 (1998) § 4 (part), 1998)

**17.380.065 Transition of uses from Mineral Resource and removal of the Mineral Resource Overlay.**

As an option to the requirements of Section 17.380.060 to reclaim a property(s) and extinguish a Washington State Department of Natural Resources (DNR) surface mining permit, the county may accept, review and approve development permits for uses consistent with the property(s) underlying zone. If a permit meets all applicable, zoning, building, storm water, fire and other county codes, such permits shall be forwarded to the DNR to be reviewed as a reclamation plan. Upon receipt by the county of DNR confirmation of the closing of the surface mining permit for the property(s), the county shall include the property(s) in the next scheduled Comprehensive Plan amendment cycle. At this time, the county shall rescind the Mineral Resource Comprehensive Plan designation and zoning classification, reverting the property(s) back to their underlying zone and compatible designation.

(Ord. 415 (2008) § 139, 2008)

**17.380.070 Special provisions.**

All plats, short plats, development permits and building permits issued for land development activities on or within five hundred feet of designated mineral resource lands, shall contain the following notice:

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.

(Ord. 367 (2006) § 104, 2006: Ord. 216 (1998) § 4 (part), 1998)

**Chapter 17.381**

**ALLOWED USES**

**Sections:**

- 17.381.010 Categories of uses established.
- 17.381.020 Establishment of zoning use tables.
- 17.381.030 Interpretation of tables.
- 17.381.040 Zoning use tables.
- 17.381.050 Footnotes for zoning use tables.
- 17.381.060 Provisions applying to special uses.

**17.381.010 Categories of uses established.**

This chapter establishes permitted, conditional, and prohibited uses, by zone, for all properties within Kitsap County. All uses in a given zone are one of four types:

A. Permitted Use. Land uses allowed outright within a zone and subject to provisions within Kitsap County Code.

B. Administrative Conditional Use. Land uses which may be permitted within a zoning designation following review by the director to establish conditions mitigating impacts of the use and to ensure compatibility with other uses in the designation.

C. Hearing Examiner Conditional Use. Land uses with special characteristics that may not generally be appropriate within a zoning designation, but may be permitted subject to review by the hearing examiner to establish conditions to protect public health, safety and welfare.

D. Prohibited Use. Land uses specifically enumerated as prohibited within a zone.  
(Ord. 415 (2008) § 140, 2008: Ord. 367 (2006) § 105 (part), 2006)

**17.381.020 Establishment of zoning use tables.**

The tables in Section 17.381.040 establish allowed uses in the various zoning designations and whether the use is allowed as “Permitted,” “Administrative Conditional Use,” or “Hearing Examiner Conditional Use.” Uses with



approval processes that will be determined at a future date are identified as “Reserved.” The zone is located at the top of the table and the specific use is located on the far-left of the vertical column of these tables.

(Ord. 367 (2006) § 105 (part), 2006)

### 17.381.030 Interpretation of tables.

A. Legend. The following letters have the following meanings when they appear in the box at the intersection of the column and the row:

P	Permitted Use
ACUP	Administrative Conditional Use Permit
C	Hearing Examiner Conditional Use Permit
PBD	Performance Based Development
X	Prohibited Use
R	Reserved

B. Additional Use-Related Conditions. The small numbers (subscript) in a cell indicate additional requirements or detailed information for uses in specific zones. Those additional requirements can be found in the table footnotes in Section 17.381.050. All applicable requirements shall govern a use whether specifically identified in this chapter or not.

C. Unclassified Uses. Except as provided in Section 17.100.040, Allowed uses, if a use is not listed in the use column, the use is prohibited in that designation.

(Ord. 415 (2008) § 141, 2008: Ord. 367 (2006) § 105 (part), 2006)

### 17.381.040 Zoning use tables.

There are five separate tables addressing the following general land use categories and zones:

- A. Urban Residential Zones.
  1. Urban Restricted (UR).
  2. Urban Low Residential (UL).
  3. Urban Cluster Residential (UCR).
  4. Urban Medium Residential (UM).
  5. Urban High Residential (UH).
  6. Illahee Greenbelt Zone (IGZ).
- B. Commercial and Mixed Use Zones.

1. Neighborhood Commercial (NC).
2. Urban Village Center (UVC).
3. Urban Town Center (UTC).
4. Highway Tourist Commercial (HTC).
5. Regional Commercial (RC).
6. Mixed Use (MU).
- C. Airport and Industrial Zones.
  1. Airport (A).
  2. Business Park (BP).
  3. Business Center (BC).
  4. Industrial (IND).
- D. Limited Areas of More Intensive Rural Development (LAMIRD).
  1. Manchester Village Commercial (MVC).
  2. Manchester Village Low Residential (MVLRL).
  3. Manchester Village Residential (MVR).
  4. Port Gamble Rural Historic Town Commercial (RHTC).
  5. Port Gamble Rural Historic Town Residential (RHTR).
  6. Port Gamble Rural Historic Town Waterfront (RHTW).
  7. Suquamish Village Commercial (SVC).
  8. Suquamish Village Low Residential (SVLR).
  9. Suquamish Village Residential (SVR).
- E. Parks, Rural and Resource Zones.
  1. Parks (P).
  2. Forest Resource Lands (FRL).
  3. Mineral Resource (MR).
  4. Rural Protection (RP).
  5. Rural Residential (RR).
  6. Rural Wooded (RW).
  7. Urban Reserve (URS).

**Table 17.381.040(A) Urban Residential Zones.**

Use	Urban Low-Density Residential				Urban Medium/High-Density Residential	
	UCR (48)	IGZ (60)	UR (19)	UL (19)(48)	UM (30)(47)(48)	UH (19)(47)(48)
<b>RESIDENTIAL USES</b>						
Accessory dwelling units (1)	P	P	P	P	P	X
Accessory living quarters (1)	P	P	P	P	P	X
Accessory use or structure (1) (17) (18) (51)	P	P	P	P	P	P
Adult family home	P (41)	X	ACUP P (41)	ACUP P (41)	ACUP P (41)	ACUP P (41)
Bed and breakfast house	P	ACUP C (34)	ACUP C (34)	ACUP C (34)	ACUP C (34)	X
Caretaker's dwelling	X	X	X	X	ACUP	X
Convalescent home or congregate care facility	ACUP	X	X	C	C	ACUP
Cottage housing developments	P	ACUP	ACUP	ACUP	ACUP	X
Dwelling, duplex	P	P	P (3)	P (3)	P	X
Dwelling, existing	P	P	P	P	P	P
Dwelling, multi-family	ACUP	C	C	C	P	P
Dwelling, single-family attached	P	P	P	P	P	ACUP
Dwelling, single-family detached	P	P	P	P	P	ACUP
Guest house (1)	P	X	P	P	P	X
Home business (1) (52)	P	P	P	P	ACUP	ACUP
Hotel/Motel	X	X	X	X	X	ACUP
Manufactured homes	P (43)	P (43)	P (43)	P (43)	P (43)	X (43)
Mixed use development (44)	X	X	X	X	X	ACUP
Mobile homes	C (43)	C (24) (43)	C (24) (43)	C (24) (43)	C (24) (43)	X (43)
Residential care facility	P	ACUP	ACUP	ACUP	P	P
<b>COMMERCIAL/BUSINESS USES</b>						
Accessory use or structure (1) (17) (51)	P	P	P	P	P	P
Adult entertainment (1)	X	X	X	X	X	X
Ambulance service	X	X	X	X	X	X
Auction house	X	X	X	X	X	X
Auto parts and accessory stores	X	X	X	X	X	X

**Table 17.381.040(A) Urban Residential Zones. (Continued)**

Use	Urban Low-Density Residential				Urban Medium/High-Density Residential	
	UCR (48)	IGZ (60)	UR (19)	UL (19)(48)	UM (30)(47)(48)	UH (19)(47)(48)
<b>COMMERCIAL/BUSINESS USES (continued)</b>						
Automobile rentals	X	X	X	X	X	X
Automobile repair and car washes	X	X	X	X	X	X
Automobile service station (6)	X	X	X	X	X	X
Automobile, recreational vehicle or boat sales	X	X	X	X	X	X
Boat/marine supply stores	X	X	X	X	X	X
Brew pubs	X	X	X	X	X	X
Clinic, medical	X	X	X	X	X	ACUP (37)
Conference center	X	X	X	P	X	X
Custom art and craft stores	X	X	X	X	X	X
Day-care center (14)	C	C	C	C	ACUP	ACUP (37)
Day-care center, family (14)	P	C	P	P	ACUP	ACUP (37)
Drinking establishments	X	X	X	X	X	X
Engineering and construction offices	X	X	X	X	X	X
Espresso stands (58)	X	X	X	X	X	P (37)
Equipment rentals	X	X	X	X	X	X
Farm and garden equipment and sales	X	X	X	X	X	X
Financial, banking, mortgage and title institutions	X	X	X	X	X	X
General office and management services – less than 4,000 s.f.	C (28)	X	X	X	X	ACUP (37)
General office and management services – 4,000 to 9,999 s.f.	X	X	X	X	X	ACUP (37)
General office and management services – 10,000 s.f. or greater	X	X	X	X	X	ACUP (37)
General retail merchandise stores – less than 4,000 s.f.	C (28)	X	X	X	X	ACUP (37)
General retail merchandise stores – 4,000 to 9,999 s.f.	X	X	X	X	X	X
General retail merchandise stores – 10,000 to 24,999 s.f.	X	X	X	X	X	X

**Table 17.381.040(A) Urban Residential Zones. (Continued)**

Use	Urban Low-Density Residential				Urban Medium/High-Density Residential	
	UCR (48)	IGZ (60)	UR (19)	UL (19)(48)	UM (30)(47)(48)	UH (19)(47)(48)
<b>COMMERCIAL/BUSINESS USES (continued)</b>						
General retail merchandise stores – 25,000 s.f. or greater	X	X	X	X	X	X
Kennels or Pet day-cares	X	X	X	X	X	X
Kennels, hobby	P	P	P	P	P	X
Laundromats and laundry services	C (28)	X	X	X	X	ACUP (37)
Lumber and bulky building material sales	X	X	X	X	X	X
Mobile home sales	X	X	X	X	X	X
Nursery, retail	X	X	X	X	X	X
Nursery, wholesale	X	X	X	X	X	X
Off-street private parking facilities	X	X	X	X	X	X
Personal services – skin care, massage, manicures, hairdresser/barber	C	X	X	X	X	ACUP (37)
Pet shop – retail and grooming	X	X	X	X	X	ACUP (37)
Research laboratory	X	X	X	X	X	X
Restaurants	C (28)	X	X	X	X	ACUP (37)
Restaurants, high-turnover	X	X	X	X	X	X
Recreational vehicle rentals	X	X	X	X	X	X
Temporary offices and model homes (27)	P	P	P	P	ACUP	ACUP (37)
Tourism facilities, including outfitter and guide facilities	X	X	X	X	X	X
Tourism terminals, including seaplane and tour-boat terminals	X	X	X	X	X	X
Transportation terminals	X	X	X	X	X	X
Veterinary clinics/Animal hospitals	X	X	X	X	X	C (9) (37)

**Table 17.381.040(A) Urban Residential Zones. (Continued)**

Use	Urban Low-Density Residential				Urban Medium/High-Density Residential	
	UCR (48)	IGZ (60)	UR (19)	UL (19)(48)	UM (30)(47)(48)	UH (19)(47)(48)
<b>RECREATIONAL/CULTURAL USES</b>						
Accessory use or structure (1) (17) (51)	P	P	P	P	P	P
Amusement centers	X	X	X	X	X	X
Carnival or Circus	X	X	X	X	X	X
Club, civic or social (12)	ACUP	C (12)	C (12)	C	ACUP	ACUP
Golf courses	ACUP	C	C	C	C	ACUP
Marinas	ACUP	C	C	C	C	C
Movie/Performance theaters, indoor	X	X	X	X	X	X
Movie/Performance theaters, outdoor	X	X	X	X	X	ACUP
Museum, galleries, aquarium, historic or cultural exhibits	X	X	X	X	X	ACUP
Parks and open space	P	P	P	P	P	P
Race track, major	X	X	X	X	X	X
Race track, minor	X	X	X	X	X	X
Recreational facilities, private	ACUP	C	C	C	C	ACUP
Recreational facilities, public	P	P	P	P	P	ACUP
Recreational vehicle camping parks	X	C	C	C	X	X
Zoo	X	X	X	X	X	X
<b>INSTITUTIONAL USES</b>						
Accessory use or structure (1) (17) (51)	P	P	P	P	P	P
Government/Public structures	ACUP	ACUP	ACUP	ACUP	ACUP	ACUP
Hospital	X	X	X	X	X	C
Places of worship (12)	C	C	C	C	C	ACUP
Private or public schools (20)	C	C	C	C	C	C
Public facilities, transportation and parking facilities, and electric power and natural gas utility facilities, substations, ferry terminals, and commuter park-and-ride lots (16)	ACUP	C	C	C	C	ACUP

**Table 17.381.040(A) Urban Residential Zones. (Continued)**

Use	Urban Low-Density Residential				Urban Medium/High-Density Residential	
	UCR (48)	IGZ (60)	UR (19)	UL (19)(48)	UM (30)(47)(48)	UH (19)(47)(48)
<b>INDUSTRIAL USES</b>						
Accessory use or structure (1) (17) (51)	P	P	P	P	P	P
Air pilot training schools	X	X	X	X	X	X
Assembly and packaging operations	X	X	X	X	X	X
Boat yard	X	X	X	X	X	X
Cemeteries, mortuaries, and crematoriums (10)	C	C	C	C	C	C
Cold storage facilities	X	X	X	X	X	X
Contractor's storage yard	X	X	X	X	X	X
Food production, brewery or distillery	X	X	X	X	X	X
Fuel distributors	X	X	X	X	X	X
Helicopter pads	X	X	X	X	X	X
Manufacturing and fabrication, light	X	X	X	X	X	X
Manufacturing and fabrication, medium	X	X	X	X	X	X
Manufacturing and fabrication, heavy	X	X	X	X	X	X
Manufacturing and fabrication, hazardous	X	X	X	X	X	X
Recycling centers	X	X	X	X	X	X
Rock crushing	X	X	X	X	X	X
Slaughterhouse or animal processing	X	X	X	X	X	X
Storage, hazardous materials	X	X	X	X	X	X
Storage, indoor	X	X	X	X	X	X
Storage, outdoor	X	X	X	X	X	X
Storage, self-service	C (40)	C (40)	C (40)	C (40)	C (40)	C
Storage, vehicle and equipment (1)	X (18)	X (18)	X (18)	X (18)	X (18)	X (18)
Top soil production and/or stump grinding	X	X	X	X	X	X
Transshipment facilities, including docks, wharves, marine rails, cranes, and barge facilities	X	X	X	X	X	X

**Table 17.381.040(A) Urban Residential Zones. (Continued)**

Use	Urban Low-Density Residential				Urban Medium/High-Density Residential	
	UCR (48)	IGZ (60)	UR (19)	UL (19)(48)	UM (30)(47)(48)	UH (19)(47)(48)
<b>INDUSTRIAL USES (continued)</b>						
Uses necessary for airport operation such as runways, hangars, fuel storage facilities, control towers, etc. (13)	X	X	X	X	X	X
Warehousing and distribution	X	X	X	X	X	X
Wrecking yards and junk yards (1)	X	X	X	X	X	X
<b>RESOURCE LAND USES</b>						
Accessory use or structure (1) (17) (51)	P	P	P	P	P	P
Aggregate extractions sites	X	X	X	X	X	X
Agricultural uses (15)	X	P	P	P	P	P
Aquaculture practices	C	C	C	C	C	C
Forestry	X	P	P	P	P	P
Shellfish/fish hatcheries and processing facilities	X	X	X	X	X	X
Temporary stands not exceeding 200 square feet in area and exclusively for the sale of agricultural products grown on site (27)	X	P (2)	P (2)	P (2)	P (2)	P (2)

**17.381.040(B) Commercial and Mixed Use Zones.**

Use	Low Intensity Commercial/Mixed Use		High-Intensity Commercial/Mixed Use			
	(NC) (19) (30) (48) (57)	UVC (30) (48) (57)	UTC (48) (57)	HTC (19) (29) (30) (48) (57)	RC (19) (48) (57)	MU (19) (44) (45) (48) (57)
<b>RESIDENTIAL USES</b>						
Accessory dwelling units	X	X	R	X	X	X
Accessory living quarters	X	X	R	X	X	X
Accessory use or structure (17) (18) (51)	P	P	R	P	P	P
Adult family home	X	ACUP P (41)	R	ACUP P (41)	ACUP P (41)	ACUP P (41)
Bed and breakfast house	ACUP C (34)	ACUP C (34)	R	X	X	X
Caretaker's dwelling	X	X	R	X	X	X
Convalescent home or congregate care facility	C	ACUP	R	ACUP	ACUP	ACUP
Cottage housing developments	X	ACUP	R	X	X	ACUP
Dwelling, duplex	X	ACUP	R	X	X	X
Dwelling, existing	P	P	R	P	P	P
Dwelling, multi-family	X	ACUP	R	ACUP	ACUP	ACUP
Dwelling, single-family attached	X	P	R	ACUP	ACUP	ACUP
Dwelling, single-family detached	X	P	R	X	X	X
Guest house	X	X	R	X	X	X
Home business (1) (52)	ACUP	P	R	X	X	ACUP
Hotel/Motel	C	ACUP	R	P	P	ACUP
Manufactured homes	X	X (43)	R	X	X	X
Mixed use development (44) (49)	ACUP	ACUP	R	ACUP	ACUP	ACUP
Mobile homes	X	X (43)	R	X	X	X
Residential care facility	X	ACUP	R	ACUP	ACUP	ACUP
<b>COMMERCIAL/BUSINESS USES</b>						
Accessory use or structure (1) (17) (51)	P	P	R	P	P	P
Adult entertainment (1)	X	X	R	C	C	X
Ambulance service	C	C	R	P	P	ACUP
Auction house (55)	X	ACUP	R	P	P	X
Auto parts and accessory stores	P	X	R	P	P	ACUP



**17.381.040(B) Commercial and Mixed Use Zones. (Continued)**

Use	Low Intensity Commercial/Mixed Use		High-Intensity Commercial/Mixed Use			
	(NC) (19) (30) (48) (57)	UVC (30) (48) (57)	UTC (48) (57)	HTC (19) (29) (30) (48) (57)	RC (19) (48) (57)	MU (19) (44) (45) (48) (57)
<b>COMMERCIAL/BUSINESS USES (continued)</b>						
Automobile rentals	P (56)	P (56)	R	P	P	ACUP
Automobile repair and car washes	ACUP (54)	X	R	P	P	ACUP
Automobile service station (6)	ACUP	X	R	P	P	X
Automobile, recreational vehicle or boat sales	X	X	R	ACUP	ACUP	X
Boat/marine supply stores	X	X	R	P	P	ACUP
Brew pubs	ACUP	ACUP	R	P	P	ACUP
Clinic, medical	ACUP	ACUP	R	P	P	ACUP
Conference center	X	P	R	P	P	ACUP
Custom art and craft stores	P (54)	P (54)	R	P	P	ACUP
Day-care center (14)	P (54)	P (54)	R	P	P	ACUP
Day-care center, family (14)	ACUP (54)	ACUP (54)	R	P	P	P
Drinking establishments	C	ACUP	R	C	C	C
Engineering and construction offices	P (54)	P (54)	R	P	P	ACUP
Espresso stands (33) (58)	P	X	R	P	P	P
Equipment rentals	X	ACUP	R	P	P	ACUP
Farm and garden equipment and sales	X	X	R	P	P	ACUP
Financial, banking, mortgage and title institutions	P (54)	P (54)	R	P	P	ACUP
General office and management services – less than 4,000 s.f.	P	P	R	P	P	ACUP
General office and management services – 4,000 to 9,999 s.f.	ACUP	ACUP	R	P	P	ACUP
General office and management services – 10,000 s.f. or greater	X	ACUP	R	P	P	ACUP
General retail merchandise stores – less than 4,000 s.f.	P	P	R	P	P	ACUP
General retail merchandise stores – 4,000 to 9,999 s.f.	ACUP	ACUP	R	P	P	ACUP

**17.381.040(B) Commercial and Mixed Use Zones. (Continued)**

Use	Low Intensity Commercial/Mixed Use		High-Intensity Commercial/Mixed Use			
	(NC) (19) (30) (48) (57)	UVC (30) (48) (57)	UTC (48) (57)	HTC (19) (29) (30) (48) (57)	RC (19) (48) (57)	MU (19) (44) (45) (48) (57)
<b>COMMERCIAL/BUSINESS USES (continued)</b>						
General retail merchandise stores – 10,000 to 24,999 s.f.	C	C	R	P	P	ACUP
General retail merchandise stores – 25,000 s.f. or greater	X	X	R	ACUP	ACUP	X
Kennels or Pet day-cares	C	X	R	C	C	C
Kennels, hobby	P	P	R	X	X	P
Laundromats and laundry services	P (54)	P (54)	R	P	P	ACUP
Lumber and bulky building material sales	X	X	R	ACUP (42)	ACUP (42)	X
Mobile home sales	X	X	R	ACUP	ACUP	X
Nursery, retail	ACUP	ACUP	R	P	P	ACUP
Nursery, wholesale	ACUP	ACUP	R	P	P	ACUP
Off-street private parking facilities	ACUP	ACUP	R	P	P	ACUP
Personal services – skin care, massage, manicures, hairdresser/barber	P (54)	P (54)	R	P	P	ACUP
Pet shop – retail and grooming	ACUP	ACUP	R	P	P	ACUP
Research laboratory	X	X	R	X	X	X
Restaurants	P (54)	P (54)	R	P	P	ACUP
Restaurants, high-turnover	C	ACUP	R	P	P	ACUP
Recreation vehicle rentals	X	X	R	ACUP	ACUP	X
Temporary offices and model homes	X	X	R	X	X	X
Tourism facilities, including outfitter and guide facilities	X	P	R	P	P	X
Tourism facilities, including seaplane and tour-boat terminals	X	X	R	ACUP	ACUP	X
Transportation terminals	C	C	R	ACUP	ACUP	ACUP
Veterinary clinics/Animal hospitals	ACUP	ACUP	R	P	P	C
<b>RECREATIONAL/CULTURAL USES</b>						
Accessory use or structure (1) (17) (51)	P	P	R	P	P	P
Amusement centers	C	C (11)	R	ACUP (11)	ACUP (11)	ACUP (11)

**17.381.040(B) Commercial and Mixed Use Zones. (Continued)**

Use	Low Intensity Commercial/Mixed Use		High-Intensity Commercial/Mixed Use			
	(NC) (19) (30) (48) (57)	UVC (30) (48) (57)	UTC (48) (57)	HTC (19) (29) (30) (48) (57)	RC (19) (48) (57)	MU (19) (44) (45) (48) (57)
<b>RECREATIONAL/CULTURAL USES (continued)</b>						
Carnival or Circus	C	ACUP (11)	R	ACUP (11)	ACUP (11)	ACUP (11)
Club, civic or social (12)	ACUP	ACUP	R	P	P	ACUP
Golf courses	ACUP	ACUP	X	ACUP	ACUP	ACUP
Marinas	ACUP	C	X	ACUP	ACUP	C
Movie/Performance theaters, indoor	ACUP	P	R	P	P	ACUP
Movie/Performance theaters, outdoor	X	ACUP	R	C	ACUP	C
Museum, galleries, aquarium, historic or cultural exhibits	ACUP	P	R	P	P	ACUP
Parks and open space	P	P	P	P	P	P
Race track, major	X	X	X	C	C	X
Race track, minor	X	X	X	X	X	X
Recreational facilities, private	ACUP	ACUP	R	ACUP	ACUP	ACUP
Recreational facilities, public	ACUP	ACUP	R	ACUP	ACUP	ACUP
Recreational vehicle camping parks	C	X	R	C	X	X
Zoo	X	X	R	C	C	X
<b>INSTITUTIONAL USES</b>						
Accessory use or structure (1) (17) (51)	P	P	R	P	P	P
Government/Public structures	ACUP	ACUP	R	ACUP	ACUP	ACUP
Hospital	X	C	R	ACUP	ACUP	C
Places of worship (12)	C	C	R	ACUP	ACUP	C
Private or public schools (20)	C	C	R	ACUP	ACUP	C
Public facilities, transportation and parking facilities, electric power and natural gas utility facilities, substations, ferry terminals, and commuter park-and-ride lots (16)	ACUP	ACUP	R	ACUP	ACUP	ACUP

**17.381.040(B) Commercial and Mixed Use Zones. (Continued)**

Use	Low Intensity Commercial/Mixed Use		High-Intensity Commercial/Mixed Use			
	(NC) (19) (30) (48) (57)	UVC (30) (48) (57)	UTC (48) (57)	HTC (19) (29) (30) (48) (57)	RC (19) (48) (57)	MU (19) (44) (45) (48) (57)
<b>INDUSTRIAL USES</b>						
Accessory use or structure (1) (17) (51)	P	P	R	P	P	P
Air pilot training schools	X	P	R	P	P	X
Assembly and packaging operations	X	C	R	C	C	C
Boat yard	X	X	R	ACUP	ACUP	X
Cemeteries, mortuaries, and crematoriums (10)	C	C	R	ACUP	ACUP	X
Cold storage facilities	X	X	R	X	X	X
Contractor's storage yard (21)	X	X	R	X	X	X
Food production, brewery or distillery	X	X	R	C	C	C
Fuel distributors	X	X	R	C	C	X
Helicopter pads (13)	X	C	R	C	C	C
Manufacturing and fabrication, light	X	C	R	C	C	X
Manufacturing and fabrication, medium	X	X	R	X	X	X
Manufacturing and fabrication, heavy	X	X	R	X	X	X
Manufacturing and fabrication, hazardous	X	X	R	X	X	X
Recycling centers	X	X	R	X	X	X
Rock crushing	X	X	R	X	X	X
Slaughterhouse or animal processing	X	X	R	X	X	X
Storage, hazardous materials	X	X	R	X	X	X
Storage, indoor	X	X	R	C	C	X
Storage, outdoor	X	X	R	X	X	X
Storage, self-service	C	C	R	ACUP	ACUP	ACUP (40)
Storage, vehicle and equipment (1)	X	X	R	ACUP	X	X
Top soil production, stump grinding	X	X	R	X	X	X
Transshipment facilities, including docks, wharves, marine rails, cranes, and barge facilities	X	X	R	X	X	X

**17.381.040(B) Commercial and Mixed Use Zones. (Continued)**

Use	Low Intensity Commercial/Mixed Use		High-Intensity Commercial/Mixed Use			
	(NC) (19) (30) (48) (57)	UVC (30) (48) (57)	UTC (48) (57)	HTC (19) (29) (30) (48) (57)	RC (19) (48) (57)	MU (19) (44) (45) (48) (57)
<b>INDUSTRIAL USES (continued)</b>						
Uses necessary for airport operation such as runways, hangars, fuel storage facilities, control towers, etc. (13)	X	X	R	X	X	X
Warehousing and distribution	X	X	R	X	X	X
Wrecking yards and junk yards (1)	X	X	R	X	X	X
<b>RESOURCE LAND USES</b>						
Accessory use or structure (1) (17) (51)	P	P	R	P	P	P
Aggregate extraction sites	X	X	R	X	X	X
Agricultural uses (15)	P	X	R	P	P	P
Aquaculture practices	C	C	R	C	C	C
Forestry	P	X	R	P	P	P
Shellfish/fish hatcheries and processing facilities	X	X	R	X	X	X
Temporary stands not exceeding 200 square feet in area and exclusively for the sale of agricultural products grown on site (27)	P (2)	X	R	P (2)	P (2)	P (2)

**Table 17.381.040(C) Airport and Industrial Zones.**

Use	Airport	Industrial		
	A	BC (31) (42)	BP	IND (32) (42)
<b>RESIDENTIAL USES</b>				
Accessory dwelling units	X	X	X	X
Accessory living quarters	X	X	X	X
Accessory use or structure (1) (17) (51)	P	P	ACUP	ACUP
Adult family home	X	ACUP P (41)	ACUP P (41)	ACUP P (41)
Bed and breakfast house	X	X	X	X
Caretaker's dwelling	ACUP	P	P	P
Convalescent home or congregate care facility	X	X	X	X
Cottage housing developments	X	X	X	X
Dwelling, duplex	X	X	X	X
Dwelling, existing	P	P	P	P
Dwelling, multi-family	X	X	X	X
Dwelling, single-family attached	X	X	X	X
Dwelling, single-family detached	X	X	X	X
Guest house	X	X	X	X
Home business	X	X	X	X
Hotel/Motel	X	X	X	X
Manufactured homes	X	X	X	X
Mixed use development	X	X	X	X
Mobile homes	X	X	X	X
Residential care facility	X	X	X	X
<b>COMMERCIAL/BUSINESS USES</b>				
Accessory use or structure (1) (17) (51)	P	P	P	P
Adult entertainment (1)	X	C	X	C
Ambulance service	X	P	ACUP	ACUP
Auction house	X	ACUP	ACUP	P
Auto parts and accessory stores	X	X	X	X
Automobile rentals	X	X	X	X
Automobile repair and car washes	X	P	ACUP	P (33)
Automobile service station (6)	X	C (33)	C (33)	P (33)

**Table 17.381.040(C) Airport and Industrial Zones. (Continued)**

Use	Airport	Industrial		
	A	BC (31) (42)	BP	IND (32) (42)
<b>COMMERCIAL/BUSINESS USES (continued)</b>				
Automobile, recreational vehicle or boat sales	X	ACUP (35)	X	ACUP (35)
Boat/marine supply stores	X	X	X	X
Brew pubs	X	ACUP (33)	ACUP (33)	ACUP
Clinic, medical	X	P	ACUP	C
Conference center	X	X	X	X
Custom art and craft stores	X	X	X	X
Day-care center (14)	X	P (33)	P (33)	P (33)
Day-care center, family (14)	X	P (33)	P (33)	X
Drinking establishments	C	P (33)	C (33)	X
Engineering and construction offices	X	P (33)	P (33)	P (33)
Espresso stands (58)	X	P (33)	P (33)	P (33)
Equipment rentals	X	P	P	P
Farm and garden equipment and sales	X	X	X	X
Financial, banking, mortgage and title institutions	X	P (33)	P (33)	ACUP (33)
General office and management services – less than 4,000 s.f.	X	P	P	P (33)
General office and management services – 4,000 to 9,999 s.f.	X	P	P	X
General office and management services – 10,000 s.f. or greater	X	P	P	X
General retail merchandise stores – less than 4,000 s.f.	X	P (33)	P (33)	ACUP (33)
General retail merchandise stores – 4,000 to 9,999 s.f.	X	X	X	X
General retail merchandise stores – 10,000 to 24,999 s.f.	X	X	X	X
General retail merchandise stores – 25,000 s.f. or greater	X	X	X	X
Kennels or Pet day-cares	X	P	ACUP	ACUP
Kennels, hobby	X	X	X	X

**Table 17.381.040(C) Airport and Industrial Zones. (Continued)**

Use	Airport	Industrial		
	A	BC (31) (42)	BP	IND (32) (42)
<b>COMMERCIAL/BUSINESS USES (continued)</b>				
Laundromats and laundry services	X	P	P	ACUP
Lumber and bulky building material sales	X	P	X	P
Mobile home sales	X	X	X	X
Nursery, retail	X	X	X	X
Nursery, wholesale	X	X	X	X
Off-street private parking facilities	X	X	X	X
Personal services – skin care, massage, manicures, hairdresser/barber	X	X	X	X
Pet shop – retail and grooming	X	X	X	X
Research laboratory	X	P	P	P
Restaurants	ACUP	P (33)	C (33)	ACUP (33)
Restaurants, high-turnover (33)	P (59)	P (59)	P (59)	P (59)
Recreational vehicle rentals	X	ACUP	ACUP	ACUP
Temporary offices and model homes (27)	X	X	X	X
Tourism facilities, including outfitter and guide facilities	P	P	P	ACUP
Tourism facilities, including seaplane and tour boat terminals	ACUP	X	X	X
Transportation terminals	ACUP	P	X	ACUP
Veterinary clinics/Animal hospitals	X	P	ACUP	ACUP
<b>RECREATIONAL/CULTURAL USES</b>				
Accessory use or structure (1) (17)	P	P	P	P
Amusement centers	X	X (11)	X (11)	C (11)
Carnival or Circus	X	X (11)	X (11)	ACUP (11)
Club, civic or social (12)	ACUP	ACUP	X	ACUP
Golf courses	X	X	X	X
Marinas	X	X	X	C
Movie/Performance theaters, indoor	X	X	X	X



**Table 17.381.040(C) Airport and Industrial Zones. (Continued)**

Use	Airport	Industrial		
	A	BC (31) (42)	BP	IND (32) (42)
<b>RECREATIONAL/CULTURAL USES (continued)</b>				
Movie/Performance theaters, outdoor	X	C	ACUP	X
Museum, galleries, aquarium, historic or cultural exhibits	ACUP	P	ACUP	X
Parks and open space	P	P	P	P
Race track, major	X	C	C	C
Race track, minor	X	X	X	C
Recreational facilities, private	X	P	C	C
Recreational facilities, public	C	P	C	C
Recreational vehicle camping parks	X	X	X	X
Zoo	X	X	X	X
<b>INSTITUTIONAL USES</b>				
Accessory use or structure (1) (17) (51)	P	P	ACUP	ACUP
Government/Public structures	P	P	P	P
Hospital	X	C	C	C
Places of worship (12)	X	C	X	C
Private or public schools (20)	X	P	ACUP	ACUP
Public facilities and electric power and natural gas utility facilities, substations, ferry terminals, and commuter park-and-ride lots (16)	C	ACUP	ACUP	ACUP
<b>INDUSTRIAL USES</b>				
Accessory use or structure (1) (17) (51)	P	P	P	ACUP
Air pilot training schools	P	P	P	P
Assembly and packaging operations	ACUP	P	X	ACUP
Boat yard	X	P	ACUP	ACUP
Cemeteries, mortuaries, and crematoriums (10)	X	ACUP	X	ACUP
Cold storage facilities	X	X	ACUP	P
Contractor's storage yard (21)	X	P	X	P
Food production, brewery or distillery	X	ACUP	ACUP	C
Fuel distributors	X	C	X	C
Helicopter pads (13)	P	ACUP	X	ACUP
Manufacturing and fabrication, light	ACUP	P	P	P

**Table 17.381.040(C) Airport and Industrial Zones. (Continued)**

Use	Airport	Industrial		
	A	BC (31) (42)	BP	IND (32) (42)
<b>INDUSTRIAL USES (continued)</b>				
Manufacturing and fabrication, medium	ACUP	C (52)	ACUP	P
Manufacturing and fabrication, heavy	X	X	X	ACUP
Manufacturing and fabrication, hazardous	X	X	X	C
Recycling centers	X	X	X	ACUP
Rock crushing	X	X	X	C
Slaughterhouse or animal processing	X	X	X	C
Storage, hazardous materials	X	X	X	C
Storage, indoor	C	P	P	P
Storage, outdoor	C	ACUP	X	P
Storage, self-service	X	ACUP	X	P
Storage, vehicle and equipment (1)	X	ACUP	X	P
Top soil production, stump grinding	X	X	X	ACUP
Transshipment facilities, including docks, wharves, marine rails, cranes, and barge facilities	X	P	C	C
Uses necessary for airport operation such as runways, hangars, fuel storage facilities, control towers, etc. (13)	P	X	X	C
Warehousing and distribution	ACUP	P	P	P
Wrecking yards and junk yards (1)	X	X	X	C
<b>RESOURCE LAND USES</b>				
Accessory use or structure (1) (17) (51)	P	P	ACUP	ACUP
Aggregate extractions sites	X	P	X	C
Agricultural uses (15)	X	P	P	P
Aquaculture practices	X	P	X	C
Forestry	P	P	P	P
Shellfish/fish hatcheries and processing facilities	X	X	X	C

**Table 17.381.040(C) Airport and Industrial Zones. (Continued)**

	<b>Airport</b>	<b>Industrial</b>		
<b>Use</b>	<b>A</b>	<b>BC</b> (31) (42)	<b>BP</b>	<b>IND</b> (32) (42)
<b>RESOURCE LAND USES (continued)</b>				
Temporary stands not exceeding 200 square feet in area and exclusively for the sale of agricultural products grown on site (27)	P (2)	P (2)	P (2)	P (2)

**Table 17.381.040(D) Limited Areas of More Intensive Rural Development (LAMIRD).**

Use	Keyport Rural Village Zoning			Manchester LAMIRD			Rural Historic LAMIRD			Suquamish LAMIRD		
	KVC	KVLR (2 du/ acre)	KVR (5 du/ acre)	MVC (50)	MVLR	MVR	RHTC (25)	RHTR (25)	RHTW (25)	SVC	SVLR	SVR
<b>RESIDENTIAL USES</b>												
Accessory dwelling units (1)	ACUP	P	P	X	C	C	C	C	X	C	ACUP	ACUP
Accessory living quarters (1)	ACUP	P	P	X	P	P	C	P	P	C	P	P
Accessory use or structure (1) (17) (18) (51)	ACUP	P	P	ACUP	P	P	P	P	P	P	P	P
Adult family home	ACUP	CUP	CUP	ACUP P (41)	ACUP P (41)	ACUP P (41)	ACUP P (41)	ACUP P (41)	ACUP P (41)	ACUP P (41)	ACUP P (41)	ACUP P (41)
Bed and breakfast house	ACUP (34)	P (34)	P (34)	ACUP C (34)	ACUP C (34)	ACUP C (34)	ACUP C (34)	ACUP C (34)	ACUP C (34)	ACUP C (34)	ACUP C (34)	ACUP C (34)
Caretaker's dwelling	ACUP	X	X	X	X	X	P	X	P	X	X	X
Convalescent home or congregate care facility	ACUP	CUP	CUP	ACUP	X	X	ACUP	C	X	X	X	X
Cottage housing developments	CUP	ACUP	ACUP	X	X	X	X	C	C	X	C	C
Dwelling, duplex	CUP	ACUP (3)	ACUP (3)	X	P (3)	P (3)	P	P	X	X	C	C
Dwelling, existing	P	P	P	P	P	P	P	P	P	P	P	P
Dwelling, multifamily	CUP	CUP	CUP	X	X	X	ACUP	ACUP	X	X	X	X
Dwelling, single-family attached	CUP (26)	P	P	P (26)	P	P	P	P	X	C	P	P
Dwelling, single-family detached	CUP (26)	P	P	P (26)	P	P	P	P	X	C	P	P
Guest house (1)	X	X	X	X	P	P	P	P	P	C	P	P
Home business (1) (52)	ACUP	ACUP	ACUP	X	ACUP	ACUP	P	P	X	X	ACUP	ACUP
Hotel/motel	ACUP	X	X	C	X	X	ACUP	X	ACUP	X	X	X

**Table 17.381.040(D) Limited Areas of More Intensive Rural Development (LAMIRD). (Continued)**

Use	Keyport Rural Village Zoning			Manchester LAMIRD			Rural Historic LAMIRD			Suquamish LAMIRD		
	KVC	KVLR (2 du/ acre)	KVR (5 du/ acre)	MVC (50)	MVLR	MVR	RHTC (25)	RHTR (25)	RHTW (25)	SVC	SVLR	SVR
<b>RESIDENTIAL USES (continued)</b>												
Manufactured homes	CUP (43)	ACUP (43)	ACUP (43)	X	P (43)	P (43)	ACUP (43)	ACUP (43)	X	X	P (43)	P (43)
Mixed use development (44)	ACUP	X	X	ACUP	X	X	ACUP	X	PBD	ACUP	X	X
Mobile homes	CUP (43)	CUP (43)	CUP (43)	X	X	X	X	X	X	X	X	X
Residential care facility	ACUP	ACUP	ACUP	X	X	X	X	X	X	C	X	X
<b>COMMERCIAL/BUSINESS USES</b>												
Accessory use or structure (1) (17) (51)	ACUP	P	P	ACUP	P	P	P	P	P	P	P	P
Adult entertainment (1)	X	X	X	X	X	X	X	X	X	X	X	X
Ambulance service	X	X	X	X	X	X	X	X	X	X	X	X
Auction house	X	X	X	X	X	X	X	X	X	X	X	X
Auto parts and accessory stores	ACUP	X	X	ACUP	X	X	X	X	X	C	X	X
Automobile rentals	CUP	X	X	X	X	X	X	X	X	X	X	X
Automobile repair and car washes	ACUP	X	X	X	X	X	ACUP	X	X	C	X	X
Automobile service station (6)	X	X	X	X	X	X	ACUP	X	X	ACUP (36)	X	X
Automobile, recreational vehicle or boat sales	X	X	X	X	X	X	X	X	ACUP	X	X	X
Boat/marine supply stores	ACUP	X	X	ACUP	X	X	ACUP	X	ACUP	C	X	X
Brew pubs	ACUP	X	X	X	X	X	ACUP	X	ACUP	C	X	X
Clinic, medical	ACUP	X	X	ACUP	X	X	ACUP	X	ACUP	C	X	X

**Table 17.381.040(D) Limited Areas of More Intensive Rural Development (LAMIRD). (Continued)**

Use	Keyport Rural Village Zoning			Manchester LAMIRD			Rural Historic LAMIRD			Suquamish LAMIRD		
	KVC	KVLR (2 du/ acre)	KVR (5 du/ acre)	MVC (50)	MVLR	MVR	RHTC (25)	RHTR (25)	RHTW (25)	SVC	SVLR	SVR
<b>COMMERCIAL/BUSINESS USES (continued)</b>												
Conference center	X	X	X	X	X	X	ACUP	X	ACUP	X	X	X
Custom art and craft stores	ACUP	X	X	ACUP	X	X	ACUP	X	ACUP	P	X	X
Day-care center (14)	CUP	CUP	CUP	C	C	C	ACUP	C	ACUP	ACUP	C	C
Day-care center, family (14)	CUP	CUP	CUP	C	C	C	ACUP	C	ACUP	ACUP	C	C
Drinking establishments	CUP	X	X	C	X	X	C	X	C	C	X	X
Engineering and construction offices	ACUP	X	X	ACUP	X	X	ACUP	X	ACUP	C	X	X
Espresso stands (58)	ACUP	X	X	ACUP	X	X	ACUP	X	X	C	X	X
Equipment rentals	X	X	X	X	X	X	X	X	X	X	X	X
Farm and garden equipment and sales	CUP	X	X	X	X	X	X	X	X	C	X	X
Financial, banking, mortgage and title institutions	ACUP	X	X	ACUP	X	X	ACUP	X	ACUP	C	X	X
General office and management services – less than 4,000 s.f.	ACUP	X	X	ACUP	X	X	ACUP	X	ACUP	ACUP	X	X
General office and management services – 4,000 to 9,999 s.f.	ACUP	X	X	ACUP	X	X	PBD (38)	X	PBD (38)	ACUP	X	X
General office and management services – 10,000 s.f. or greater	ACUP	X	X	ACUP	X	X	X	X	X	ACUP	X	X
General retail merchandise stores – less than 4,000 s.f.	ACUP	X	X	ACUP	X	X	ACUP	X	ACUP	ACUP	X	X

**Table 17.381.040(D) Limited Areas of More Intensive Rural Development (LAMIRD). (Continued)**

Use	Keyport Rural Village Zoning			Manchester LAMIRD			Rural Historic LAMIRD			Suquamish LAMIRD		
	KVC	KVLR (2 du/ acre)	KVR (5 du/ acre)	MVC (50)	MVLR	MVR	RHTC (25)	RHTR (25)	RHTW (25)	SVC	SVLR	SVR
<b>COMMERCIAL/BUSINESS USES (continued)</b>												
General retail merchandise stores – 4,000 to 9,999 s.f.	ACUP	X	X	ACUP	X	X	PBD	X	PBD	ACUP	X	X
General retail merchandise stores – 10,000 to 15,000 s.f.	CUP	X	X	X	X	X	X	X	X	C	X	X
General retail merchandise stores – 15,001 to 24,999 s.f.	CUP	X	X	X	X	X	X	X	X	X	X	X
General retail merchandise stores – 25,000 s.f. or greater	X	X	X	X	X	X	X	X	X	X	X	X
Kennels or Pet day-cares (1)	CUP	X	X	X	C	C	X	X	X	X	X	X
Kennels, hobby	CUP	CUP	CUP	X	P	P	X	P	X	X	P	P
Laundromats and laundry services	CUP	X	X	C	X	X	ACUP	X	ACUP	ACUP	X	X
Lumber and bulky building material sales	X	X	X	X	X	X	X	X	ACUP	ACUP	X	X
Mobile home sales	X	X	X	X	X	X	X	X	X	X	X	X
Nursery, retail	ACUP	CUP	CUP	ACUP	C	C	ACUP	X	ACUP	ACUP	C	C
Nursery, wholesale	ACUP	CUP	CUP	ACUP	C	C	ACUP	X	ACUP	ACUP	C	C
Off-street private parking facilities	CUP	X	X	ACUP	X	X	ACUP	X	ACUP	X	X	X
Personal services – skin care, massage, manicures, hairdresser/barber	ACUP	X	X	ACUP	X	X	ACUP	X	ACUP	ACUP	X	X
Pet shop – retail and grooming	ACUP	X	X	ACUP	X	X	ACUP	X	X	C	X	X
Research laboratory	CUP	X	X	X	X	X	X	X	C	X	X	X
Restaurants	ACUP	X	X	ACUP	X	X	ACUP	X	ACUP	ACUP	X	X

**Table 17.381.040(D) Limited Areas of More Intensive Rural Development (LAMIRD). (Continued)**

Use	Keyport Rural Village Zoning			Manchester LAMIRD			Rural Historic LAMIRD			Suquamish LAMIRD		
	KVC	KVLR (2 du/ acre)	KVR (5 du/ acre)	MVC (50)	MVLR	MVR	RHTC (25)	RHTR (25)	RHTW (25)	SVC	SVLR	SVR
<b>COMMERCIAL/BUSINESS USES (continued)</b>												
Restaurants, high-turnover	CUP	X	X	C	X	X	C	X	C	C	X	X
Recreational vehicle rental	X	X	X	X	X	X	X	X	X	X	X	X
Temporary offices and model homes (27)	CUP	X	X	X	ACUP	ACUP	X	X	ACUP	X	X	X
Tourism facilities, including outfitter and guide facilities	CUP	X	X	X	X	X	X	X	C	C	X	X
Tourism facilities, including seaplane and tour boat terminals	CUP	X	X	X	X	X	X	X	X	X	X	X
Transportation terminals	X	X	X	X	X	X	X	X	C	X	X	X
Veterinary clinics/animal hospitals	ACUP	X	X	ACUP	X	X	ACUP	X	X	ACUP	C	C
<b>RECREATIONAL/CULTURAL USES</b>												
Accessory use or structure (1) (17) (51)	ACUP	P	P	ACUP	P	P	P	P	P	P	P	P
Amusement centers	CUP (11)	X	X	C (11)	X	X	X (11)	X	X	X (11)	X	X
Carnival or circus	CUP (11)	X	X	C (11)	X	X	X (11)	X	X	X (11)	X	X
Club, civic or social (12)	ACUP	X	X	ACUP	ACUP	ACUP	ACUP	C	ACUP	ACUP	C	C
Golf courses	CUP	X	X	X	C	C	ACUP	C	ACUP	ACUP	C	C
Marinas	ACUP	X	X	ACUP	X	X	X	X	PBD	ACUP	C	C
Movie/Performance theaters, indoor	CUP	X	X	C	X	X	ACUP	X	X	X	X	X



**Table 17.381.040(D) Limited Areas of More Intensive Rural Development (LAMIRD). (Continued)**

Use	Keyport Rural Village Zoning			Manchester LAMIRD			Rural Historic LAMIRD			Suquamish LAMIRD		
	KVC	KVLR (2 du/ acre)	KVR (5 du/ acre)	MVC (50)	MVLR	MVR	RHTC (25)	RHTR (25)	RHTW (25)	SVC	SVLR	SVR
<b>RECREATIONAL/CULTURAL USES (continued)</b>												
Movie/Performance theaters, outdoor	CUP	X	X	X	X	X	X	X	X	X	X	X
Museum, galleries, aquarium, historic or cultural exhibits	ACUP	X	X	ACUP	X	X	ACUP	C	ACUP	ACUP	X	X
Parks and open space	P	P	P	P	P	P	P	P	P	P	P	P
Race track, major	X	X	X	X	X	X	X	X	X	X	X	X
Race track, minor	X	X	X	X	X	X	X	X	X	X	X	X
Recreational facilities, private	CUP	CUP	CUP	C	C	C	ACUP	C	ACUP	ACUP	C	C
Recreational facilities, public	CUP	CUP	CUP	C	C	C	ACUP	C	ACUP	ACUP	C	C
Recreational vehicle camping parks	X	X	X	X	X	X	X	X	X	X	X	X
Zoo	ACUP	X	X	X	X	X	X	X	X	X	X	X
<b>INSTITUTIONAL USES</b>												
Accessory use or structure (1) (17) (51)	ACUP	P	P	ACUP	P	P	P	P	P	P	P	P
Government/public structures	ACUP	CUP	CUP	ACUP	C	C	ACUP	C	ACUP	ACUP	C	C
Hospital	X	X	X	X	X	X	X	X	X	X	X	X
Places of worship (12)	ACUP	CUP	CUP	ACUP	C	C	C	C	C	ACUP	C	C
Private or public schools (20)	ACUP	CUP	CUP	ACUP	C	C	ACUP	C	ACUP	ACUP	C	C
Public facilities and electric power and natural gas utility facilities, substations, ferry terminals, and commuter park-and-ride lots (16)	ACUP	CUP	CUP	ACUP	C	C	PBD	X	PBD	P	C	C

**Table 17.381.040(D) Limited Areas of More Intensive Rural Development (LAMIRD). (Continued)**

Use	Keyport Rural Village Zoning			Manchester LAMIRD			Rural Historic LAMIRD			Suquamish LAMIRD		
	KVC	KVLR (2 du/ acre)	KVR (5 du/ acre)	MVC (50)	MVLR	MVR	RHTC (25)	RHTR (25)	RHTW (25)	SVC	SVLR	SVR
<b>INDUSTRIAL USES</b>												
Accessory use or structure (1) (17) (51)	ACUP	P	P	ACUP	P	P	P	P	P	P	P	P
Air pilot training schools	X	X	X	X	X	X	X	X	X	X	X	X
Assembly and packaging operations	X	X	X	X	X	X	PBD	X	PBD	X	X	X
Boat yard	ACUP	X	X	X	X	X	ACUP	X	ACUP	X	X	X
Cemeteries, mortuaries, and crematoriums (10)	CUP	X	X	X	C	C	X	X	X	X	X	X
Cold storage facilities	X	X	X	X	X	X	X	X	X	X	X	X
Contractor's storage yard (21)	CUP	X	X	X	C	C	X	X	ACUP	X	X	X
Food production, brewery or distillery	X	X	X	X	X	X	C	X	C	X	X	X
Fuel distributors	X	X	X	X	X	X	X	X	X	X	X	X
Helicopter pads (13)	X	X	X	X	X	X	X	X	X	X	X	X
Manufacturing and fabrication, light	X	X	X	X	X	X	PBD	X	PBD	X	X	X
Manufacturing and fabrication, medium	X	X	X	X	X	X	X	X	PBD	X	X	X
Manufacturing and fabrication, heavy	X	X	X	X	X	X	X	X	PBD	X	X	X
Manufacturing and fabrication, hazardous	X	X	X	X	X	X	X	X	PBD	X	X	X
Recycling centers	X	X	X	X	X	X	X	X	C	X	X	X
Rock crushing	X	X	X	X	X	X	X	X	X	X	X	X

**Table 17.381.040(D) Limited Areas of More Intensive Rural Development (LAMIRD). (Continued)**

Use	Keyport Rural Village Zoning			Manchester LAMIRD			Rural Historic LAMIRD			Suquamish LAMIRD		
	KVC	KVLR (2 du/ acre)	KVR (5 du/ acre)	MVC (50)	MVLR	MVR	RHTC (25)	RHTR (25)	RHTW (25)	SVC	SVLR	SVR
<b>INDUSTRIAL USES (continued)</b>												
Slaughterhouse or animal processing	X	X	X	X	X	X	X	X	X	X	X	X
Storage, hazardous materials	X	X	X	X	X	X	X	X	X	X	X	X
Storage, indoor	X	X	X	X	X	X	X	X	ACUP	X	X	X
Storage, outdoor	X	X	X	X	X	X	X	X	ACUP	X	X	X
Storage, self-service	CUP	X	X	X	X	X	X	X	X	X	X	X
Storage, vehicle and equipment (1)	X	X (18)	X	X	X (18)	X (18)	X	X (18)	ACUP (18)	X	X (18)	X (18)
Top soil production, stump grinding	X	X	X	X	X	X	X	X	ACUP	X	X	X
Transshipment facilities, including docks, wharves, marine rails, cranes, and barge facilities	X	X	X	X	X	X	X	X	C	X	X	X
Uses necessary for airport operation such as runways, hangars, fuel storage facilities, control towers, etc. (13)	X	X	X	X	X	X	X	X	X	X	X	X
Warehousing and distribution	X	X	X	X	X	X	X	X	X	X	X	X
Wrecking yards and junk yards (1)	X	X	X	X	X	X	X	X	X	X	X	X

**Table 17.381.040(D) Limited Areas of More Intensive Rural Development (LAMIRD). (Continued)**

Use	Keyport Rural Village Zoning			Manchester LAMIRD			Rural Historic LAMIRD			Suquamish LAMIRD		
	KVC	KVLR (2 du/ acre)	KVR (5 du/ acre)	MVC (50)	MVLR	MVR	RHTC (25)	RHTR (25)	RHTW (25)	SVC	SVLR	SVR
<b>RESOURCE LAND USES</b>												
Accessory use or structure (1) (17) (51)	ACUP	P	P	ACUP	P	P	P	P	P	P	P	P
Aggregate extractions sites	X	X	X	X	X	X	X	X	X	X	X	X
Agricultural uses (15)	X	P	P	X	P	P	P	P	P	P	P	P
Aquaculture practices	X	CUP	CUP	X	C	C	X	X	X	X	X	X
Forestry	X	X	X	X	P	P	P	P	P	P	P	P
Shellfish/fish hatcheries and processing facilities	CUP	X	X	X	X	X	X	X	PBD	X	X	X
Temporary stands not exceeding 200 square feet in area and exclusively for the sale of agricultural products grown on site (27)	ACUP	ACUP (2)	ACUP (2)	X	P (2)	P (2)	P (2)	P (2)	P (2)	P (2)	P (2)	P (2)

**Table 17.381.040(E) Parks, Rural and Resource Zones.**

Use	Parks	Resource		Rural			
	Parks	FRL	MR	URS	RP	RR	RW
<b>RESIDENTIAL USES</b>							
Accessory dwelling units (1)	X	X	X	C	C	C	C
Accessory living quarters (1)	X	X	X	P	P	P	P
Accessory use or structure (1) (17) (18) (51)	X	P	P	P	P	P	P
Adult family home	X	X	X	ACUP P (41)	ACUP P (41)	ACUP P (41)	ACUP P (41)
Bed and breakfast house	X	X	X	ACUP C (34)	ACUP C (34)	ACUP C (34)	ACUP C (34)
Caretaker's dwelling	P	X	X	X	X	X	X
Convalescent home or congregate care facility	X	X	X	X	X	X	X
Cottage housing developments	X	X	X	X	X	X	X
Dwelling, duplex	X	P (3)	X	P (3)	P (3)	P (3)	P (3)
Dwelling, existing	X	P	P	P	P	P	P
Dwelling, multi-family	X	X	X	X	X	X	X
Dwelling, single-family attached	X	C	X	C	C	C	X
Dwelling, single-family detached	X	C	X	P	P	P	P
Guest house (1)	X	X	X	P	P	P	P
Home business (1) (52)	X	C (23)	X	ACUP	ACUP	ACUP	ACUP
Hotel/Motel	X	X	X	X	X	X	X
Manufactured homes	X	C (43)	X	P (43)	P (43)	P (43)	X
Mixed use development (44)	X	X	X	X	X	X	X
Mobile homes	X	P (43)	P	P (43)	P (43)	P (43)	P
Residential care facility	X	X	X	X	X	X	X
<b>COMMERCIAL/BUSINESS USES</b>							
Accessory use or structure (1) (17) (51)	P	P	P	P	P	P	P
Adult entertainment (1)	X	X	X	X	X	X	X
Ambulance service	X	X	X	X	X	X	X
Auction house	X	X	X	X	X	X	X
Auto parts and accessory stores	X	X	X	X	X	X	X
Automobile rentals	X	X	X	X	X	X	X
Automobile repair and car washes	X	X	X	X	X	X	X

**Table 17.381.040(E) Parks, Rural and Resource Zones. (Continued)**

Use	Parks	Resource		Rural			
	Parks	FRL	MR	URS	RP	RR	RW
<b>COMMERCIAL/BUSINESS USES (continued)</b>							
Automobile service station (6)	X	X	X	X	X	X	X
Automobile, recreational vehicle or boat sales	X	X	X	X	X	X	X
Boat/marine supply stores	X	X	X	X	X	X	X
Brew pubs	X	X	X	X	X	X	X
Clinic, medical	X	X	X	X	X	X	X
Conference center	ACUP	X	X	X	X	X	X
Custom art and craft stores	X	X	X	X	X	X	X
Day-care center (14)	ACUP	X	X	C	C	C	X
Day-care center, family (14)	X	X	X	ACUP	P	P	X
Drinking establishments	X	X	X	X	X	X	X
Engineering and construction offices	X	X	X	X	X	X	X
Espresso stands (58)	X	X	X	X	X	X	X
Equipment rentals	X	X	X	X	X	X	X
Farm and garden equipment and sales	X	X	X	X	X	X	X
Financial, banking, mortgage and title institutions	X	X	X	X	X	X	X
General office and management services – less than 4,000 s.f.	X	X	X	X	X	X	X
General office and management services – 4,000 to 9,999 s.f.	X	X	X	X	X	X	X
General office and management services – 10,000 s.f. or greater	X	X	X	X	X	X	X
General retail merchandise stores – less than 4,000 s.f.	X	X	X	X	X	X	X
General retail merchandise stores – 4,000 to 9,999 s.f.	X	X	X	X	X	X	X
General retail merchandise stores – 10,000 to 24,999 s.f.	X	X	X	X	X	X	X
General retail merchandise stores – 25,000 s.f. or greater	X	X	X	X	X	X	X
Kennels or Pet day-cares	X	X	X	C (12)	C (12)	C (12)	X
Kennels, hobby	X	X	X	P	P	P	P
Laundromats and laundry services	X	X	X	X	X	X	X
Lumber and bulky building material sales	X	X	X	X	X	X	X
Mobile home sales	X	X	X	X	X	X	X

**Table 17.381.040(E) Parks, Rural and Resource Zones. (Continued)**

Use	Parks	Resource		Rural			
	Parks	FRL	MR	URS	RP	RR	RW
<b>COMMERCIAL/BUSINESS USES (continued)</b>							
Nursery, retail	X	X	X	C	C	C	X
Nursery, wholesale	X	X	X	P	P	P	P
Off-street private parking facilities	X	X	X	X	X	X	X
Personal services – skin care, massage, manicures, hairdresser/barber	X	X	X	X	X	X	X
Pet shop – retail and grooming	X	X	X	X	X	X	X
Research laboratory	X	X	X	X	X	X	X
Restaurants	X	X	X	X	X	X	X
Restaurants, high-turnover	X	X	X	X	X	X	X
Recreational vehicle rentals	X	X	X	X	X	X	X
Temporary offices and model homes (27)	X	X	X	X	ACUP	ACUP	X
Tourism facilities, including outfitter and guide facilities	X	X	X	X	X	X	X
Tourism facilities, including seaplane and tour-boat terminals	X	X	X	X	X	X	X
Transportation terminals	X	X	X	X	X	X	X
Veterinary clinics/Animal hospitals	X	X	X	C	C (8)	C (8)	X
<b>RECREATIONAL/CULTURAL USES</b>							
Accessory use or structure (1) (17) (51)	P	P	P	P	P	P	P
Amusement centers	ACUP	X	X	X	X	X	X
Carnival or Circus	ACUP	X	X	X	X	X	X
Club, civic or social	ACUP	X	C (12)	X	C (12)	C (12)	X
Golf courses	ACUP	X	X	C (12)	C (12)	C (12)	X
Marinas	ACUP	X	X	X	X	X	X
Movie/Performance theaters, indoor	X	X	X	X	X	X	X
Movie/Performance theaters, outdoor	C	X	X	X	X	X	X
Museum, galleries, aquarium, historic or cultural exhibits	ACUP	X	X	X	X	X	X
Parks and open space	P	P	P	P	P	P	P
Race track, major	C (12)	X	X	X	X	X	X
Race track, minor	C (12)	C (12)	C (12)	X	X	X	C (12)

**Table 17.381.040(E) Parks, Rural and Resource Zones. (Continued)**

Use	Parks	Resource		Rural			
	Parks	FRL	MR	URS	RP	RR	RW
<b>RECREATIONAL/CULTURAL USES (continued)</b>							
Recreational facilities, private	ACUP	X	X	C (12)	C (12)	C (12)	C
Recreational facilities, public	ACUP	X	X	ACUP	ACUP	ACUP	C
Recreational vehicle camping parks	ACUP	X	X	X	C (46)	C (46)	C (46)
Zoo	X	X	X	X	X	X	X
<b>INSTITUTIONAL USES</b>							
Accessory use or structure (1) (17) (51)	P	P	P	P	P	P	P
Government/Public structures	P	X	X	P	ACUP	ACUP	X
Hospital	X	X	X	X	X	X	X
Places of worship	X	X	X	C (12)	C (12)	C (12)	X
Private or public schools (20)	X	X	X	C	C	C	X
Public facilities, transportation and parking facilities, electric power and natural gas utility facilities, substations, ferry terminals, and commuter park-and-ride lots (16)	P	C (5)	C	C	C	C	C
<b>INDUSTRIAL USES</b>							
Accessory use or structure (1) (17) (51)	X	P	P	P	P	P	P
Air pilot training schools	X	X	X	X	X	X	X
Assembly and packaging operations	X	X	X	X	X	X	X
Boat yard	X	X	X	X	X	X	X
Cemeteries, mortuaries, and crematoriums (10)	X	X	X	C	C	C	C
Cold storage facilities	X	X	X	X	X	X	X
Contractor's storage yard (21)	X	X	ACUP	X	C (12)	C (12)	X
Food production, brewery or distillery	X	X	X	X	X	X	X
Fuel distributors	X	X	X	X	X	X	X
Helicopter pads (13)	X	X	X	X	X	X	X
Manufacturing and fabrication, light	X	X	X	X	X	X	X
Manufacturing and fabrication, medium	X	X	X	X	X	X	X
Manufacturing and fabrication, heavy	X	X	X	X	X	X	X
Manufacturing and fabrication, hazardous	X	X	X	X	X	X	X
Recycling centers	X	X	X	X	X	X	X



**Table 17.381.040(E) Parks, Rural and Resource Zones. (Continued)**

Use	Parks	Resource		Rural			
	Parks	FRL	MR	URS	RP	RR	RW
<b>INDUSTRIAL USES (continued)</b>							
Rock crushing	X	C (39)	C (39)	X	X	X	C (39)
Slaughterhouse or animal processing	X	X	X	X	X	X	X
Storage, hazardous materials	X	X	X	X	X	X	X
Storage, indoor	X	X	X	X	X	X	X
Storage, outdoor	X	X	X	X	X	X	X
Storage, self-service	X	X	X	X	X	X	X
Storage, vehicle and equipment (1)	X	X	X	X (18)	X (18)	X (18)	X
Top soil production, stump grinding	X	X	C	X	C (22)	C (22)	X
Transshipment facilities, including docks, wharves, marine rails, cranes, and barge facilities	X	X	X	X	X	X	X
Uses necessary for airport operation such as runways, hangars, fuel storage facilities, control towers, etc. (13)	X	X	X	X	X	X	X
Warehousing and distribution	X	X	X	X	X	X	X
Wrecking yards and junk yards (1)	X	X	X	X	X	X	X
<b>RESOURCE LAND USES</b>							
Accessory use or structure (1) (17) (51)	P	P	P	P	P	P	P
Aggregate extractions sites	X	P (4)	P	X	C	C	C
Agricultural uses (15)	P	X	P	P	P (7)	P (7)	P (7)
Aquaculture practices	P	X	X	C	C	C	C
Forestry	P	P	P	P	P	P	P
Shellfish/fish hatcheries and processing facilities	X	X	X	X	X	X	X

(Ord. 420 (2008) § 8 (part), 2008; Ord. 419 (2008) §§ 5 – 9, 2008; Ord. 415 (2008) §§ 142 – 146, 2008; Ord. 405 (2007) § 5 (part), 2007; Ord. 402 (2007) § 2 (part), 2007; Ord. 384 (2007) §§ 9, 10, 2007; Ord. 380 (2007) § 3 (part), 2007; Ord. 367 (2006) § 105 (part), 2006)

**17.381.050 Footnotes for zoning use table.**

A. Where noted on the preceding use tables, the following additional restrictions apply:

1. Where applicable subject to Section 17.381.060, Provisions applying to special uses.

2. Minimum setbacks shall be twenty feet from any abutting right-of-way or property line; provided, however, advertising for sale of products shall be limited to two on-premises signs each not exceeding six square feet.

3. When located within urban growth areas (except UR), duplexes shall require five thousand square feet of minimum lot area. Duplexes located in the UR zone or outside of urban growth areas shall 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. A veterinary clinic or animal hospital 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 may be required to provide additional measures to prevent or mitigate offensive noise, odor, light and other impacts.

9. Veterinary clinics and animal hospitals 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 two hundred feet of a lot in a residential zone.

11. A circus, carnival, animal display, or amusement ride 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 and activities shall be set back a minimum of fifty feet in FRL, MR, RW, RP, RR or Parks zones and thirty-five feet in all other zones from a side or rear lot line. All such uses shall access directly to a county right-of-way 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 any adjacent (existing or future) residential development due to excessive traffic generation, noise, light or other circumstances. The director may increase setback, buffer and landscaping standards or impose other conditions to address potential impacts.

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 may be permitted in certain zones subject to a conditional use permit. All private landing strips, runways, and heliports shall be so designed and 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.

14. In those zones that prohibit residential uses, family day-care centers are only allowed in existing residential structures. 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 forty thousand 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 three hundred feet of the lot on which the animals are maintained the above specifications may be exceeded by a factor of two;

b. Per twenty thousand 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 three hundred feet of the lot on which the animals are maintained the above specifications may be exceeded by a factor of two.

c. 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), or rural residential (RR) zone, or within two hundred feet of any residence on adjacent property within any other zone; provided, a pasture (greater than twenty thousand 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 building height of any boathouse shall not be greater than fourteen feet above the ordinary high water line;

c. Covered structures must abut or be upland of the ordinary high water line; and

d. 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. All development within the Silverdale Design District boundaries must be consistent with the Silverdale Design Standards.

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 screening buffer a minimum of twenty-five feet in width and capable of providing functional screening of the use. Minimum lot size shall be one hundred thousand square feet.

22. Stump grinding, soil-combining and composting in rural protection and rural resi-

dential zones must meet the following requirements:

a. The subject property(ies) must be one hundred thousand square feet or greater in size;

b. The use must take direct access from a county-maintained right-of way;

c. A fifty-foot natural vegetation buffer must be maintained around the perimeter of the property(ies) to provide adequate screening of the use from neighboring properties;

d. The subject property(ies) must be adjacent to an industrial zone or a complementary 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 Town Development Objectives 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 set 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 Section 17.370.025, all uses requiring a conditional use permit will be considered permitted uses.

33. Must be located and designed to serve adjacent area.

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. The use shall be accessory and shall not occupy more than twenty-five percent of the project area.

36. Requires a 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 five thousand square feet are prohibited.

39. For the purpose of construction and maintenance of a timber management road system.

40. Storage facilities must be screened and 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. Adult family homes serving one to six residents (excluding proprietors) are permitted uses. Adult family homes serving more than six applicable residents (excluding proprietors) require an administrative conditional use permit (ACUP).

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 title.

45. New or expanded commercial developments that will result in less than five thousand gross square feet of total commercial use within a development site or residential developments of fewer than four dwelling units are permitted outright outside of the Silverdale UGA.

46. Allowed only as an accessory use to a park or recreational facility greater than twenty acres in size.

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.

50. The 2007 Manchester Community Plan, Appendix A – Manchester Design Standards sets forth policies and regulations for properties within the Manchester Village Commercial (MVC) district. All development within the MVC district must be consistent with these standards.

51. Storage of shipping containers is prohibited unless allowed as part of a land use permit and/or approval. Placement of storage containers allowed only with an approved temporary permit subject to the provisions of Section 17.455.090(I).

52. Aggregate production and processing only. Allowed only if directly connected to an approved surface mining permit approved by the Washington State Department of Natural Resources (DNR).

53. Commercial or industrial uses otherwise prohibited in the zone may be allowed as a component of a home business subject to the requirements of Section 17.381.060(B).

54. The gross floor area shall not exceed four thousand square feet.

55. Auction house and all items to be auctioned shall be fully enclosed within a structure.

56. There shall be no more than six rental vehicles kept on site.

57. When a component of development located within a commercial zone involves the conversion of previously undeveloped land which abuts a residential zone, it shall be treated as a Type II Administrative Decision.

58. In addition to the other standards set forth in Kitsap County Code, espresso stands are subject to the following conditions:

a. Drive aisles/stacking lanes shall be designed to accommodate a minimum of three vehicles per service window/door. Each stacking lane shall be sized measuring eight and one-half feet in width and twenty feet in length,

with direct access to the service window. The drive aisles/stacking lanes shall be designed to prevent any vehicles from interfering with public or private roadways, pedestrian circulation, traffic circulation, parking areas or other required development amenities.

b. Subject to provisions set forth in Chapter 17.435, drive aisles and parking areas must also be paved in urban growth areas and include, at minimum, hard compacted surfaces in rural areas. Such surfaces must be addressed with required drainage facilities. A joint parking agreement shall be required if parking cannot be accommodated on site.

c. All structures must be permanently secured to the ground.

d. Restroom facilities must be available for employees. Portable or temporary restroom facilities shall not be used to meet this requirement.

59. Use is permitted in the South Kitsap Industrial Area only.

60. All development in Illahee shall be consistent with the Illahee Community Plan. (Ord. 420 (2008) § 8 (part), 2008; Ord. 419 (2008) § 10, 2008; Ord. 415 (2008) § 147; Ord. 405 (2007) § 5 (part), 2007; Ord. 384 (2007) § 11, 2007; Ord. 381 (2007) § 3, 2007; Ord. 367 (2006) § 105 (part), 2006)

### **17.381.060 Provisions applying to special uses.**

A. In addition to other standards and requirements imposed by this title, 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 title, the most restrictive shall apply.

B. Uses with additional restrictions:

1. Home Business. Home businesses may be allowed for commercial or industrial uses within residential zones subject to the following conditions:

a. 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 to work in the residence other than family members who reside in the residential dwelling;

(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 twenty-five percent 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 square foot).

b. 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 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 employees, including proprietors (or independent contractors), are allowed;

(7) Non-illuminated signs not exceeding four 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:

- i. Patronage by appointment.
- ii. Additional off-street parking.
- iii. Other reasonable conditions.

c. Moderate home business, as defined below, shall be permitted in RW, RP, RR and 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 employees (or independent contractors) are allowed;

(6) Non-illuminated signs not exceeding four 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:

- i. Patronage by appointment.
- ii. Additional off-street parking.
- iii. Screening of outside storage.
- iv. A conditional use permit (required for engine or vehicle repair or servicing).
- v. Other reasonable conditions.

2. Pets and Exotic Animals. Pets, non-traditional pets and exotic animals are subject to the following conditions:

a. 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 title. Other pets, excluding cats, which are kept indoors shall be limited to five;

b. Pets which are kept outside of the primary structure shall be limited to three per household on lots less than twenty thousand square feet in area, only one of which may be a non-traditional pet; five per household on lots of twenty thousand to thirty-five thousand square feet, only two of which may be non-traditional pets; with an additional two pets per acre of site area over thirty-five thousand square feet up to a limit of twenty;

c. 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 (B)(3) of this section, 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); and

d. 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 feet from any residence on adjacent property.

3. 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:

a. An ADU shall be allowed as a permitted use in those areas contained within an urban growth boundary;

b. An ADU shall be subject to a conditional use permit in those areas outside an urban growth boundary;

c. Only one ADU shall be allowed per lot;

d. Owner of the property must reside in either the primary residence or the ADU;

e. The ADU shall not exceed fifty percent of the square footage of the habitable area of primary residence or nine hundred square feet, whichever is smaller;

f. The ADU shall be located within one hundred fifty feet of the primary residence or shall be the conversion of an existing detached structure (i.e., garage);

g. The ADU shall be designed to maintain the appearance of the primary residence;

h. All setback requirements for the zone in which the ADU is located shall apply;

i. The ADU shall meet the applicable health district standards for water and sewage disposal;

j. No mobile homes or recreational vehicles shall be allowed as an ADU;

k. An ADU shall use the same side street entrance as the primary residence and shall provide additional off-street parking; and

l. An ADU is not permitted on the same lot where an accessory living quarters exists.

4. Accessory Living Quarters. In order to encourage the provision of affordable housing, accessory living quarters may be located in residential zones, subject to the following criteria:

a. Accessory living quarters shall be located within an owner-occupied primary residence;

b. Accessory living quarters are limited in size to no greater than fifty percent of the habitable area of the primary residence;

c. The accessory living quarters are subject to applicable health district standards for water and sewage disposal;

d. Only one accessory living quarters shall be allowed per lot;

e. Accessory living quarters are to provide additional off-street parking with no additional street side entrance; and

f. Accessory living quarters are not allowed where an accessory dwelling unit exists.

#### 5. Adult Entertainment.

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

(1) Adult book store;

(2) Adult mini-motion picture theater;

(3) Adult motion picture theater;

(4) Adult novelty store; and

(5) Cabaret.

b. Restrictions on Adult Entertainment Uses. In addition to complying with the other sections of the Zoning Ordinance, adult entertainment uses shall not be permitted:

(1) Within one thousand feet of any other existing adult entertainment use; and/or

(2) 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;

iv. Licensed day care centers for more than twelve children;

v. Existing residential use within a commercial zone.

(3) 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.

c. Signage for Adult Entertainment Uses.

(1) 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.

(2) 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.

(3) Primary and secondary 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."

(4) Primary signs for adult movie theaters may contain the additional phrase, "Movie Titles Posted on Premises."

i. Each letter forming a word on a primary or secondary 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.

ii. Secondary signs shall have only one display surface. Such display surface shall:

- (a) Be a flat plane, rectangular in shape;
- (b) Not exceed twenty square feet in area;
- (c) Not exceed five feet in height and four feet in width; and

(d) Be affixed or attached to any wall or door of the establishment.

6. Storage of Junk Motor Vehicles.

a. Storage of junk motor vehicles on any property outside of a legally constructed building (minimum of three sides and a roof) is prohibited, except where the storage of up to six junk motor vehicles meets one of the following two conditions:

(1) Any junk motor vehicle(s) stored outdoors must be completely screened by a sight-obscuring fence or natural vegetation to the satisfaction of the director (a covering such as a tarp over the vehicle(s) will not constitute an acceptable visual barrier). For the purposes of this section, "screened" means not visible from any portion or elevation of any neighboring or adjacent public or private property, easement or right-of-way; or

(2) Any junk motor vehicle(s) stored outdoors must be stored more than two hundred fifty feet away from all property lines.

b. Environmental Mitigation Agreement. The owner of any such junk motor vehicle(s) must successfully enter into an environmental mitigation agreement with the department of community development (the "department") regarding the property where such vehicle(s) will be located or stored.

(1) An environmental mitigation agreement between a property owner and the department is required before the outdoor storage of up to six screened junk motor vehicles will be approved. A property owner may enter into such agreement with the department for a one-time fee of \$10.00 per vehicle, the proceeds of which shall be used to assist with clean-up costs associated with the administration of Chapter 9.56.

(2) In order to mitigate any potential environmental impact from the storage of these junk motor vehicles, the property owner must agree to institute one of the following two preventative measures:

i. Each junk motor vehicle must be drained of all oil and other fluids including, but

not limited to, engine crankcase oil, transmission fluid, brake fluid and radiator coolant or antifreeze prior to placing the vehicle on site; or

ii. Drip pans or pads must be placed and maintained underneath the radiator, engine block, transmission and differentials of each junk motor vehicle to collect residual fluids.

iii. Either preventative measure shall require that the owner of such vehicle(s) clean up and properly dispose of any visible contamination resulting from the storage of junk motor vehicles. The agreement will require the property owner to select one of the two preventative measures and to allow for an initial inspection of the property by the department to assure that the preventative measure has been implemented to the satisfaction of the department. By entering into the agreement, the property owner further agrees to allow the department entry onto the property on an annual basis for re-inspection to assure compliance with the approved agreement. If a property is found to be in compliance with the terms of the agreement for two consecutive inspections, the department may waive the annual inspection requirement. A property owner found to be in violation of the agreement may be issued a civil infraction pursuant to this title and could later be deemed a nuisance in accordance with Chapter 9.56.

7. Model Homes. Notwithstanding any other provision of this code, model homes may be constructed within a subdivision prior to final plat approval by the board. The purpose of the model homes shall be to demonstrate a variety of housing designs together with associated on-site improvements, e.g., landscaping, improved driveway, patios. Model homes shall be subject to the following requirements:

a. The subdivision shall have received preliminary plat approval;

b. One model home may be occupied as a temporary real estate office;

c. A model home may not be occupied as a dwelling unit or sold until the approved final plat is recorded;

d. The number of model home permits that may be issued for any approved preliminary plat or division thereof shall not exceed six;

e. If the lots to be used for model home purposes are in a block of two or more contiguous lots, temporary uses may be incorporated onto one or more lots, including temporary offices, parking, parks and playgrounds, subject to the approval of the director, and subject to obtaining a temporary use permit, which shall authorize the temporary uses for a period of one year. The director may extend the temporary use permit for up to two additional periods of six months each;

f. Lots used for model homes must be clear of restrictions or easements that may be subject to line changes before recording;

g. Stormwater management facilities must be in place and/or approved for recording. Temporary erosion control must be completed prior to occupancy of a model home;

h. Roads must be constructed to final alignment and grade such that the building inspector can determine if connecting driveways meet county standards prior to occupancy of a model home;

i. Permanent or temporary fire flow for the final plat must be approved by the fire marshal, constructed and operational prior to occupancy of a model home; and

j. Final plat restoration bonds must be posted prior to occupancy of a model home.

8. Guest Houses. Guest house may be located in those zones specified in Section 17.381.040 subject to the following conditions:

a. Guest houses shall not exceed nine hundred square feet. Dimensions are determined by exterior measurements;

b. Guest houses shall not include any kitchen plumbing, appliances or provisions for cooking;

c. Guest houses shall not include more than one bathroom (may be full bathroom);

d. Guest houses shall not include more than two habitable rooms and a bathroom;

- e. Guest houses shall not be rented separately from the primary residence;
- f. Only one guest house is allowed per parcel;
- g. No guest house is allowed on a parcel with an existing accessory dwelling unit or accessory living quarters;
- h. Newly constructed guest houses must meet the required setbacks for a single-family dwelling consistent with their zone. Legally established, existing structures built before May 7, 1998, may be remodeled into guest houses at their existing setback;
- i. Guest houses must be within one hundred fifty feet of the primary residence;
- j. Guest houses must use the same street entrance as the primary structure;
- k. Guest houses must meet all applicable health district standards for water provision and sewage disposal; and
- l. The property owner must record a notice to title outlining these conditions. This notice must be approved by the department and may not be extinguished without the county's written permission.  
(Ord. 419 (2008) § 11, 2008: Ord. 415 (2008) § 148, 2008: Ord. 381 (2007) § 3, 2007: Ord. 367 (2006) § 105 (part), 2006)

**Chapter 17.382**

**DENSITY, DIMENSIONS, AND DESIGN**

**Sections:**

- 17.382.010 Standards established.
- 17.382.020 Measurement methods.
- 17.382.030 Design standards.
- 17.382.035 Additional mixed use development standards.
- 17.382.037 Single-family subdivision/development standards.
- 17.382.040 Tables.
- 17.382.050 Interpretation of tables.
- 17.382.060 Urban Residential Density and Dimensions Table.

- 17.382.070 Commercial and Mixed Use Density and Dimensions Table.
- 17.382.080 Airport and Industrial Density and Dimensions Table.
- 17.382.090 LAMIRD Density and Dimensions Table.
- 17.382.100 Parks, Rural and Resource Density and Dimensions Table.
- 17.382.110 Footnotes for tables.

**17.382.010 Standards established.**

The following sections and tables contain density, dimension standards, and other limitations for the various zones. Additional development requirements not found in these sections and tables may also apply.  
(Ord. 415 (2008) § 149, 2008: Ord 367 (2006) § 106 (part), 2006)

**17.382.020 Measurement methods.**

A. Density. Except as provided in Section 17.382.110(A)(18), density shall be calculated as follows:

In all zones where a maximum or base density is identified, maximum or base density is calculated on gross acreage of the site. In all zones where a minimum density is required, minimum density is calculated on net developable acreage. If a calculation results in a partial dwelling unit, the partial dwelling unit shall be rounded to the nearest whole number. Less than .5 shall be rounded down. Greater than or equal to .5 shall be rounded up.

B. Setbacks. Setbacks shall be measured perpendicularly from a property line to the nearest vertical wall or other element of a building or structure, not including driveways, patios, pools, sidewalks, landscaping elements or other similar improvements built at or below grade.

C. Height. Except as provided for in Section 17.382.110(A)(14), height shall be measured from a reference datum to the highest point of the coping of a flat roof, 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:

1. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten feet above lowest grade.

2. An elevation ten feet higher than the lowest grade when the sidewalk or ground surface described in subsection (C)(1) of this section is more than ten feet above lowest grade.

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

D. Lot Area. Lot area for lots in urban areas shall be calculated by adding the area contained within the lot lines, exclusive of public or private streets or rights-of-way, tidelands, storm water detention-retention facilities, and the panhandle of a flag lot if the panhandle is less than thirty feet in width. Lots in rural areas may compute to the centerline of public or private streets or rights-of-way. Further, rural lots shall be considered five acres if the lot is 1/128 of a section, ten acres if the lot is 1/64 of a section, and twenty acres if the lot is 1/32 of a section.

E. Lot Width and Depth. Lot width shall be measured as the average horizontal distance between the side lot lines. Lot depth shall be measured as the horizontal distance between the midpoint of the front and opposite (usually the rear) lot line. In the case of a corner lot, lot depth shall be the length of its longest front lot line.

F. Lot Coverage and Impervious Surface. Lot coverage shall be calculated by dividing the area of land covered by buildings into the total lot area. Impervious surface coverage shall be calculated by dividing the area of land covered by buildings, structures, and all other impervious surfaces (such as sidewalks, driveways, and patios) into the total lot area.

(Ord. 415 (2008), § 150, 2008: Ord 367 (2006) § 106 (part), 2006)

### **17.382.030 Design standards.**

A. In addition to other standards and requirements imposed by this title, all uses except single-family detached dwellings, duplexes and uses located in the RW, FRL, or MR zones shall comply with the provisions stated herein. Should a conflict arise between the requirements of this section and other requirements of this title, the most restrictive shall apply.

B. Landscaping, Building Height, Buffering and Screening.

1. The development must comply with Chapter 17.385 of this title regarding landscaping standards.

2. The director may require increased landscaping, screening and setbacks to minimize conflicts and improve compatibility with adjacent uses.

3. 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;

b. Where the density of the proposed development is less than that permitted by the zone; or

c. Where topographical or other site conditions provide natural screening and buffering.

4. 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 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 foot candle of illumination leaves the property boundaries.

D. Screening of Equipment, Storage, and Refuse Areas.

1. 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;

2. Locate service areas, outdoor storage areas and other intrusive site features away from neighboring properties to reduce conflicts with adjacent uses. 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;

3. 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;

E. Access and Circulation.

1. 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 one thousand two hundred feet of the site and incorporate transit stops within the site plan design as appropriate;

2. Developments shall be limited to one ingress/egress per three hundred lineal feet along a public arterial. Small parcels that provide less than two hundred fifty feet of road frontage shall be limited to one parking lot entrance lane and one exit lane. 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.

F. Off-Street Parking. The development must comply with the off-street parking requirements prescribed by Chapter 17.435 of this title.

G. Solid Waste. The development must comply with the guidelines set forth in the Kitsap County Comprehensive Solid Waste Plan. (Ord. 415 (2008) § 151, 2008: Ord 367 (2006) § 106 (part), 2006)

### **17.382.035 Additional mixed use development standards.**

A. Total gross floor area devoted to residential uses in any mixed use development project shall not exceed eighty percent of the proposed gross floor area.

B. Total gross floor area dedicated to commercial uses in any mixed use development shall not exceed fifty percent of the proposed gross floor area.

C. If the mixed use development is phased, the development's commercial uses shall be constructed concurrent with or subsequent to the residential uses.

D. Development standards for mixed use development may be modified or waived, as set forth in Chapter 17.400 and Title 21 of this code, provided the applicant can demonstrate that the modification or waiver request will result in a project that:

1. Fosters a development pattern focused on the public street;
2. Provides for community spaces such as plazas, atriums or pocket parks;
3. Provides for a compatible mix of multi-family housing and commercial businesses and services;
4. Better meets the intent of the Comprehensive Plan;
5. Provides for compatibility with surrounding uses and zones; and

6. The commercial and residential components are constructed concurrently.

E. The following development standards may be modified or waived consistent with the criteria outlined in subsection (D) of this section:

1. Screening requirements in Title 17, provided the modification or waiver complies with the provisions of Section 17.382.030(B);

2. Landscaping requirements in Title 17, provided the modification or waiver complies with the provisions of Section 17.382.030(B);

3. Parking layout, access and dimensional standards in Chapter 17.435, provided the modification or waiver results in a design that provides safe and efficient pedestrian and vehicular circulation;

4. Minimum parking requirements in Chapter 17.435, provided the applicant demonstrates with a traffic and parking impact analysis that any adverse parking impacts resulting from the granting of the modification or waiver request are adequately mitigated;

5. Lot coverage limitations in Chapter 17.382;

6. Setback requirements in Chapter 17.382;

7. Residential open space requirements in Title 17; and

8. Height restrictions in Chapter 17.382, provided the modification or waiver is consistent with the recommendations of the fire marshal/fire district and results in a decrease in building coverage, an increase in public amenities, and/or a more creative or efficient use of land. The maximum height approved shall not exceed the heights listed in Section 17.382.110(A)(17).

F. The criteria and provisions of this section supersede other variance, modification or waiver criteria and provisions contained in this title.

(Ord. 415 (2008) § 152, 2008: Ord 367 (2006) § 106 (part), 2006)

### **17.382.037 Single-family subdivision/development standards.**

In addition to the provisions set forth elsewhere in this code, all single-family subdivisions, condominiums or residential developments of ten or more lots/units within urban growth areas must meet the following development standards:

#### **A. Sidewalk Requirements.**

1. Sidewalks shall be required on both sides of all public or private streets meeting the criteria for classification as a principal or minor arterial, collector, local sub-collector or local minor roads as described by the Kitsap County Road Standards. Sidewalk design shall be developed consistent with the requirements of the Kitsap County Road Standards.

2. Sidewalks shall be required on a minimum of one side of all public or private streets meeting the criteria for classification as local road, cul-de-sac or very low volume local road as designated by the Kitsap County Road Standards or of similar traffic volume. Sidewalk design shall be developed consistent with the requirements of the Kitsap County Road Standards. The director may require sidewalks on both sides based upon site-specific conditions.

3. Rolled-curb sidewalks are prohibited, except where the sidewalk is separated from the street by a bioswale, other water quality treatment facility or landscaping berm.

#### **B. Public Street and Street Connectivity Requirements.**

Dedicating or deeding property for right-of-way or a portion thereof to the county for public streets within, or along the boundaries of all single-family subdivisions or developments, shall be required as a condition of application approval where the county demonstrates all of the following:

1. Facts support that such dedication is reasonably necessary as a result of the impact created by the proposed development;

2. Such dedication will result in mitigation of the impact in the reasonably foreseeable future;

3. Connectivity to existing public right-of-way is feasible; and

4. One or more of the following circumstances are met:

a. A county transportation plan indicates the necessity of a new or additional right-of-way or portion thereof for street purposes;

b. The dedication is necessary to provide additions of right-of-way to existing county right-of-way to meet county road standards;

c. The dedication is necessary to extend or to complete the existing or future neighborhood street pattern;

d. The dedication is necessary to comply with county road standards and Kitsap County transportation plans;

e. The dedication is necessary to provide a public transportation system that supports future development of abutting property consistent with the Kitsap County Comprehensive Plan or Kitsap County Zoning Code.

C. Utility Connectivity Requirements. Dedication of easements for future public utility extensions to abutting or contiguous properties shall be required as a condition of application approval in cases where the county demonstrates the following:

1. Vacant or underutilized land abuts the proposed subdivision or development;

2. The location is reasonable based upon the design needs for future utility infrastructure;

3. The dedication may further the extension of utility infrastructure with the urban growth area; and

4. The dedication furthers the goals and policies of the Comprehensive Plan.

D. Landscaping Requirements.

1. A landscaped area will be provided at all entrances to the subdivision or development consistent with the landscaping standards of Chapter 17.385.

2. Street trees consistent with Chapter 17.385 shall be provided along all streets with the road classification of principal or minor arterial, collector, or local sub-collector as

determined by the Kitsap County Road Standards or of similar traffic volume. Street trees shall be located in the road right-of-way or the front yards of individual lots or units. Street trees located on individual lots may be installed before final plat approval or before the certificate of occupancy for individual building permits.

E. Off-Street Parking.

1. Projects shall provide off-street parking consistent with the requirements of Chapter 17.435.

2. All fractional parking spaces shall be rounded up to the nearest whole number.

3. If the development includes set-aside parking areas, each area shall not include more than ten spaces each and shall be in locations throughout the development.

(Ord. 415 (2008) § 153, 2008)

### **17.382.040 Tables.**

There are five separate tables addressing the uses allowed within the following general land use categories and zones:

A. Urban Residential Zones.

1. Urban Restricted (UR).

2. Urban Low Residential (UL).

3. Urban Cluster Residential (UCR).

4. Urban Medium Residential (UM).

5. Urban High Residential (UH).

6. Illahee Greenbelt Zone (IGZ).

B. Commercial and Mixed Use Zones.

1. Neighborhood Commercial (NC).

2. Urban Village Center (UVC).

3. Urban Town Center (UTC).

4. Highway Tourist Commercial (HTC).

5. Regional Commercial (RC).

6. Mixed Use (MU).

C. Airport and Industrial Zones.

1. Airport (A).

2. Business Park (BP).

3. Business Center (BC).

4. Industrial (IND).



D. Limited Areas of More Intensive Rural Development (LAMIRD).

1. Manchester Village Commercial (MVC).
2. Manchester Village Low Residential (MVLRL).
3. Manchester Village Residential (MVR).
4. Port Gamble Rural Historic Town Commercial (RHTC).
5. Port Gamble Rural Historic Town Residential (RHTR).
6. Port Gamble Rural Historic Town Waterfront (RHTW).
7. Suquamish Village Commercial (SVC).
8. Suquamish Village Low Residential (SVLRL).
9. Suquamish Village Residential (SVR).

E. Parks, Rural and Resource Zones.

1. Parks (P).
2. Forest Resource Lands (FRL).
3. Mineral Resource (MR).
4. Rural Protection (RP).
5. Rural Residential (RR).
6. Rural Wooded (RW).
7. Urban Reserve (URS).

(Ord. 420 (2008) § 8 (part), 2008; Ord. 415 (2008) § 154, 2008; Ord. 384 (2007) § 5, 2007; Ord 367 (2006) § 106 (part), 2006)

**17.382.050 Interpretation of tables.**

Development standards are listed down the left side of the tables and the zones are listed at the top. The table cells contain the minimum and, in some cases, maximum dimensional requirements of the zone. The small numbers (subscript) in a cell indicate additional requirements or detailed information. Those additional requirements can be found in the table footnotes in Section 17.382.110. A cell, marked with NA, indicates there are no specific requirements.

(Ord. 367 (2006) § 106 (part), 2006)

**17.382.060 Urban Residential Density and Dimensions Table.**

Standard	Urban Low-Density Residential				Urban Medium/High-Density Residential	
	UCR (5)	IGZ (33) (50)	UR (33)	UL (5) (33)	UM (5)	UH (33)
Minimum density (du/acre)	4 (19)	1 (3) (18)	1 (3) (18)	4 (19)	10 (19)	19
Base/Maximum density (du/acre)	9 (19)	4 (18)	5 (18)	9 (19)	18 (19)	30
Minimum lot size (39)	2,400 s.f.	5,800 s.f.	5,800 s.f.	2,400 s.f.	None for multi-family; 2,400 s.f. for single-family	None
Lot width (feet)	40	60	60	40 (20)	0 for multi-family; 40 for single-family	60
Lot depth (feet)	60	60	60	60	0 for multi-family; 60 for single-family	60
Maximum height (feet) (40)	35	35 (50)	35	35	35 (17)	35 (17)
Maximum impervious surface coverage	NA	40%	50%	NA	85%	85%
<b>Setbacks, Generally (34) (38)</b>						
Front (feet) (41)(42)(43)(45)	10 for single-family, duplex & townhouse; 10 for multi-family adjacent or abutting residential, otherwise 0 (29)	20 (29)	20 (29)	20 for garage or carport; 10 for habitable area (29)	Multi-family = 10 Single-family = 20 for garage or carport; 10 for habitable area (29)	20 (29)

Standard	Urban Low-Density Residential				Urban Medium/High-Density Residential	
	UCR (5)	IGZ (33) (50)	UR (33)	UL (5) (33)	UM (5)	UH (33)
Side (feet) (42)(43)(45)(48)	5 If on an alley, 10 feet for a garage or carport opening directly onto the alley or 5 feet in all other instances (28) (29)	5 (29)	5 (29)	5 If on an alley, 10 feet for a garage or carport opening directly onto the alley or 5 feet in all other instances (29)	5 If on an alley, 10 feet for a garage or carport opening directly onto the alley or 5 feet in all other instances (29)	5 (29)
Rear (feet) (42)(43)(48)	5 If on an alley, 10 feet for a garage or carport opening directly onto the alley or 5 feet in all other instances (28) (29)	5 (29)	5 (29)	5 If on an alley, 10 feet for a garage or carport opening directly onto the alley or 5 feet in all other instances (29)	5 If on an alley, 10 feet for a garage or carport opening directly onto the alley or 5 feet in all other instances (29)	10 (29)

(Ord. 420 (2008) § 8 (part), 2008; Ord. 415 (2008) § 155, 2008; Ord. 367 (2006) § 106 (part), 2006)

**17.382.070 Commercial and Mixed Use Density and Dimensions Table.**

Standard	Urban Low Commercial Intensity/Mixed-Use		Urban High Commercial Intensity/Mixed Use			
	NC (5) (33)	UVC (5)	UTC	HTC (5) (25) (33)	RC (33)	MU (33)
Minimum density (du/acre)	10 (44)	10 (19)	Reserved	10 (44)	10 (44)	10 (32)
Base/Maximum density (du/acre)	30	18 (19)	Reserved	30	30	30
Maximum height (feet) (40)	35 (17)	45	Reserved	35 (17)	35 (17)	35 (17)
Maximum impervious surface coverage	85%	85%	85%	85%	85%	85%
Maximum lot coverage	NA	Total gross floor area devoted to nonresidential use in any one structure shall not exceed 25,000 square feet. Total gross floor area devoted to residential use in any project shall not exceed 2/3 of the total proposed gross floor area. (24)	Total gross floor area devoted to residential use in any project shall not exceed 2/3 of the total proposed gross floor area. (24)	NA	NA	NA
<b>Setbacks, Generally (34) (38)</b>						
Minimum front (feet) (29) (41) (42) (43) (48)	20	None	Reserved	20	20	10
Maximum front (feet) (42) (43) (48)	NA	NA	NA	NA	NA	20
Side (feet) (29) (42) (43) (48)	10 (21)	None	Reserved	10 (21)	10 (21)	10 (21)
Rear (feet) (29) (48)	10 (21)	None	Reserved	10 (21)	10 (21)	10 (21)

(Ord. 415 (2008) § 156, 2008: Ord. 367 (2006) § 106 (part), 2006)

**17.382.080 Airport and Industrial Density and Dimensions Table.**

	<b>Airport</b>	<b>Industrial</b>		
<b>Standard</b>	<b>A</b>	<b>BP</b>	<b>BC</b>	<b>IND (36) (5)</b>
Minimum lot size (39)	None	7 ac (49)	None	None
Maximum height (feet) (40)	35 feet, except aircraft hangars (37)	35 (17)	35 (17)	35 (17)
Maximum impervious surface coverage	NA	50%	NA	NA
Maximum lot and/or building coverage	None	NA	60% building coverage or as determined by master plan process	60% lot coverage
<b>Setbacks, Generally (34) (38)</b>				
Front (feet) (41) (42) (43) (48)	20 (37)	20 (23) (26)	20 (23) (26)	20 (27)
Side (feet) (42) (43) (48)	50 feet when abutting residential (37)	20 (23) (26)	20 (23) (26)	None (27)
Rear (feet) (42) (43) (48)	50 feet when abutting residential (37)	20 (23) (26)	20 (23) (26)	None (27)

(Ord. 415 (2008) § 157, 2008: Ord. 384 (2007) § 13, 2007: Ord. 367 (2006) § 106 (part), 2006)

**17.382.090 LAMIRD Density and Dimensions Table.**

	Keyport Sub-Area			Manchester LAMIRD			Rural Historic LAMIRD			Suquamish LAMIRD		
Standard	KVC	KVLR	KVR	MVC (47)	MVLR	MVR	RHTC	RHTR	RHTW	SVC	SVLR	SVR
Minimum density (du/acre)	NA	NA	NA	5	NA	NA	NA	NA	NA	NA	NA	NA
Base/Maximum density (du/acre)	5	2 (45)	5	24 (15)	2 (15)	4 (15)	2.5	2.5 (7)	2.5	NA	2	2
Minimum lot size (39)	NA	12,500 s.f.	4,000 s.f.	NA	21,780 s.f. 10,890 with clustering (12)	10,890 s.f. (12)	None	3,500 s.f. (7)	NA	NA (11)	4,500 s.f. (4) (11)	4,000 s.f. (4) (11)
Maximum lot size (39)	NA	NA	NA	NA	NA	NA	None	7,500 s.f. (7)	NA	NA (11)	NA (11)	NA (11)
Lot width (feet)	30	80	40	NA	60 (12)	60 (12)	NA	NA	NA	NA (11)	50 (4) (11)	40 (4) (11)
Lot depth (feet)	NA	80	80	NA	60 (12)	60 (12)	NA	NA	NA	NA (11)	90 (4) (11)	75 (4) (11)
Maximum height (feet) (40)	35	35	35	28 (13)	35 (14)	35 (14)	35 (8)	30	35 (22)	35	30 feet Max of 2 habitable floors	30 feet Max of 2 habitable floors

	Keyport Sub-Area			Manchester LAMIRD			Rural Historic LAMIRD			Suquamish LAMIRD		
Standard	KVC	KVLR	KVR	MVC (47)	MVLR	MVR	RHTC	RHTR	RHTW	SVC	SVLR	SVR
Maximum impervious surface coverage	NA	50% for residential properties less than or equal to 0.50 acres  40% for residential properties greater than or equal to 0.51 acres	50% for residential properties less than or equal to 0.50 acres  40% for residential properties greater than or equal to 0.51 acres	50% for residential properties less than or equal to 0.50 acres  40% for residential properties greater than or equal to 0.51 acres (16)	50% for residential properties less than or equal to 0.50 acres  40% for residential properties greater than or equal to 0.51 acres (16)	50% for residential properties less than or equal to 0.50 acres  40% for residential properties greater than or equal to 0.51 acres (16)	NA	NA	NA	40% (6)	40% (6)	40% (6)
Maximum lot coverage	NA	NA	NA	NA	NA	NA	50%	50% or 2,000 s.f., whichever is greater	50%	NA	NA	NA
<b>Setbacks, Generally (34) (38)</b>												
Front (feet) (41) (42) (43) (48)	NA	10 20 feet for garage	10 5 feet for porch (46), 20 feet for garage	NA	20	20	None	20 (9)	None	10 (11)	20 (11)	20 (11)
Side (feet) (42) (43) (48)	NA	5	5	NA	5	5	Per Title 14	5 (10)	Per Title 14	0 (21) (11)	5 (11)	5 (11)
Rear (feet) (42) (43) (48)	NA	15	15	NA	5	5	Per Title 14	5 (10)	Per Title 14	10 (21) (11)	5 (11)	5 (11)

(Ord. 415 (2008) § 158, 2008: Ord. 405 (2007) § 5 (part), 2007; Ord. 402 (2007) § 2 (part), 2007)

**17.382.100 Parks, Rural and Resource Density and Dimensions Table.**

	Parks		Resource		Rural		
Standard	P	FRL	MR	RP	RR	RW	URS
Base/Maximum density (du/acre)	NA	NA	NA	NA	NA	Base: 1 du/20 acres Max: 1 du/5 acres (35)	NA
Minimum lot size (acre) (39)	NA	40	20 (30)	10	5	20 (35)	10
Lot width (feet)	NA	140	60 (31)	140	140	140	140
Lot depth (feet)	NA	140	NA	140	140	140	140
Maximum height (feet) (40)	35 (17)	35 (1)	NA	35 (2)	35 (2)	35 (2)	35
<b>Setbacks, Generally (34) (38)</b>							
Front (feet) (41) (42) (43)	20	50 (29)	NA	50 (29)	50 (29)	50 (29)	20 (29)
Side (feet) (42) (43)	10	20 (29)	NA	20 feet; 5 feet for accessory structures (29)	20 feet; 5 feet for accessory structures (29)	20 (29)	5 (29)
Rear (feet) (42) (43)	10	20 (29)	NA	20 feet; 5 feet for accessory structures (29)	20 feet; 5 feet for accessory structures (29)	20 (29)	5 (29)
<b>Setbacks for Agricultural Structures (34)</b>							
Front yard (feet) (48)	50	NA	NA	50	50	NA	20
Side yard (feet) (48)	50	NA	NA	50	50	NA	50
Rear yard (feet) (48)	50	NA	NA	50	50	NA	50

(Ord. 415 (2008) § 159, 2008: Ord. 367 (2006) § 106 (part), 2006)



**17.382.110 Footnotes for tables.**

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 and Illahee Greenbelt Zone (IGZ) 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 three thousand five hundred and seven thousand five hundred 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 ten 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 ten feet and minimum rear setbacks of twenty 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.

(1) Minimum lot size: twenty-one thousand seven hundred eighty square feet.

(2) Minimum lot width: one hundred feet.

(3) Minimum lot depth: one hundred feet.

b. Setbacks.

(1) Front: twenty feet.

(2) Side: five feet.

(3) Rear: five feet.

12. Nonconforming Lots.

a. Nonconforming Lots in Single Ownership. If a single lot of record, legally created before the adoption of the Manchester Community Plan, is less than eight thousand seven hun-

dred twelve 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.

b. 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 are less than eight thousand seven hundred twelve 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 (i) a residential structure encumbered more than one of the contiguous lots or (ii) 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 nonconforming 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 twenty-eight feet.

14. Within the view protection overlay, the maximum height shall be twenty-eight 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 thirty-five 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 forty percent 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 forty percent of the gross acreage of the development.

16. All properties within the Manchester Village must also meet the requirements of the Storm Water 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: forty-five feet.

b. In the UH, HTC, and RC zones: sixty-five feet.

c. In the BP, BC, and IND zones: fifty feet.

d. In the mixed use zone:

i. Within Silverdale, the maximum height shall be 45 feet;

ii. Along the Highway 303 corridor, the maximum height shall be sixty-five feet;

iii. Along Perry and National Avenues, the maximum height shall be forty-five 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 four thousand one hundred seventy-two 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 forty feet.

21. Twenty feet when abutting a residential zone.

22. Maximum height shall be thirty feet when located within the two-hundred-foot shoreline area.

23. The minimum site setback shall be seventy-five 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 seventy-five feet but no less than twenty-five feet. In all other cases, minimum site setbacks shall be twenty 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 abut a residential zone.

27. As approved by the director, wherever an industrial zone abuts a residential zone, a fifty-foot screening buffer area shall be provided. This screening buffer is intended to reduce impacts to abutting residential uses such as noise, light, odors, dust and structure bulk. No structures, open storage, or parking shall be allowed within this area. The director shall only approve screening buffers that improve the compatibility between the proposed use and the residential zone. The director may reduce this buffer to a minimum of twenty-five-foot width only when based upon a site-specific determination that topography, berming or other screening features will effectively screen industrial activities from the residential zone. Conversely, based upon a similar site-specific determination, the director may increase the buffer width from fifty feet to ensure adequate buffering and compatibility between uses.

28. Unless part of an approved zero-lot line development.

29. One-hundred-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. Three hundred thirty feet if activity includes any uses in Section 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. All development within the Silverdale Design District boundaries must be consistent with the Silverdale Design Standards.

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, smaller lot sizes and reduced setbacks may be allowed based upon the designation of a portion of the development acreage as "permanent open space" through the Rural Wooded Incentive Program per Section 17.301.080.

36. For standards applicable to master planned industrial developments and approved industrial parks, see Section 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.

45. Density in the KVLR zone may be increased to three units per acre through a performance-based development (PBD) process pursuant to the regulations cited in Section 17.321D.080(B).

46. Front porch must meet following requirements to qualify for five-foot front setback:

a. Porch shall be forty percent open on each of two sides; no enclosed porches.

b. Minimum porch dimensions shall be four feet by six feet, or twenty-four square feet.

c. Porches shall not be less than four feet in width.

47. The 2007 Manchester Community Plan, Appendix A – Manchester Design Standards sets forth policies and regulations for properties within the Manchester Village commercial district (MVC). All developments within the MVC district must be consistent with these standards.

48. Cornices, canopies, eaves, belt courses, sills, bay windows, fireplaces or other similar cantilevered features may extend up to twenty-four inches into any required yard area. In no case shall a habitable area be considered for encroachment into a required yard through any land use process. Additionally, fire escapes, open-uncovered porches, balconies, landing places or outside stairways may extend up to twenty-four inches into any required side or rear yards, and shall not extend more than six feet into any required front yard. This is not to be construed as prohibiting open porches or stoops not exceeding eighteen inches in height, and not closer than twenty-four inches to any lot line.

49. Minimum project size applies to the initial land use application for the property such as

master plan, PBD or other mechanism. Subsequent subdivision through platting or binding site plan consistent with scope and conditions of the land use approval is not required to meet this minimum size.

50. New or remodeled structures within the Illahee View Protection Overlay Zone may not exceed twenty-eight feet.

(Ord. 420 (2008) § 8 (part), 2008; Ord. 419 (2008) § 12, 2008; Ord. 415 (2008) § 160, 2008; Ord. 407 (2008) § 9, 2008; Ord. 405 (2007) § 5 (part), 2007; Ord. 402 (2007) § 2 (part), 2007; Ord. 381 (2007) § 4, 2007; Ord. 367 (2006) § 106 (part), 2006)

## Chapter 17.385

### LANDSCAPING

#### Sections:

- 17.385.010 Purpose.
- 17.385.020 Landscape plans.
- 17.385.025 Landscaping requirements.
- 17.385.027 Buffer types – When required.
- 17.385.030 Installation and maintenance.
- 17.385.040 Drought-tolerant landscaping.
- 17.385.050 (Repealed)
- 17.385.060 Building facade plantings.
- 17.385.070 Slope plantings.
- 17.385.080 Community themes.

#### **17.385.010 Purpose.**

This section shall establish landscaping standards for all development subject to the requirements for permitted, conditional use or performance based development. Single-family plats shall be exempt, except that landscaping required as a condition of plat approval shall be installed to specifications contained herein.

(Ord. 415 (2008) § 161, 2008; Ord. 367 (2006) § 106, 2006; Ord. 216 (1998) § 4 (part), 1998)

#### **17.385.020 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.

(Ord. 216 (1998) § 4 (part), 1998)

**17.385.025 Landscaping requirements.**

In all cases where landscaping is required, a minimum of fifteen percent of the total site area shall be landscaped to the standards set forth in Chapter 17.385.

(Ord. 216 (1998) § 4 (part), 1998)

**17.385.027 Buffer types – When required.**

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. Landscaping Buffer.**

1. Required along existing or planned roads within urban growth areas. The planting area shall encompass the required front setback area and consist of:

- a. Evergreen and/or deciduous trees;
- b. Evergreen shrubs planted to screen parking areas, in an amount and configuration to screen parked cars;
- c. Ground covers as required;
- d. Bioswales and other drainage features are allowed, only when in a configuration that preserves the integrity of the roadside planting; and
- e. Retention of natural vegetation, where feasible.

2. Required along the perimeters of multi-family residential (ten dwelling units an acre or more), commercial, and industrial/business center development which abut like zones or uses. Installation shall vary in numbers and types of vegetation and structures depending on the proposed use and surrounding zones. Trees, shrubs, ground covers and/or fencing are to be provided as required.

**B. Screening Buffer.**

1. Required along the perimeters of multi-family residential (ten dwelling units an acre or more), commercial, and industrial/business center development abutting different uses and/or zones. The buffer shall provide sight-obscuring screening between different uses or zones and shall consist of:

a. Two offset rows of evergreen trees planted ten feet on center and ground cover; or

b. A six-foot screening fence and a single row of evergreen trees planted ten feet on center, and ground cover.

2. Required for residential subdivisions or commercial development abutting a rural zone, a buffer of twenty-five to fifty feet of sight-obscuring, screening vegetation shall be provided. The director may modify this requirement after evaluating the effects of wind-throw or other safety concerns. In the event that the buffer will only contain high-branching trees which allow visibility through the buffer, a row of evergreen trees planted ten feet on center may be required along the highest point of the buffer.

3. Required around the perimeter of storm drainage facilities to provide sight-obscuring screening from adjacent properties and/or roadways, and consist of:

- a. A row of large shrubs and ground cover;
- b. A row of evergreen trees planted ten feet on center and ground cover; and/or
- c. An evergreen vegetation buffer sufficient to provide screening.

4. Retention of screening vegetation, where feasible.

5. Other vegetation types and/or configurations that meet the intent of this screening buffer may be approved by the director.

(Ord. 415 (2008) § 162, 2008)

**17.385.030 Installation and maintenance.**

Installation and maintenance of landscaping of developments shall be in accordance with the American Nursery Landscaping Association standards.

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. Two-inch caliper street trees and other deciduous trees;
2. Eight feet minimum height multi-stemmed trees (e.g., Vine Maple);
3. Six feet minimum height coniferous trees;
4. Eighteen to twenty-four inches height for large and medium shrubs (over six feet at maturity);
5. Twelve to eighteen inches minimum height for small shrubs (three to six feet at maturity); and
6. Drought-tolerant landscape areas shall be subject to the size requirements in Section 17.385.040.

D. Maximum spacing:

1. Street trees and other deciduous trees shall be spaced appropriate to their pattern, generally twenty-five to thirty feet on center for large trees.
2. Coniferous trees shall be spaced fifteen feet apart, unless they are within a screening buffer, where the maximum spacing shall be ten feet on center.
3. Large shrubs shall be spaced five feet on center.
4. Medium shrubs shall be spaced four feet on center.
5. Small shrubs shall be spaced three 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. One-gallon pots, twenty-four inches on center;
2. Four-inch pots, eighteen inches on center;
3. Two-and-one-quarter-inch pots, twelve inches on center; and
4. Grass and sod areas to be one hundred percent.

F. Vegetation removal in native growth protection easements is 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 two inches of bark mulch, or approved substitute.

K. Landscaping required under the provisions of this title shall be maintained in a healthy growing condition.

L. Landscaping lost due to violations of this title or unforeseen natural events shall be replaced immediately with vegetation that is sufficient in size and spacing as required by this title.

M. All landscaping required by this title shall be installed prior to the issuance of any final certificate of occupancy permit, unless specifically approved by the director and instal-



lation is bonded (or other method), for a period not to exceed six months, in an amount equal to one hundred fifty percent of the cost of material and labor.

N. Wetland mitigation plantings are not considered to be a part of the landscaping requirements.

(Ord. 415 (2008) § 163, 2008: Ord. 216 (1998) § 4 (part), 1998)

#### **17.385.040 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.

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. One-and-one-half-inch caliper deciduous trees;
2. Four-foot minimum height multi-stem trees;
3. Four-foot minimum height coniferous trees;
4. Twelve inches minimum height for medium and large shrubs; and
5. One-gallon pot size for small shrubs.

C. Ground cover is required as in Section 17.385.030(E).

D. All plants selected shall be species generally accepted as drought-tolerant in the industry as drought-tolerant varieties.\*

(Ord. 216 (1998) § 4 (part), 1998)

- \* **Editor's Note:** The list of drought-tolerant plants for landscaping may be obtained from the department of community development.

#### **17.385.050 (Repealed)\***

- \* **Editor's Note:** Former Section 17.385.050, "Landscape-buffer types," was repealed by § 164 of Ord. 415 (2008). Section 4 (part) of Ord. 216 (1998) was formerly codified in this section.

#### **17.385.060 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:

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

(Ord. 415 (2008) § 165, 2008: Ord. 216 (1998) § 4 (part), 1998)

#### **17.385.070 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 ten feet on center. This shall not reduce the need for hydro-seeding required for erosion control or other purposes.

(Ord. 216 (1998) § 4 (part), 1998)

#### **17.385.080 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.

(Ord. 216 (1998) § 4 (part), 1998)

## Chapter 17.400

### LAND USE REVIEW

#### Sections:

- 17.400.010 Purpose.
- 17.400.020 Code compliance review.
- 17.400.030 Review authority.
- 17.400.040 Appeals.
- 17.400.050 Minimum application requirements.

#### **17.400.010 Purpose.**

Land use review is intended to provide for the assurance of responsible development consistent with the Comprehensive Plan and the requirements of Kitsap County Code. Land use review will ensure that project permit applications are handled in a predictable, efficient and consistent manner.

(Ord. 415 (2008) § 166, 2008: Ord. 367 (2006) § 107 (part), 2006)

#### **17.400.020 Code compliance review.**

The department shall approve, approve with conditions, or deny permit applications based on compliance with this title and any other development condition affecting the proposal.

(Ord. 415 (2008) § 167, 2008: Ord. 367 (2006) § 107 (part), 2006)

#### **17.400.030 Review authority.**

A. Depending on the type of development, the proposal may be subject to various land use reviews. The type of land use review is dependent on the proposed development or use as set forth in Chapter 17.381 and this title.

B. The proposal may also be subject to various project permit reviews as set forth in Title 21 of this code.

(Ord. 367 (2006) § 107 (part), 2006)

#### **17.400.040 Appeals.**

All appeals shall follow the procedures set forth in Title 21 of this code.

(Ord. 367 (2006) § 107 (part), 2006)

#### **17.400.050 Minimum application requirements.**

A. All applications shall be accompanied with fourteen copies or electronic copies (if authorized by state law) 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 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 buffer and/or setback requirements; and

15. Other information as required.

(Ord. 415 (2008) § 168, 2008)

## Chapter 17.405

### PRE-APPLICATION REVIEW

#### Sections:

- 17.405.010 Purpose.
- 17.405.015 Process.
- 17.405.020 Complete application.
- 17.405.030 Appeal of director's decision.
- 17.405.040 Action by hearing examiner.

#### 17.405.010 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.

(Ord. 216 (1998) § 4 (part), 1998)

#### 17.405.015 Process.

Pre-application shall be conducted in a manner as prescribed in Title 21 of this code.

(Ord. 216 (1998) § 4 (part), 1998)

#### 17.405.020 Complete application.

Any application for action under this title must be complete before it is accepted for processing. Consistent with the requirements of Title 21 of this code, 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).

(Ord. 216 (1998) § 4 (part), 1998)

#### 17.405.030 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 Title 21 of this code. 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 Title 21.

(Ord. 216 (1998) § 4 (part), 1998)

#### 17.405.040 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.

(Ord. 216 (1998) § 4 (part), 1998)

## Chapter 17.415

### MASTER PLANNING

#### Sections:

- 17.415.010 Purpose.
- 17.415.020 Minimum project size.
- 17.415.030 Master plan – When required.
- 17.415.032 Parties to master plan.
- 17.415.035 Development exempt from SKIA master plan requirements.
- 17.415.040 Use of existing master plan.
- 17.415.050 (Repealed)
- 17.415.060 Sub-area conceptual development plan update.
- 17.415.065 Master plan review process.
- 17.415.070 Master plan components – General.
- 17.415.075 Land use component of master plan.
- 17.415.080 Storm water component of master plan.
- 17.415.085 Storm water control standards.
- 17.415.090 Sanitary sewer component of master plan.
- 17.415.095 Sanitary sewer standards.
- 17.415.100 Public water system component of master plan.
- 17.415.105 Public water system standards.
- 17.415.200 Transportation analysis component of master plan.

## 17.415.010

- 17.415.205 Transportation service standards.
- 17.415.300 Open space component of master plan.
- 17.415.400 (Repealed)
- 17.415.500 Environmental analysis component of master plan.
- 17.415.505 Environmental standards.
- 17.415.525 Environmental review.
- 17.415.535 Economic development component of master plan.
- 17.415.550 Third party review.
- 17.415.600 (Repealed)
- 17.415.625 Concurrent permit processing.
- 17.415.650 Subdivision of areas subject to a master plan requirement.
- 17.415.675 Decision criteria for master plan approval.
- 17.415.700 Duration of master plan approval.
- 17.415.750 Extensions of master plan approval.
- 17.415.800 Amendment of master plans.

### **17.415.010 Purpose.**

The master plan is intended to provide means for planning and assessing sites for a wide range of activities such as residential, commercial and industrial. Such plans are to be based on a larger area to provide a more comprehensive view of the proposed uses and their impacts on surrounding properties. Projects are encouraged to use innovative development techniques to maximize open space and trail systems, enhance environmental protection and minimize impervious surface and stormwater runoff. Development of master plans is also intended to ensure the availability of adequate capital facilities and infrastructure to support these uses and to the adequate protection of environmental resources located in these areas. (Ord. 415 (2008) § 169, 2008: Ord. 311 (2003) [Attachment 5 [§ 3 (part)]], 2003)

### **17.415.020 Minimum project size.**

The minimum project size for master plans located outside of the SKIA urban growth area

(UGA) is forty gross acres. For projects within the SKIA UGA, the minimum is determined by the size of the sub-basin(s) in which the project is located.

(Ord. 415 (2008) § 170, 2008: Ord. 367 (2006) § 109, 2006: Ord. 311 (2003) [Attachment 5 [§ 3 (part)]], 2003)

### **17.415.030 Master plan – When required.**

For properties outside of the South Kitsap Industrial Area (SKIA), the development of a master plan is optional. For properties within SKIA with a master plan required overlay, a master plan must be completed before the issuance of any other development permits. Properties within SKIA with a master plan optional overlay may complete a master plan to qualify for expedited review of individual development permits consistent with Section 17.381.040(C). All master plans developed within SKIA must include planning and analyses of the entire sub-basin(s) in which the development is proposed. The director may either increase or decrease the area that will be included in the master plan in order to maximize the efficiency of the process and assure coordination with areas that may be affected by the proposed new developments.

(Ord. 415 (2008) § 171, 2008: Ord. 311 (2003) [Attachment 5 [§ 3 (part)]], 2003)

### **17.415.032 Parties to master plan.**

For properties outside of the South Kitsap Industrial Area (SKIA), the parties to the master plan must include all legal owners of the subject properties. For properties inside of SKIA, legal owners representing a majority of property owners in the development's sub-basin(s) shall be party to the application for master plan approval. These master plans may include the properties of non-participants in the master plan development process.

(Ord. 415 (2008) § 172, 2008)

**17.415.035 Development exempt from SKIA master plan requirements.**

For properties within SKIA with the master plan required overlay, the following development activities are exempt from the master plan requirement:

A. Renovation, remodeling and maintenance of existing development, provided no significant increase in impervious surface, increase in peak hour traffic, or increase in demand for public water supply or sanitary sewer service occurs as the result of such renovation, remodeling or maintenance.

B. Minor new development projects. For purposes of this exemption, a new development project shall be considered minor if it (1) does not result in new impervious surface in excess of five thousand square feet on a site, (2) does not generate more than ten new peak hour traffic trips on public roads serving the site, and (3) does not increase the demand on a public or private water supply by more than five thousand g.p.d.

C. New minor development projects, which are exempt from SEPA pursuant to WAC 197-11-800 through 197-11-880, and Section 18.04.240 of this code.

D. Other new development projects, which the director determines in his discretion will not significantly adversely impact the environment, will not create a need for regional infrastructure facilities and will not impede the future design and installation of regional infrastructure facilities, including public streets and highways, storm water control systems, and public water and sanitary sewer systems. (Ord. 415 (2008) § 173, 2008: Ord. 311 (2003) [Attachment 5 [§ 3 (part)]], 2003)

**17.415.040 Use of existing master plan.**

Development in zones requiring or allowing master planning may use an existing master plan under the following circumstances:

A. The property has a previously approved master plan, which the director determines to be sufficient to permit review of the potential

impacts of the development and identification of necessary mitigation measures; or

B. An existing master plan prepared for other properties in the vicinity of a development site, which addresses some, but not all, of the substantive issues set forth in the sub-area plan may be supplemented by an addendum, which addresses only those issues not previously analyzed. Such an addendum and the initial master plan must be reviewed by the director pursuant to the procedures set forth in this chapter for review and approval of a master plan.

(Ord. 311 (2003) [Attachment 5 [§ 3 (part)]], 2003)

**17.415.050 (Repealed)\***

\* **Editor's Note:** Former Section 17.415.050, "Third party review," was repealed by § 174 of Ord. 415 (2008). Attachment 5 § 3 (part) of Ord. 311 (2003) was formerly codified in this section.

**17.415.060 Sub-area conceptual development plan update**

The county may use these approved master plans as an inventory, planning and/or economic development tool to update existing sub-area plans or the Comprehensive Plan. Final approved master plans, including infrastructure and other master plan elements, must be submitted in a data format compatible with ongoing update requirements.

(Ord. 415 (2008) § 175, 2008: Ord. 311 (2003) [Attachment 5 [§ 3 (part)]], 2003)

**17.415.065 Master plan review process.**

A proposed master plan shall be processed as a Type III development application under Section 21.04.080 of this code, which will include the following process:

A. An application for master plan and a SEPA checklist shall be submitted to the department.

B. A master plan scoping conference will be held between the department and the applicants to identify the required components of the master plan; to determine the assumptions and

standards to be applied in the plan; and to identify existing information and analyses which may be used in the master plan process together with any site-specific issues of concern. The applicant will provide preliminary project information to the extent required to complete the scoping process.

C. Within thirty days of the scoping conference, a written Master Plan Scoping Summary Notice will be mailed to the applicant. This notice will include a summary of overall scoping conclusions and a review of elements necessary for an application for a master plan and will direct the applicant to proceed with development of the master plan. The Master Plan Scoping Summary Notice will also describe the level of environmental review needed for the master plan, which may include a SEPA threshold determination. Upon receipt of the Master Plan Scoping Summary Notice, the applicant will return a signed copy to the department of community development.

D. The applicant shall be responsible for all analysis and planning involved in the preparation of a completed master plan. Upon completion of the master plan, the applicant shall submit an application for master plan approval. Within forty-five days of such application, and in order to ensure that all master plan requirements have been addressed, the department will issue a notice, using the procedure described in Section 21.04.050 of this code, declaring the master plan application to be complete or incomplete.

E. Upon determination that the master plan application is complete and ready for review, the department shall complete a technical review of the master plan and will act on the application in accordance with the procedures and time lines of Section 21.04.080 of this code for a Type III application. Approval of a master plan shall be subject to the appeal procedures set forth for such Type III decisions in Section 21.04.120 of this code.

F. Following approval of a master plan, development activity pursuant to each master

plan shall be reviewed and approved subject to Kitsap County site development, building, and related permits only. No additional land use permitting will be required, provided such development is consistent with the approved master plan.

(Ord. 415 (2008) § 176, 2008)

#### **17.415.070 Master plan components – General.**

During the pre-application stages of the master planning process, the director of the Kitsap County department of community development shall determine the extent and adequacy of the analyses to be included in the master plan. These required elements will result in a Master Plan Scoping Summary Notice. The purpose of this approach is to allow the director and the applicant to tailor the extent of the submittals to the actual and unique circumstances of the proposed development seeking master plan approval. A master plan prepared for purposes of this section shall address the following issues to the extent required by the Master Plan Scoping Summary Notice:

- A. Land use;
- B. Storm water controls, including both quantity and water quality;
- C. Sanitary sewer service;
- D. Public water service;
- E. Public street and transportation facilities;
- F. Open space facilities;
- G. Environmental protection and resources;
- H. Other infrastructure/utility requirements, which the director determines, based on review under the State Environmental Policy Act, should be analyzed in a master plan in order to assure that such facilities are available to serve the proposed development in a timely manner and that such facilities are designed and developed in a manner which is coordinated with the infrastructure needs of other properties in the area.

Additionally, an economic development component is required for master plans within the South Kitsap Industrial Area.

(Ord. 415 (2008) § 177, 2008; Ord. 311 (2003) [Attachment 5 [§ 3 (part)]], 2003)

**17.415.075 Land use component of master plan.**

Based on elements required in the approved Master Plan Scoping Summary Notice, a master plan shall include a description and site plan consistent with the underlying zone(s) and other requirements of Title 17. The submittal must include the location within the master plan area of all proposed residential densities and housing types, commercial developments and/or industrial/business center uses.

(Ord. 415 (2008) § 178, 2008)

**17.415.080 Storm water component of master plan.**

Based on elements required in the approved Master Plan Scoping Summary Notice, a master plan shall include a storm water analysis meeting the requirements of Title 12 of this code (the Kitsap County Storm Water Management Ordinance) and the following criteria:

A. Based on the approved Master Plan Scoping Summary Notice, the storm water analysis shall be based on an approved hydrologic model, as determined by the most recent version of the Kitsap County Storm Water Manual.

B. The storm water analysis shall provide a comprehensive analysis of existing and proposed surface water quantity and quality conditions for all sub-basins in which any portion of the development site is located as well as upstream basins which contribute flow to any portion of the development site and downstream basins which receive flows from any portion of the development site. The director may waive the requirement for analysis in any sub-basin in which the proposed development will not create the need for storm water facilities. Downstream analysis shall extend to an acceptable receiving body of water.

C. The storm water analysis shall assume full build-out of the sub-basins, including upstream and downstream basins, at levels of development permitted by applicable county regulations in effect at the time of master plan preparation.

D. At a minimum, specific technical elements of the storm water analysis shall include:

1. A conceptual or preliminary plan of the proposed drainage collection and flow control systems, based upon accurate topographic mapping and geologic data.

2. All assumptions, parameters, and input data used in the hydrologic model.

3. Hydrologic performance data (stage, storage, discharge) for all elements of the hydrologic system, whether existing or proposed.

4. Flow data for all existing and proposed conveyance facilities, including swales, streams, pipes, and ditches which will support the proposed system.

5. Floodplain analysis identifying flows, velocities, and extent of flooding for the ex-

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isting and proposed conditions, including backwater or tailwater analysis as appropriate.

6. Erosion analysis of on-site and downstream open-drainage systems, identifying flows, velocities, areas of existing and future deposition and channel erosion, and characterization of sediment.

7. Geotechnical analysis of the site and proposed improvements which addresses soils and slope stability for proposed lakes/ponds, road alignments, channel/ravine conditions, building setbacks from steep slopes, vegetation preservation and controls, existing and proposed drainage facilities, and downstream system stability.

8. Method and conceptual design for maintaining existing flow regimes in any swales/ravines that may be altered by the development.

9. Method, conceptual design, and location of water quality compensating facilities that may be necessary to replace naturally occurring biofiltration functions of site vegetation.

10. Description of maintenance design features and provisions that will ensure reliable and long-term facility operation.

11. A construction-phasing plan that will ensure storm water/erosion control during development of individual sub-basins.

12. Mapping must be of adequate scale and detail for accurate definition and location of all system elements, both on-site and off-site, and must provide support for hydrologic model characterization.

(Ord. 311 (2003) [Attachment 5 [§ 3 (part)]], 2003)

#### **17.415.085 Storm water control standards.**

A. Design Standards. Storm water control facilities, including both flow control and water quality systems, shall be designed in accordance with and shall meet the standards of Title 19 of this code (the Kitsap County Critical Areas Ordinance) and Title 12 of this code (the Kitsap County Storm Water Management Ordinance).

B. Reserve Areas. Any development subject to a master plan shall make provision for such reserved tracts, easements and/or rights-of-way as may be necessary to facilitate extension of storm water control facilities identified in the master plan to adjoining properties in the vicinity of the development. (Ord. 311 (2003) [Attachment 5 [§ 3 (part)]], 2003)

#### **17.415.090 Sanitary sewer service component of master plan.**

Based on elements required in the approved *Master Plan Scoping Summary Notice*, a master plan shall include a sanitary sewer service analysis meeting the following criteria:

A. The analysis shall include all drainage sub-basins in which any portion of the development site is located, provided the director may waive the requirement for analysis in any sub-basin in which the proposed development will not create the need for sanitary sewer service.

B. The analysis shall identify the sanitary sewer service infrastructure needed to provide sewer service to all sub-basins affected by the proposed development, assuming full build-out of the sub-basins at levels of development permitted by the zoning in effect at the time of master plan preparation. This analysis shall include a capacity analysis of existing facilities and identify improvements and extensions needed to serve the affected sub-basins at full build-out, including transmission facilities, treatment facilities and related improvements.

C. The sanitary sewer service analysis shall identify potential methods for funding the design and construction of the system improvements needed to serve the affected sub-basins at full build-out, including transmission facilities, treatment facilities and related improvements.

D. The sanitary sewer service analysis may provide for phased implementation of the identified improvements, provided that no development subject to master planning requirements shall be approved until a commitment to provide that portion of the im-

provements identified by the sanitary sewer service analysis as necessary to serve the development site has been provided, including adequate provision for funding. No development subject to master plan requirements may be occupied until the sanitary sewer service facilities needed to provide service meeting applicable standards to the development site are completed and operational.

E. No new permanent or interim on-site septic systems will be permitted in areas required to use the master planning process, except as expressly allowed by sub-area plans. (Ord. 311 (2003) [Attachment 5 [§ 3 (part)]], 2003)

#### **17.415.095 Sanitary sewer standards.**

A. Sanitary sewer facilities shall be designed in accordance with and shall meet the standards of Chapter 13.12 of this code, as applicable, and the standards for the design and construction of sanitary sewer systems adopted by the appropriate sewer system purveyor, the *Kitsap County Comprehensive Sewer Plan*, and the Washington State Departments of Health and Ecology in effect at the time the master plan is prepared.

B. Any development subject to a master plan shall make provision for such reserved tracts, easements and/or rights-of-way as may be necessary to facilitate extension of sanitary sewer facilities identified in the master plan to adjoining properties in the vicinity of the development.

(Ord. 311 (2003) [Attachment 5 [§ 3 (part)]], 2003)

#### **17.415.100 Public water system component of master plan.**

Based on elements required in the *Master Plan Scoping Summary Notice*, a master plan shall include a public water system analysis meeting the following criteria:

A. The analysis shall include all of the development site and all additional areas, as determined by the director, which would logically be served by a water system extended to serve the development site, provided the di-

rector may waive the requirement for analysis in any portion of the proposed development site that will not create the need for public water service.

B. The analysis shall identify the public water service infrastructure needed to provide water service to all of the proposed development, assuming full build-out of site and other areas logically served by a water system extension to the development site, based on the levels of development that are permitted by the zoning in effect at the time of master plan preparation. This analysis shall include a capacity analysis of existing facilities and identify improvements and extensions needed to serve the affected areas at full build-out, including transmission facilities, storage facilities and related improvements.

C. The public water service analysis shall identify any feasible alternatives for providing water service in the affected areas.

D. The public water service analysis shall identify potential methods for funding the design and construction of the system improvements needed to serve the affected areas at full build-out, including transmission facilities, storage facilities and related improvements.

E. The public water service analysis may provide for phased implementation of the identified improvements, provided that no development subject to master planning requirements shall be approved until a commitment to provide that portion of the improvements identified by the public water service analysis as necessary to serve the development site has been provided, including adequate provision for funding. No development subject to master plan requirements may commence combustible construction or be occupied until the public water service facilities needed to provide service meeting applicable standards to the development site are completed and operational.

(Ord. 311 (2003) [Attachment 5 [§ 3 (part)]], 2003)

### 17.415.105 Public water system standards.

A. Public water system facilities, including transmission and storage systems, shall be designed and constructed in accordance with and shall meet the standards of Chapter 13.28 of this code, as applicable, and the standards for the design and construction of public water systems adopted by the water system purveyor, the adopted *Coordinated Water System Plan*, and the Washington State Departments of Health and Ecology in effect at the time the master plan is prepared.

B. The water system or systems shall provide adequate potable water and adequate pressure to meet minimum fire flow standards as required under the applicable fire regulations and standards.

C. Any development subject to a master plan shall make provision for such reserved tracts, easements and/or rights-of-way as may be necessary to facilitate extension of public water facilities identified in the master plan to adjoining properties in the vicinity of the development.

(Ord. 311 (2003) [Attachment 5 [§ 3 (part)]], 2003)

### 17.415.200 Transportation analysis component of master plan.

Based on elements required in the approved *Master Plan Scoping Summary Notice*, a master plan shall include a transportation analysis meeting the following criteria:

A. The analysis shall include all Kitsap traffic analysis zones, as defined pursuant to subsection (19) of Section 20.04.020 of this code, in which any portion of the development site is located. The director of public works may waive the requirement for analysis of any area that will not be affected by the road system needed to serve the development site. The director of public works may also require analysis of arterials located outside the affected Kitsap County traffic analysis zones if the director determines that development in the master plan area may generate the need for traffic mitigation measures on such arterials.

Washington State Department of transportation shall review transportation analyses for any area, which is likely to affect traffic on state highways.

B. The analysis shall identify a multi-modal circulation and access plan identifying transportation infrastructure improvements, including changes to existing roads, new roads, transit service and non-motorized transportation facilities which are needed to provide transportation service to all of the proposed development, assuming full build-out of site and the Kitsap County traffic analysis zones in which any portion of the development site is located, based on the levels of development permitted. This analysis shall include a capacity analysis of existing facilities and identify improvements and extensions needed to serve the affected areas at full build-out. The transportation analysis shall identify a transportation demand management plan (TDMP) for the area and identify how the TDMP coordinates with other TDMPs in the vicinity of the development, commute trips made by single occupant vehicles and vehicle miles traveled (VMT) per employee. The following listing is intended to provide a broad list of potential TDM strategies for incorporation into the TDMPs.

1. Provision of preferential parking for carpools and vanpools; bicycle parking facilities; changing areas/showers for employees who walk or bike to work;

2. Provision of commuter ride matching services to facilitate employee ridesharing;

3. Provision of subsidies for transit fares, carpooling and/or vanpooling;

4. Alternate work schedules/flex time;

5. On-site amenities such as cafeterias and restaurants, ATMs and other services that would eliminate the need for additional trips;

6. Provision of a program of parking incentives such as a rebate for employees who do not use the parking facilities;

7. Implementation of other measures designed to facilitate the use of high-occupancy vehicles such as on-site day care and emergency ride home service; and

8. Employers or owners of worksites may form or utilize existing transportation management associations to assist members in developing and implementing transportation demand management plans.

C. The transportation analysis shall identify any feasible alternatives for providing transportation service in the affected areas.

D. The transportation analysis shall identify potential methods for funding the design and construction of the system improvements needed to serve the affected areas at full build-out.

E. The transportation analysis may provide for phased implementation of the identified improvements, provided that no development subject to master planning requirements shall be approved until a commitment to provide developer improvements identified by the transportation analysis. All improvements shall meet the adopted concurrency standards of Kitsap County, as set forth in Chapter 20.04 of this code.

F. The transportation analysis shall include appropriate trip generation analyses, trip distribution analyses, and level of service analyses. The director of public works shall require the applicant to use standard trip generation rates published by the Institute of Transportation Engineers or other documented information and surveys approved by the department. The director of public works may approve a reduction in generated vehicle trips based on additional information supplied by the applicant, including information related to commute trip reduction programs pursuant to Chapter 20.08 of this code. The calculation of vehicle trip reductions shall be based upon recognized technical information and analytical process that represent current engineering practice. The director of public works shall have final approval of such data, information and technical procedures as are used to develop trip generation analyses, trip distribution analyses, and level of service analyses.

(Ord. 311 (2003) [Attachment 5 [§ 3 (part)]], 2003)

#### **17.415.205 Transportation service standards.**

Public transportation facilities, including road, transit and non-motorized vehicle systems, shall be designed and constructed in accordance with and shall meet the level of service standards set forth in the Kitsap County Comprehensive Plan, and all applicable standards for the design and construction of roads and streets for the agency or agencies with jurisdiction over the particular transportation improvement in effect at the time the master plan is prepared.

Any development subject to a master plan shall make provision for such reserved tracts, easements and/or rights-of-way as may be necessary to facilitate extension of transportation facilities identified in the master plan to adjoining properties in the vicinity of the development.

(Ord. 311 (2003) [Attachment 5 [§ 3 (part)]], 2003)

#### **17.415.300 Open space component of master plan.**

Based on elements required in the *Master Plan Scoping Summary Notice*, a master plan shall include an open space component meeting the following criteria:

A. The master plan shall identify an interconnected system of passive open spaces, habitat areas and recreational trails accessible to the public and coordinated with and linked to adjacent regional trails. All proposed open spaces and trails shall be based on adopted standards and shall be consistent with and coordinated with adopted county park, open space and trail plans and with the Kitsap County Critical Areas Ordinance.

B. Master plans shall provide for the construction and long-term maintenance of identified trails and open space, based on National Park and Recreation Association guidelines for accessibility. Construction and long-term maintenance of trails and open space may be achieved through dedication of conservation easements, or other public or private means.

(Ord. 311 (2003) [Attachment 5 [§ 3 (part)]], 2003)

**17.415.400 (Repealed)\***

\* **Editor's Note:** Former Section 17.415.400, "Economic development component of master plan," was repealed by § 179 of Ord. 415 (2008). Attachment 5 § 3 (part) of Ord. 311 (2003) was formerly codified in this section.

**17.415.500 Environmental analysis component of master plan.**

Based on elements required in the Master Plan Scoping Summary Notice a master plan shall include an Environmental Analysis meeting the following criteria:

A. The master plan shall identify existing conditions on the site, including the delineation of all critical areas, as defined in Title 19 of this code (Critical Areas), which are located in whole or in part in the master planning area for the proposed development.

B. The master plan shall, to the extent as may be otherwise required by Chapter 19.700 of this code, include the following special reports:

1. Wetland Report/Wetland Mitigation Plan;
2. Habitat Management Plan, including wildlife corridor links and connections;
3. Geotechnical Report/Geological Report; and
4. Hydrogeological Report which addresses aquifer recharge area protection and includes analysis of groundwater quantity and quality, hydrologic continuity and impacts to stream flow in adjacent streams.

C. The master plan shall identify all federal and state permits and approvals required for development of the site, including but not limited to NPDES permits, HPA approvals, and approvals required pursuant to the Endangered Species Act. To the extent that mitigation plans are required for such permits, conceptual plans for such mitigation shall be identified in the master plan, recognizing that final approval

authority for such mitigation plans may rest with agencies other than Kitsap County.

(Ord. 311 (2003) [Attachment 5 [§ 3 (part)]], 2003)

**17.415.505 Environmental standards.**

Development within a master plan area shall comply with the substantive environmental standards identified in other regulations pertinent to the specific sub-area and Title 19 of this code (Critical Areas) in effect at the time a master plan is prepared.

(Ord. 311 (2003) [Attachment 5 [§ 3 (part)]], 2003)

**17.415.525 Environmental Review.**

Kitsap County staff shall make a SEPA determination at the earliest possible stage in the master plan review process. If at any time during the master plan review process, an Environmental Impact Statement is determined to be required, timelines and processes shall revert to those under Title 18 of this code. If an EIS is required, the development of the master plan may be completed concurrently with development of environmental documents.

(Ord. 311 (2003) [Attachment 5 [§ 3 (part)]], 2003)

**17.415.535 Economic development component of master plan.**

Based on elements required in the Master Plan Scoping Summary Notice, a master plan shall include an economic development component meeting the following criteria:

A. Master plans shall strive to create developments in which fifty percent of jobs pay the average or higher than average annual covered wage for Kitsap County as defined and published by the Washington State Division of Employment Security, "Kitsap County Profile" or comparable publication by that entity. Master plans must include a wage calculation as follows:

1. Plans shall identify, as far as possible, the anticipated land uses for the proposed development.

2. Plans shall identify, as far as possible, the anticipated type and number of jobs which the proposed development is intended to accommodate.

**B. Technology Infrastructure.** Master plans shall contain a plan for technology infrastructure to be constructed by the developer, according to adopted county technology regulations and the following criteria:

1. The plan shall depict the type and siting of technology infrastructure serving planned and future development in the area. The plan shall include fiber optic or other high-speed data links or conduit for fiber optic or other high-speed data links to regional technology infrastructure and to other technology infrastructure within the master planned area.

2. The plan shall demonstrate a provision for reserve capacity and/or potential for future expansion of technological capability. Upon adoption of regional technology guidelines, goals, policies and/or standards, these shall be consulted as to the suitability of the type of infrastructure to be installed and/or accommodated in the future.

**C. Design Standards.** Master plans shall adhere to any design standards adopted as a requirement of the sub-area in which the development is located. No master plan shall be approved for a sub-area requiring design standards until design standards have been developed and approved in accordance with sub-area plan policies.

(Ord. 415 (2008) § 180, 2008)

**17.415.550 Third party review.**

The director may require a third party review from a technical expert to provide information necessary to support the review of a master plan. The expert will be chosen from a list of pre-qualified experts prepared and kept current by an annual solicitation by the department. The applicant shall select the expert from a list of three names selected by the director from the larger pre-qualified list. The expert will be contracted to the county and report their findings to

the director and the applicant. The cost of such report will be the responsibility of the applicant.

(Ord. 415 (2008) §§ 181, 182, 2008)

**17.415.600 (Repealed)\***

\* **Editor's Note:** Former Section 17.415.600, "Master plan review process," was repealed by § 183 of Ord. 415 (2008). Attachment 5 § 3 (part) of Ord. 311 (2003) was formerly codified in this section.

**17.415.625 Concurrent permit processing.**

In a zone wherein some uses require a conditional use permit, the master plan process provided by this chapter may be used in lieu of those processes. Proposed development must still meet the approval criteria required by Chapter 17.421 as well as those required by this section.

(Ord. 415 (2008) § 184, 2008)

**17.415.650 Subdivision of areas subject to a master plan requirement**

Properties subject to master planning may not be subdivided pursuant to Title 16 of this code until a master plan has been approved. Property owners subject to master planning, who desire subdivision, may subdivide under Title 16 concurrently with a master plan approval process.

(Ord. 311 (2003) [Attachment 5 [§ 3 (part)]], 2003)

**17.415.675 Decision criteria for master plan approval.**

An application for a master plan permit may be approved or approved with modifications if all of the following requirements are met:

A. The master plan is consistent with the goals and policies of the Comprehensive Plan and complies with all other applicable codes and policies of the county.

B. The master plan demonstrates superior site design by incorporating the following:

1. Provisions for public facilities and/or amenities.

2. Clustering of development, as applicable.

3. Innovative site design that complies with the development and design standards of the master plan and underlying zoning code.

4. Preservation of critical areas, resource areas and natural features.

5. Provision for a coordinated, comprehensive, interconnected and integrated system of parks, open spaces and recreational areas.

6. Placement of structures, circulation systems and utilities that minimizes impervious surface and the alteration of the land and also responds to physical characteristics of the property.

7. Site design that reduces dependency on automobiles by providing for pedestrian, bicycle and transit uses.

C. Adequate public services are available, including water, sewer, roads, including access roads, fire and storm drainage. Approval of the master plan should not reduce existing public service levels for surrounding properties below acceptable levels without mitigation measures.

D. If development under a master plan will be phased, each phase of a proposed development must contain adequate infrastructure, open space, recreational facilities, landscaping and all other conditions of the master plan to stand alone if no other subsequent phases are developed.

E. The master plan sets forth the terms, conditions, covenants, and agreements regarding the intended development and terms, conditions, covenants, and agreements under which the property is bound.

If no reasonable conditions or modifications can be imposed to ensure the application meets the criteria set forth above, then the application shall be denied.

(Ord. 415 (2008) § 185, 2008)

#### **17.415.700 Duration of master plan approval.**

Section 21.04.110 of this code, Timelines and duration of approval, shall not apply to master plans approved under this chapter. Master plans approved pursuant to this chapter will

be valid for a period of ten years from the date of approval.

(Ord. 311 (2003) [Attachment 5 [§ 3 (part)]], 2003)

#### **17.415.750 Extensions of master plan approval.**

Master plans approved under this chapter may be eligible for five-year extensions to be reviewed using the following process and criteria:

A. A request for extension must be filed in writing with the director no later than sixty days prior to the expiration of the approval period;

B. A request for extension will be processed as a Type II decision pursuant to Section 21.04.070 of this code;

C. The applicant must demonstrate tangible progress toward completion of approved master planned project;

D. The applicant must demonstrate that no significant changes in the technical components of the approved master plan are necessary to protect natural systems, or the public's health, safety and welfare; and

E. The director may approve, approve with conditions or deny the timely request for extension.

(Ord. 311 (2003) [Attachment 5 [§ 3 (part)]], 2003)

#### **17.415.800 Amendment of master plans.**

Master plans may be amended or changed through a Type II application consistent with Section 21.04.070 of this code if the amendment meets the following criteria:

A. The applicant must have approval of all parties to the existing master plan whose ownership portion of the master planned area would be physically changed by the proposed amendment;

B. The amended master plan must conform to all requirements of this chapter;

C. The applicant must demonstrate to the director that there are no significant changes in conditions, which would render approval of the

amendment contrary to the public health, safety or general welfare; and

D. The director shall approve the amendment if it conforms to the requirements of this chapter.

(Ord. 311 (2003) [Attachment 5 [§ 3 (part)]], 2003)

## Chapter 17.420

### ADMINISTRATIVE CONDITIONAL USE PERMIT

#### Sections:

- 17.420.010 Purpose and applicability.
- 17.420.020 Administrative conditional use permit procedure.
- 17.420.030 Previous use approval.
- 17.420.035 Third party review.
- 17.420.040 Decision criteria –  
Administrative conditional use permit.
- 17.420.050 Revision of administrative conditional use permit.
- 17.420.060 Vacation of administrative conditional use permit.
- 17.420.070 Revocation of permit.
- 17.420.080 Transfer of ownership.
- 17.420.090 Land use permit binder required.
- 17.420.100 Effect.

#### **17.420.010 Purpose and applicability.**

The purpose of this chapter is to set forth the procedure and decision criteria for administrative conditional use permits. An administrative conditional use permit is a mechanism by which the county may place special conditions on the use or development of property to ensure that new development is compatible with surrounding properties and achieves the intent of the Comprehensive Plan. This chapter applies to each application for an administrative conditional use and to uses formerly permitted after site plan review.

(Ord. 367 (2006) § 110 (part), 2006)

#### **17.420.020 Administrative conditional use permit procedure.**

A. The department may approve, approve with conditions, or deny an administrative conditional use permit through a Type II process as set forth in Title 21 of this code.

B. Applications for an administrative conditional use permit shall contain the information required by the submittal requirements checklist established by the department as set forth in Section 21.04.045.

C. When an application is submitted together with another project permit application, the administrative conditional use permit shall be processed as set forth in Section 21.04.035.

D. Upon a determination of a complete application, the director shall have fourteen 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. Further, the director may refer any proposal under this section to the hearing examiner for review and decision.

(Ord. 367 (2006) § 110 (part), 2006)

#### **17.420.030 Previous use approval.**

Where, prior to December 11, 2006, approval was granted for establishing or conducting a particular use on a particular site through a site plan review process, such previous review and use approvals are by this section declared to be continued as an administrative conditional use permit.

(Ord. 367 (2006) § 110 (part), 2006)

#### **17.420.035 Third party review.**

The director may require a third party review from a technical expert to provide information necessary to support an administrative decision. The expert will be chosen from a list of prequalified experts prepared and kept current by an annual solicitation by the department.



The applicant shall select the expert from a list of three names selected by the director from the larger pre-qualified list. The expert will be contracted to the county and report their findings to the director and the applicant. The cost of such report will be the responsibility of the applicant.

(Ord. 415 (2008) § 186, 2008)

**17.420.040 Decision criteria –  
Administrative conditional use  
permits.**

A. The department may approve, approve with conditions, or deny an administrative conditional use permit. Approval or approval with conditions may be granted only when all the following criteria are met:

1. The proposal is consistent with the Comprehensive Plan;
2. The proposal complies with applicable requirements for the use set forth in this code;
3. The proposal is not materially detrimental to existing or future uses or property in the immediate vicinity; and
4. The proposal is compatible with and incorporates specific features, conditions, or revisions that ensure it responds appropriately to the existing character, appearance, quality or development, and physical characteristics of the subject property and the immediate vicinity.

B. The department may impose conditions to ensure the approval criteria are met.

C. If the approval criteria are not met or conditions cannot be imposed to ensure compliance with the approval criteria, the administrative conditional use permit shall be denied.

(Ord. 415 (2008) § 187, 2008; Ord. 367 (2006) § 110 (part), 2006)

**17.420.050 Revision of administrative  
conditional use permits.**

A. Revision of an administrative conditional use permit or of conditions of permit approval is permitted as follows:

1. Minor revisions may be permitted by the department and shall be properly recorded

in the official case file. No revision in points of vehicular access to the property shall be approved without prior written concurrence of the director of the department of public works. Minor revisions shall be processed as a Type I application; and

2. Major revisions, including any requested change in permit conditions, shall be processed as a Type II application;

B. Minor and major revisions are defined as follows:

1. A “minor” revision means any proposed change which does not involve substantial alteration of the character of the plan or previous approval, including increases in gross floor area of no more than ten percent; and

2. A “major” revision means any expansion of the lot area covered by the permit or approval, or any proposed change whereby the character of the approved development will be substantially altered. A major revision exists whenever intensity of use is substantially increased, performance standards are reduced below those set forth in the original permit, detrimental impacts on adjacent properties or public rights-of-way are created or increased, including increases in trip generation of more than ten percent, or the site plan design is substantially altered.

3. Any increase in vehicle trip generation shall be reviewed to determine whether the revision is major or minor. The traffic analysis shall be filed by the applicant at the same time as the request for revision. The traffic analysis will follow Traffic Impact Analysis guidelines as set forth in Chapter 20.04.

(Ord. 367 (2006) § 110 (part), 2006)

**17.420.060 Vacation of administrative  
conditional use permit.**

A. Any administrative conditional use permit issued pursuant to this chapter, or any temporary or special use permit issued previously, may be vacated by the current landowner upon county approval; provided, that:

1. The use authorized by the permit does not exist and is not actively being pursued; or

2. The use has been terminated and no violation of the terms and the conditions of the permits exists.

B. Landowner request for vacation of a conditional use permit shall be conducted as set forth in Title 21 of this code.

(Ord. 415 (2008) § 188, 2008; Ord. 367 (2006) § 110 (part), 2006)

**17.420.070 Revocation of permit.**

Any revocation proceeding shall be conducted in accordance with Chapter 17.525.

(Ord. 415 (2008) § 189, 2008; Ord. 367 (2006) § 110 (part), 2006)

**17.420.080 Transfer of ownership.**

An administrative conditional use permit runs with the land and compliance with the conditions of any such permit is the responsibility of the current owner of the property, whether that is the original applicant or a successor.

(Ord. 367 (2006) § 110 (part), 2006)

**17.420.090 Land use permit binder required.**

The recipient of an administrative conditional use permit shall file a land use permit binder on a form provided by the department with the county auditor prior to initiation of any further site work; issuance of any development/construction permits by the county; or occupancy/use of the subject property or the building thereon for the use/activity authorized, whichever comes first. The binder shall serve both as an acknowledgment of and agreement to abide by the terms and conditions of the permit and as a notice to prospective purchasers of the existence of the permit.

(Ord. 367 (2006) § 110 (part), 2006)

**17.420.100 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 heard and a decision rendered by the board of county commissioners.

(Ord. 415 (2008) § 190, 2008)

**Chapter 17.421**

**HEARING EXAMINER CONDITIONAL USE PERMIT**

**Sections:**

- 17.421.010 Purpose and applicability.
- 17.421.020 Hearing examiner conditional use permit procedure.
- 17.421.025 Third party review.
- 17.421.030 Decision criteria – Conditional use permit.
- 17.421.040 Revision of hearing examiner conditional use permits.
- 17.421.050 Vacation of hearing examiner conditional use permit.
- 17.421.060 Revocation of permit.
- 17.421.070 Transfer of ownership.
- 17.421.080 Land use permit binder required.
- 17.421.090 Effect.

**17.421.010 Purpose and applicability.**

The purpose of this chapter is to set forth the procedure and decision criteria for conditional use permits applications. A conditional use permit is the mechanism by which the county may gather input through an open record hearing and place special conditions on the use or development of land. The provisions of this chapter apply to hearing examiner conditional use permit applications.

(Ord. 367 (2006) § 111 (part), 2006)

**17.421.020 Hearing examiner conditional use permit procedure.**

A. The hearing examiner may approve, approve with conditions, or deny a hearing examiner conditional use permit through a Type III process as set forth in Title 21 of this code.

B. Applications for a hearing examiner conditional use permit shall contain the information required by the submittal requirements checklist established by the department as set forth in Section 21.04.045.

C. When an application is submitted together with another project permit application, the hearing examiner conditional use permit shall be processed as set forth in Section 21.04.035.

(Ord. 367 (2006) § 111 (part), 2006)

#### **17.421.025 Third party review.**

The director may require a third party review from a technical expert to provide information necessary to prepare a staff recommendation to the hearing examiner. The expert will be chosen from a list of pre-qualified experts prepared and kept current by an annual solicitation by the department. The applicant shall select the expert from a list of three names selected by the director from the larger pre-qualified list. The expert will be contracted to the county and report their findings to the director and the applicant. The cost of such report will be the responsibility of the applicant.

(Ord. 415 (2008) § 191, 2008)

#### **17.421.030 Decision criteria – Conditional use permit.**

A. The hearing examiner may approve, approve with conditions, or deny a hearing examiner conditional use permit. Approval or approval with conditions may be granted only when all the following criteria are met:

1. The proposal is consistent with the Comprehensive Plan;
2. The proposal complies with applicable requirements of this title;
3. The proposal will not be materially detrimental to existing or future uses or property in the immediate vicinity; and
4. The proposal is compatible with and incorporates specific features, conditions, or revisions that ensure it responds appropriately to the existing character, appearance, quality or development, and physical characteristics of

the subject property and the immediate vicinity.

B. As a condition of approval, the hearing examiner may:

1. Increase requirements in the standards, criteria, or policies established by this title;
2. Stipulate the exact location as a means of minimizing hazards to life, limb, property damage, erosion, landslides, or traffic;
3. Require structural features or equipment essential to serve the same purpose set forth in Chapter 17.382;
4. Include requirements to improve compatibility with other uses permitted in the same zone protecting them from nuisance generating features in matters of noise, odors, air pollution, wastes, vibration, traffic, physical hazards, and similar matters. The hearing examiner may not, in connection with action on a conditional use permit, reduce the requirements specified by this title as pertaining to any use nor otherwise reduce the requirements of this title in matters for which a variance is the remedy provided;
5. Assure that the degree of compatibility with the purpose of this title shall be maintained with respect to the particular use on the particular site and in consideration of other existing and potential uses, within the general area in which the use is proposed to be located;
6. Recognize and compensate for variations and degree of technological processes and equipment as related to the factors of noise, smoke, dust, fumes, vibration, odors, and hazard or public need;
7. Require the posting of construction and maintenance bonds or other security sufficient to secure to the county the estimated cost of construction and/or installation and maintenance of required improvements; and
8. Impose any requirement that will protect the public health, safety, and welfare.

C. If the approval criteria are not met or conditions cannot be imposed to ensure com-

pliance with the approval criteria, the conditional use permit shall be denied.  
(Ord. 415 (2008) § 192, 2008; Ord. 367 (2006) § 111 (part), 2006)

**17.421.040 Revision of hearing examiner conditional use permits.**

A. Revision of a hearing examiner conditional use permit or conditions of permit approval is permitted as follows:

1. Minor Revisions. Minor revisions may be permitted by the department. No revision in points of vehicular access to the property shall be approved without prior written concurrence of the director of the department of public works. Minor revisions shall be processed as a Type I application

2. Major revisions, including any requested change in permit conditions, shall be processed as a Type III application.

B. Minor and major revisions are defined as follows:

1. A “minor” revision means any proposed change which does not involve substantial alteration of the character of the prior approval, including dimensional or gross floor area increases of less than ten percent; and

2. A “major” revision means any expansion of the lot area covered by the permit or approval, or any proposed change whereby the character of the approved development will be substantially altered. A major revision exists whenever intensity of use is substantially increased, performance standards are reduced below those set forth in the original permit, detrimental impacts on adjacent properties or public rights-of-way are created or substantially increased, including increased trip generation of ten percent or more, or the site plan design is substantially altered, including dimensional or gross floor area increases of ten percent or more.

(Ord. 367 (2006) § 111 (part), 2006)

**17.421.050 Vacation of hearing examiner conditional use permit.**

A. Any conditional use permit issued pursuant to this chapter may be vacated by the current landowner upon county approval; provided, that:

1. The use authorized by the permit does not exist and is not actively being pursued; or

2. The use has been terminated and no violation of the terms and the conditions of the permit exists.

B. Landowner request for vacation of a conditional use permit shall be conducted as set forth in Title 21 of this code.

(Ord. 415 (2008) § 193, 2008; Ord. 367 (2006) § 111 (part), 2006)

**17.421.060 Revocation of permit.**

Any revocation proceeding shall be conducted in accordance with Chapter 17.525.

(Ord. 415 (2008) § 194, 2008; Ord. 367 (2006) § 111 (part), 2006)

**17.421.070 Transfer of ownership.**

A conditional use permit runs with the land and compliance with the conditions of any such permit is the responsibility of the current owner of the property, whether that is the original applicant or a successor.

(Ord. 367 (2006) § 111 (part), 2006)

**17.421.080 Land use permit binder required.**

The recipient of any conditional use permit shall file a land use permit binder on a form provided by the department with the county auditor prior to any of the following: initiation of any further site work, issuance of any development/construction permits by the county, or occupancy/use of the subject property or buildings thereon for the use or activity authorized. The binder shall serve both as an acknowledgment of and agreement to abide by the terms and conditions of the conditional use permit and as a notice to prospective purchasers of the existence of the permit.

(Ord. 367 (2006) § 111 (part), 2006)

**17.421.090 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 heard and a decision rendered by the board of county commissioners.  
(Ord. 415 (2008) § 195, 2008)

**Chapter 17.425****PERFORMANCE BASED  
DEVELOPMENT****Sections:**

- 17.425.010 Purpose.
- 17.425.020 Authority.
- 17.425.030 Uses permitted.
- 17.425.040 Standards and requirements – Residential.
- 17.425.045 Standards and requirements – Commercial, industrial, and institutional.
- 17.425.050 Decision findings.
- 17.425.060 Application.
- 17.425.070 Public hearing and notice.
- 17.425.100 Effect.
- 17.425.110 Revision of performance based development.
- 17.425.120 Revocation of permit.
- 17.425.130 Land use permit binder required.

**17.425.010 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 differing types of development, facilitate the residential densities allowed by the zone, provide for increased efficiency in the layout of the streets, utilities and other public improvements and to encourage the use of low-

impact development techniques and other creative designs for the development of land.

Standard regulations that may be modified through the use of a PBD include:

- A. Lot size.
- B. Lot width and depth.
- C. Structure height (only within designated urban growth areas).
- D. Setbacks (front, side and rear yards).

Minimum and maximum densities and allowed uses authorized by the zone shall not be subject to modification through the use of a PBD.

(Ord. 415 (2008) § 196, 2008: Ord. 415 (2008) § 196, 2008: Ord. 216 (1998) § 4 (part), 1998)

**17.425.020 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 title, shall conform to all regulations pertaining to performance based developments. An application for PBD shall be accompanied by an application for subdivision, when applicable.

(Ord. 415 (2008) § 197, 2008: Ord. 216 (1998) § 4 (part), 1998)

**17.425.030 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 Title 21 of this code.

(Ord. 216 (1998) § 4 (part), 1998)

**17.425.040 Standards and requirements –  
Residential**

- A. Access, Parking and Circulation.
  1. General. The PBD shall have adequate pedestrian and vehicle access and parking commensurate with the location, size, density and intensity of the proposed development. Vehicle

access shall not be unduly detrimental to adjacent areas and shall take into consideration the anticipated traffic which the development may generate.

2. Streets. Provide adequate road access, connected road network, safe pedestrian access, and emergency vehicle access.

3. Parking. The number of vehicular parking spaces shall be provided in accordance with Section 17.435.030. Vehicular parking may be provided either on street or off street within the PBD, provided the total number of available spaces is at least equal to the parking requirements specified in the parking and loading requirements.

4. Pedestrian Circulation. Adequate pedestrian circulation facilities shall be provided. These facilities shall be durable, serviceable, safe, convenient to the buildings and separated by curb or other means from the vehicle traffic facilities.

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 of the gross acreage of the subject property(s). No area shall be calculated as common open space if less than five hundred square feet in size, except if the area provides a reasonable functional or aesthetic benefit to the residents of the PBD;

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, topography, and the number and type of dwellings provided;

3. Common open space may be improved for its intended use. Common open space containing critical areas may be enhanced consistent with the requirements of Title 19, Critical Areas Ordinance. 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 the 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 nonprofit 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 PBDs within urban zones shall provide a developed recreational area that meets the following requirements:

1. A contiguous area that is a minimum of five percent of the gross acreage of the subject property(s) (excluding perimeter screening

buffers, critical areas and critical area buffers). No area shall be calculated as recreational open space if less than five hundred square feet in size, except if the area provides a reasonable functional or aesthetic benefit to the residents of the PBD. Said area shall meet the following additional requirements:

a. Developed as an open grass field or a natural area (not inside perimeter buffers, critical areas or their buffers);

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 amenity(s) consistent with the number of units/lots contained within the PBD. Amenities shall be provided as follows:

a. Developments of zero to nineteen lots/units are not required to have such an amenity;

b. For developments with greater than nineteen lots or units, one amenity shall be provided for every twenty lots/units within the development. Required amenities shall be sized to accommodate three hundred ninety square feet per lot/unit;

c. Amenities shall be centrally located within the development in clearly visible areas on property suitable for such development. Amenities may be located in other areas of the development if directly linked with a regional trail system or other public park facility;

d. Based upon topographical or site design characteristics of the subject property(s), amenities may be combined (while continuing to meet the overall square footage requirements established above) if the combination provides for increased benefit to all residents of the PBD;

e. Amenities may be located within, and be calculated towards, the recreational open space area if contiguous;

f. An athletic field with a minimum size of one hundred twenty yards long and sixty

yards wide or swimming pool shall count as two amenities;

g. An equestrian development or similar theme community may be provided in lieu of other amenities;

h. Owned in common and available for use by all residents of the PBD;

i. The active recreational amenity(s) shall be located on five percent grade or less, except if a greater grade is necessary for the activities common to the amenity, e.g., skate park, trails; and

j. Written provisions or agreement for perpetual maintenance by the homeowners' association or a public agency willing to assume ownership and maintenance.

3. In rural zones, common open space shall be no less than fifty percent of the total site area. All open space, other than those areas needed for utilities or other infrastructure, shall be retained in native vegetation unless the PBD specifically provides for an alternative use. PBDs in rural zones shall be exempt from the requirements for contiguous developed recreation space as contained in subsection (C)(1) of this section, but shall be subject to the active recreational area requirements of subsection (C)(2) of this section.

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.

(Ord. 415 (2008) § 198, 2008: Ord. 216 (1998) § 4 (part), 1998)

#### **17.425.045 Standards and requirements – Commercial, industrial and institutional.**

A. Access, Parking and Circulation.

1. General. The PBD shall have adequate pedestrian and vehicle access and parking commensurate with the location, size, density and intensity of the proposed development. Vehicle access shall not be unduly detrimental to adjacent areas and shall take into consideration the

anticipated traffic which the development may generate;

2. Streets. Provide adequate road access, connected road network, safe pedestrian access, and emergency vehicle access;

3. Parking. The number of vehicular parking spaces shall be provided in accordance with Section 17.435.030. Vehicular parking may be provided either on street or off street within the PBD, provided the total number of available spaces is at least equal to the parking requirements specific in the parking and loading requirements; and

4. Pedestrian Circulation. Adequate pedestrian circulation facilities shall be provided. These facilities shall be durable, serviceable, safe, and convenient to the buildings and separated by curb or other means from the vehicle traffic facilities.

**B. Common Open Space.**

1. Common open space shall be for public use and may include active or passive recreational uses such as trails or pathways, tot lots, plazas, patios or other amenities;

2. Common open space shall be located in a manner suitable for the uses proposed;

3. Each project shall contain a minimum of fifteen percent common open space based upon the gross acreage of the site; and

4. No area shall be calculated as common open space if less than five hundred square feet in size, except if the area provides a reasonable functional or aesthetic benefit to the users of the PBD. Covered or internal open space areas may be used.

**C. Site Design.**

1. The project design shall provide a more efficient use of land within the urban areas;

2. Amenities intended for public use shall be coordinated with regional trail, park or other facility plans;

3. Design shall provide innovations to decrease building footprint and other site disturbances; and

4. Design shall include architectural features and other aesthetics to address site impacts.

**D. Structure Height.**

1. The project shall include the use of topography and other site characteristics to minimize the impacts a proposed increase in height; and

2. The increase in height shall minimize site disturbance necessary to accommodate the proposed use.

(Ord. 415 (2008) § 199, 2008)

**17.425.050 Decision 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 design of the PBD meets the requirements of this section, other sections of the county code and the goals and policies of the Comprehensive Plan and the site is adequate in size and character to accommodate the proposed development;

B. The design of the PBD is compatible with neighboring conforming land uses. An assessment of compatibility shall include, but not be limited to, the consideration of association with adjacent land uses and the proposed project's effects on existing views, traffic, blockage of sunlight, and noise production;

C. If the development is phased, each phase of the proposed development shall meet the requirements of this chapter;

D. 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;

E. The proposed and/or existing public facilities and utilities are adequate to serve the project; and

F. 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 detrimen-



tal 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.

G. Innovations and/or public benefits shall be commensurate with the code modifications proposed.

(Ord. 415 (2008) § 200, 2008: Ord. 216 (1998) § 4 (part), 1998)

### **17.425.060 Application.**

A. In addition to all requirements of Chapter 17.410, an application for PBD shall contain the following:

1. Fourteen copies of the site plan, drawn to scale, showing the proposed layout;

2. Three 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:

1. Fourteen 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 copies of the landscape plan, drawn to scale and dimension, depicting all required elements of Chapter 17.385. 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-inch by eleven-inch print of the site plan and architectural drawings;

5. Fourteen 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 subsection (B) of this section in a time frame consistent with Title 21 of this code.

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.

(Ord. 216 (1998) § 4 (part), 1998)

**17.425.070 Public hearing and notice.**

PBDs shall be considered by the hearing examiner. Public notice shall be given as provided for in Title 21 of this code.

(Ord. 216 (1998) § 4 (part), 1998)

**17.425.100 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 heard and a decision rendered by the board of county commissioners.

(Ord. 415 (2008) § 201, 2008; Ord. 216 (1998) § 4 (part), 1998)

**17.425.110 Revision of performance based development.**

A. Revision of a performance based development or of conditions of permit approval is permitted as follows:

1. Minor revisions may be permitted by the department and shall be properly recorded in the official case file. No revision in points of vehicular access to the property shall be approved without prior written concurrence of the director of the department of public works. Minor revisions shall be processed as a Type I application; and

2. Major revisions, including any requested change in permit conditions, shall be processed as a Type III application if the performance based development is in conjunction with a subdivision. All other major revisions shall be processed as a Type II application.

B. Minor and major revisions are defined as follows:

1. A "minor" revision means any proposed change which does not involve substantial alteration of the character of the plan or previous approval; and

2. A "major" revision means any expansion of the lot area covered by the permit or approval, or any proposed change that includes any one of the following:

a. Substantial relocation of buildings, parking or streets;

b. A reduction in any perimeter setback;

c. An increase in the residential density;

d. An increase in the gross floor area of a multi-family, commercial, industrial or commercial component of a project greater than ten percent;

e. Any relocation of the common open space which makes it less accessible or reduces the area greater than five percent;

f. Any change in the landscape buffers resulting in a reduction in width or density of planting between the development and adjoining properties;

g. Any substantial change in the points of access;

h. Any increase in structure height; or

i. An alteration in dwelling unit separation, e.g., attached or detached dwelling units.

3. Any increase in vehicle trip generation shall be reviewed to determine whether the revision is major or minor. The traffic analysis shall be filed by the applicant at the same time as the request for revision. The traffic analysis will follow Traffic Impact Analysis guidelines as set forth in Chapter 20.04.

(Ord. 415 (2008) § 202, 2008)

**17.425.120 Revocation of permit.**

Any revocation proceeding shall be conducted in accordance with Chapter 17.525.

(Ord. 415 (2008) § 203, 2008)

**17.425.130 Land use permit binder required.**

The recipient of a PBD permit shall file a land use permit binder on a form provided by the department with the county auditor prior to initiation of any further site work; issuance of any development/construction permits by the county; or occupancy/use of the subject property or the building thereon for the use/activity authorized, whichever comes first. The binder shall serve both as an acknowledgment of and agreement to abide by the terms and conditions of the permit and as a notice to prospective purchasers of the existence of the permit. (Ord. 415 (2008) § 204, 2008)

**Chapter 17.428**

**MASTER PLANNING REQUIREMENTS  
FOR THE ULID #6/McCORMICK  
WOODS SUB-AREA**

**Sections:**

- 17.428.010 Applicability.
- 17.428.020 Purpose.
- 17.428.030 Permitted density.
- 17.428.040 Uses.
- 17.428.050 Review and approval process.
- 17.428.060 Additional submittal requirements.
- 17.428.070 Development standards.
- 17.428.080 Design criteria.
- 17.428.090 Decision criteria.
- 17.428.100 Amendments.
- 17.428.110 Duration of approval.
- 17.428.120 Amendment of master plans.

**17.428.010 Applicability.**

The following master plan provisions apply to all zoning districts located within the ULID #6 Sub-Area. Prior to new development within each zone within the sub-area, a master plan shall be prepared for the entirety of the relevant zoning district; provided, that the director may decrease the area within the sub-area that will be included in the master plan upon making a written finding that doing so will not adversely

effect the provision of a coordinated system of open space, parks, recreational areas, transportation improvements and water and wastewater facilities within the entirety of the zone. Such master plans shall be subject to the requirements of this section. Provided, a master plan shall not be required for new development in a portion of the sub-area which has already been master planned as part of a prior development proposal if the new development proposal is substantially consistent with the previously approved master plan. Conceptual master planning may also be required for adjacent zones, but only to the extent necessary to meet the sub-area plan requirements for a comprehensive and coordinated system of open space, parks, recreational areas, transportation improvements and water and wastewater facilities. (Ord. 311 (2003) [Attachment 7 (part)], 2003)

**17.428.020 Purpose.**

The general purpose of this section is to provide for development that is consistent with the ULID #6 Sub-Area Plan. Further purposes include:

- A. To encourage the comprehensive development of land within zoning districts as a single unit while allowing multiple phased development.
- B. To provide greater flexibility and, consequently, more creative and imaginative design than generally is possible under conventional zoning regulations. Master planning promotes more economical and efficient use of the land by providing coordination of necessary infrastructure, site amenities, and protection of open space and natural systems.
- C. To promote more economical and efficient use of land, while providing a development that is compatible with the environmental constraints of the land, critical areas, transportation corridors, community needs and market conditions.
- D. To encourage clustering of appropriate densities of residential housing in areas suitable for such development, while simultaneously

providing a high level of protection for wetlands, streams and wildlife habitat areas.

E. To foster a development pattern that results in the design and construction of an interconnected system of pedestrian and bicycle trails and facilities linking residential neighborhoods with open spaces, recreational areas, transportation corridors and retail and employment opportunities.

F. To foster a development pattern offering direct, convenient pedestrian, bicycle, and vehicular access between residences and businesses, in order to facilitate pedestrian and bicycle travel and reduce the number and length of automobile trips.

G. To promote a compact growth pattern to efficiently use developable land within the unincorporated UGA, to enable the cost-

effective extension of utilities, services and streets, to enable frequent and efficient transit service, and to help sustain neighborhood businesses.

H. To foster the development of mixed-use areas that are arranged scaled and designed to be compatible with surrounding land.

(Ord. 311 (2003) [Attachment 7 (part)], 2003)

#### **17.428.030 Permitted density.**

Densities shall be consistent with the underlying zone.

(Ord. 311 (2003) [Attachment 7 (part)], 2003)

#### **17.428.040 Uses.**

The uses shall be the same as those permitted within the underlying zone. In developments encompassing more than one zone, the uses permitted shall be allowed in the same proportion as the area in each zone.

(Ord. 367 (2006) § 112, 2006; Ord. 311 (2003) [Attachment 7 (part)], 2003)

#### **17.428.050 Review and approval process.**

A. A proposed master plan shall be processed as a Type III development application under Section 21.04.080 of this code. The master plan will require a Pre-application meeting, as described at Section 21.04.040. After the applicant has received the summary letter from the pre-application meeting, the following process shall apply:

1. An application for master plan scoping, together with a SEPA checklist, shall be submitted by the applicant to the department.

2. A master plan scoping conference will be held between the department and the applicant to identify the required components of the master plan; to determine the assumptions and standards to be applied in the plan; and to identify existing information and analyses which may be used in the master plan process together with any site-specific issues of concern. The applicant will provide preliminary project information to the extent required to complete the scoping process.

3. Within thirty days of the scoping conference, a written *Scoping Summary Notice* will be mailed to the applicant. This notice will include a summary of overall scoping conclusions and a review of elements necessary for an application for a master plan and will direct the applicant to proceed with development of the master plan. The *Scoping Summary Notice* will also describe the level of environmental review needed for the master plan, which may include a SEPA threshold determination. Upon receipt of the *Scoping Summary Notice*, the applicant will return a signed copy to the department.

4. The applicant shall be responsible for all analysis and planning involved in the preparation of a completed master plan and any additional environmental documentation that may be required. Upon completion of the master plan, the applicant shall submit an application for master plan approval. Within forty-five days of such application, and in order to ensure that all master plan requirements have been addressed, the department will issue a notice declaring the master plan application to be complete or incomplete, using the procedure described in Section 21.04.050 of this code.

5. Upon determination that the master plan application is complete and ready for review, the department will complete a technical review of the master plan, complete any required SEPA process, and act on the application in accordance with the procedures and time lines of Section 21.04.080 for a Type III application. Approval of a master plan shall be subject to the appeal procedures set forth for such Type III decisions in Section 21.04.120.

6. Following hearing examiner approval of a master plan and resolution of any appeal(s), development activity pursuant to each master plan shall be reviewed and approved subject to Kitsap County site development, building, and related permits only. No additional land use permitting will be required, provided such development is consistent with the approved master plan.

B. Plat/Binding Site Plan Approval – Merger with Master Plan. A master plan application must be processed with an application for a subdivision or binding site plan under Title 16 (Land Divisions) of this code. Other applications for project approval may be submitted simultaneously, and processed concurrently, with applications for master plan approval.

C. Engineering, Design Review and Building Permits. No building permit shall be approved unless it complies with the use limitations, standards and design concepts and guidelines contained in the applicable master plan. Any conditions of master plan, land use, preliminary or final plat, or binding site plan approval will constitute a limitation on the use and design of the site, and any permit for improvements or structures may be issued only if consistent with the approved master plan and project approval.

(Ord. 311 (2003) [Attachment 7 (part)], 2003)

**17.428.060 Additional submittal requirements.**

Master plans submitted for areas governed by the ULID #6 Sub-Area Plan shall include the following, in addition to the master plan submittal requirements found within Section 17.428.050, above:

A. The legal description and property tax account number(s) of the property subject to the proposed master plan.

B. A complete and detailed written statement of the intended use(s) of the land, and the sequence and timing of proposed development. The statement shall include the following:

1. The acreage contained within the proposed master plan, the minimum and maximum number of lots and/or dwelling units being proposed, and the minimum and maximum density of lots and/or dwelling units per acre of land.

2. The maximum and minimum lot sizes.

3. The acreage of common open space (including figures for active and passive open space) to be contained in the master plan and

the percentage each represents of the total area.

4. The proposed maximum total square footage of nonresidential construction.

5. The height, setbacks, building and development coverage.

6. A plan for the phasing of on and off-site public-street and transportation facilities (e.g., sidewalks, bike and pedestrian trails and paths, bus stops, street lights, traffic signals, utilities or improvements of adjacent streets) consistent with Titles 18 and 19 of this code, supported by a transportation analysis prepared in accordance with the following criteria:

a. The analysis shall include all Kitsap County traffic analysis zones, as defined pursuant to subsection (19) of Section 20.04.020 of this code, in which any portion of the development site is located. The director of public works may waive the requirement for analysis of any area that will not be affected by the road system needed to serve the development site. The director of public works may also require analysis of arterials located outside the affected Kitsap County traffic analysis zones if the director determines that development in the master plan area may generate the need for traffic mitigation measures on such arterials. The analysis shall be referred to the Washington State Department of Transportation for review and comment if the proposed development is likely to affect traffic on state highways.

b. The analysis shall identify a multi-modal circulation and access plan identifying transportation infrastructure improvements, including changes to existing roads, new roads, transit service and non-motorized transportation facilities which are necessary to provide transportation service to the area being master planned, assuming full build-out of the master plan area and the Kitsap County traffic analysis zones in which any portion of the development site is located, based on the levels of development permitted. This analysis shall include a capacity analysis of existing facilities and identify improvements and ex-

tensions needed to serve the affected areas at full build-out. The transportation analysis shall include a transportation demand management plan (TDMP) for the area and identify how the TDMP coordinates with other TDMPs in the vicinity of the development. The TDMPs shall generally be selected from the following potential TDM strategies, as appropriate to the potential uses and the anticipated demand for such services in the master plan area:

- i. Provision of preferential parking for carpools and vanpools; bicycle parking facilities, changing areas/showers for employees who walk or bike to work;
- ii. Provision of commuter ride-matching services to facilitate employee ridesharing;
- iii. Provision of subsidies for transit fares, carpooling and/or vanpooling;
- iv. Alternate work schedules/flex time;
- v. On-site amenities such as cafeterias and restaurants, ATM's and other services that would eliminate the need for additional trips;
- vi. Provision of a program of parking incentives such as a rebate for employees who do not use the parking facilities;
- vii. Implementation of other measures designed to facilitate the use of high-occupancy vehicles such as on-site day care and emergency ride home service; and
- viii. Employers or owners of worksites may form or utilize existing transportation management associations to assist members in developing and implementing transportation demand management plans.

c. The transportation analysis shall identify any feasible alternatives for providing transportation service in the affected areas:

- i. The transportation analysis shall identify potential methods for funding the design and construction of the system improvements needed to serve the affected areas at full build-out.
- ii. The transportation analysis may provide for phased implementation of the identified improvements, provided that no development subject to master planning requirements shall be approved until funding is

approved in the TIP or a commitment is in place to provide developer improvements identified by the transportation analysis within the time deadlines set forth in subsection (8) of Section 20.04.020. All improvements shall meet the adopted concurrency standards of Kitsap County, as set forth in Chapter 20.04.

iii. The transportation analysis shall include appropriate trip generation analyses, trip distribution analyses, and level of service analyses. The director of public works shall require the applicant to use standard trip generation rates published by the Institute of Transportation Engineers or other documented information and surveys approved by the department. The director of public works may approve a reduction in generated vehicle trips based on additional information supplied by the applicant, including information related to commute trip reduction programs pursuant to Chapter 20.08 of this code. The calculation of vehicle trip reductions shall be based upon recognized technical information and analytical process that represent current engineering practice. The director of public works shall have final approval of such data, information and technical procedures as are used to develop trip generation analyses, trip distribution analyses, and level of service analyses.

7. A plan for the phasing of street improvements, including road construction, acreage of road area and percentage it represents of the total land area.

8. A plan for the provision of public water service consistent with Titles 16 and 17 of this code, including a statement regarding the availability and planned phasing of water system extensions.

9. A plan for the provision of sanitary sewer service consistent with Titles 13 and 14 of this code, including a statement regarding the method of sewage disposal and the planned phasing of sewer system extensions.

10. As applicable, the proposed design for the multi-family, business park and village center aspects of the project, consistent with adopted Kitsap County design criteria.

11. The proposed method of storm water control, including both water quantity and quality, consistent with Titles 12, 13 and 19 of this code, supported by a storm water analysis prepared in accordance with the following criteria:

a. The storm water analysis shall be based on an approved hydrologic model, as determined by the most recent version of the *Kitsap County Storm Water Manual*.

b. The storm water analysis shall provide a comprehensive analysis of existing and proposed surface water quantity and quality conditions for all zoning districts in which any portion of the development site is located. The director may waive the requirement for analysis in any zoning district in which the proposed development will not create the need for storm water facilities.

c. The storm water analysis shall assume full build-out of the subject zoning district at levels of development permitted by applicable county regulations in effect at the time of master plan preparation.

d. Specific technical elements of the storm water analysis shall conform to the requirements of the *Kitsap County Storm Water Design Manual*, as amended.

C. A scale drawing of the property indicating:

1. North point and graphic scale.
2. Boundaries, easements, and ownerships as set forth in the legal description.
3. Topography at appropriate contour intervals.
4. Existing structures and improvements.
5. Existing vegetation, significant trees and vegetated buffers as required by the landscape regulations set forth in Chapter 17.385 (*Landscape Requirements*) of this code, and subsection (B)(7) of Section 17.428.070.
6. Watercourses, and other natural features.
7. Lot or land divisions.
8. All proposed improvements, including general building footprints.
9. Sewage disposal system.
10. Storm drainage design.

11. Utilities plans.

12. Existing and proposed circulation system on and off the site, including auto, truck, emergency and transit access and pedestrian and bicycle circulation plans.

13. Landscaping plans, including street trees.

14. Proposed land uses and densities on the subject property.

15. Location and types of dwelling units proposed.

16. All adjacent streets and rights-of-way.

17. Other plans and drawings deemed necessary for evaluation.

D. A vicinity map showing the location of the site and its relationship to surrounding areas, including existing streets, driveways, and other land features.

E. Phasing schedule; if the master plan is to be developed in phases, the project as a whole shall be portrayed on the master plan.

F. A completed environmental checklist as required by the State Environmental Policy Act, as codified in Chapter 18.04, and any other permit application requirements specified by Title 19 of this code, the Kitsap County Critical Areas Code.

G. The proposed method of insuring permanent retention and maintenance of circulation system, storm drainage system, sewage disposal system, parks, open space, or other common private or public facilities.

H. The director or designee may waive specific submittal requirements determined to be unnecessary for review of an application. (Ord. 311 (2003) [Attachment 7 (part)], 2003)

#### **17.428.070 Development standards.**

The development standards of the underlying zone shall apply except as provided in the following standards:

A. Modification of Development Standards.

1. The following development standards contained within Title 17 (Kitsap County Zoning Code) may be modified in approving a master plan:



- a. Building setbacks.
  - b. Height of buildings or structures.
  - c. The number of off-street parking spaces.
  - d. Minimum lot sizes.
  - e. Landscaping requirements.
  - f. Lot widths.
2. Standards that may not be modified or altered through the master plan process are:
- a. Standards pertaining to storm water management under Titles 12, 13 and 19 of this code, except as otherwise permitted by the *Kitsap County Storm Water Design Manual*.
  - b. Standards pertaining to the provision of sanitary sewer service under Titles 13 and 14 of this code.
  - c. Standards pertaining to the provision of public water service under Titles 16 and 17 of this code.
  - d. Standards pertaining to development in critical areas regulated under Title 19, except as otherwise permitted by the Kitsap County Critical Areas Ordinance.
- B. A master plan shall provide for the following:
- 1. A plan for clustering of development consistent with use requirements and densities for the area subject to master planning.
  - 2. A circulation system that supports the area subject to master planning. A road, street, sidewalk, transit, bicycle and pedestrian design plan consistent with the approved ULID #6 Sub-Area Plan shall be proposed for the development and incorporated as a master plan standard and a condition of master plan approval. The system shall include a coordinated plan for the provision of comprehensive and integrated transportation system improvements including roads, streets, sidewalks, pedestrian and bicycle trails and facilities, and transit facilities, showing connections, as appropriate, to adjacent areas within the sub-area and, as appropriate, outside the sub-area. The circulation system may be constructed in phases. Specific requirements also include the following:
    - a. Public transportation facilities, including road, transit and non-motorized vehi-

cle systems, shall be designed and constructed in accordance with and shall meet the level of service standards set forth in the Kitsap County Comprehensive Plan, and all applicable standards for the design and construction of roads and streets for the agency or agencies with jurisdiction over the particular transportation improvement in effect at the time the master plan is prepared.

b. Any development subject to a master plan shall make provision for such reserved tracts, easements and/or rights-of-way as may be necessary to facilitate extension of transportation facilities identified in the master plan to adjoining properties in the vicinity of the development.

3. A coordinated plan for the provision of comprehensive and integrated urban water and sanitary sewer improvements. The water system or systems shall provide adequate potable water and adequate pressure to meet minimum fire flow standards as required under the applicable fire regulations and standards. The sanitary sewer and water system may be constructed in phases. Specific requirements also include the following:

a. Sanitary Sewer Facilities.

i. Facilities shall be designed in accordance with and shall meet the standards of Chapter 13.12 of this code, as applicable, and the standards for the design and construction of sanitary sewer systems adopted by the appropriate sewer system purveyor and the Washington State Departments of Health and Ecology in effect at the time the master plan is prepared.

ii. Any development subject to a master plan shall make provision for such reserved tracts, easements and/or rights-of-way as may be necessary to facilitate extension of sanitary sewer facilities identified in the master plan to adjoining properties in the vicinity of the development.

b. Public Water System Facilities.

i. Facilities, including transmission and storage systems shall be designed and constructed in accordance with and shall meet the standards of Chapter 13.28 of this code, as ap-

plicable, and the standards for the design and construction of public water systems adopted by the water system purveyor and the Washington State Departments of Health and Ecology in effect at the time the master plan is prepared.

ii. Any development subject to a master plan shall make provision for such reserved tracts, easements and/or rights-of-way as may be necessary to facilitate extension of public water facilities identified in the master plan to adjoining properties in the vicinity of the development.

4. Storm drainage management shall be planned for the area subject to master planning. The system shall meet the county standards for storm water management. The storm drainage plan may be constructed in phases. Specific requirements also include the following:

a. Storm water control facilities, including both flow control and water quality systems, shall be designed in accordance with and shall meet the standards of Title 19 (Kitsap County Critical Areas Code) and Title 12 (Kitsap County Storm Water Management Ordinance).

b. Any development subject to a master plan shall make provision for such reserved tracts, easements and/or rights-of-way as may be necessary to facilitate extension of storm water control facilities identified in the master plan to adjoining properties in the vicinity of the development.

5. Critical areas shall be protected for the area subject to master planning. Protection measures which meet the standards of Title 19 (Kitsap County Critical Areas Code) of this code shall be included in a sensitive areas and open space plan for the master plan.

6. Open space, parks and recreational areas shall be planned for the area subject to master planning. The system shall include a coordinated plan for the provision of a comprehensive, interconnected and integrated network of parks, open space and recreational areas, showing connections, as appropriate, to adjacent areas within the sub-area and, as ap-

propriate, outside the sub-area. Such areas may be constructed in phases. Specific requirements also include the following:

a. Common Open Space.

i. The common open space shall be at least fifteen percent of the total zone district subject to the master plan, and be designed as an integrated part of the project rather than an isolated element;

ii. Common open space containing environmentally sensitive areas designated and regulated under Title 19 shall be left unimproved;

iii. When possible, open space shall be located so as to connect wetlands, drainage corridors, and valuable habitats to other areas with development constraints, allowing such open space areas to function as urban wildlife corridors;

iv. Common open space shall be permanently maintained by and conveyed to one of the following: (1) a homeowner's or lot owner's association, as applicable, that agrees to maintain the common open space and any buildings, structures, or other improvements which have been placed on it; or (2) a private non-profit conservation trust or similar entity approved by the county with a demonstrated capability to carry out the necessary duties; or (3) a public agency that agrees to maintain the common open space and any buildings, structures or other improvements that have been placed on it;

v. No common open space may be altered or used in a way which is inconsistent with the master plan unless the master plan is first amended; no change of use or alteration of the common open space shall be considered as a waiver of any covenants limiting the use of the common open space; Kitsap County shall have the right to enforce such covenants against any use permitted;

vi. Pedestrian and bicycle trails and facilities shall be designed to be accessible to people with disabilities as much as the natural characteristics (e.g., topography) of the area will allow, while minimizing the creation of

impervious surfaces (e.g., through the use of wooden boardwalks, etc.);

vii. When possible to do so without degrading the environmental functions and values of the area, pedestrian and bicycle trails and facilities shall be located in areas that are important to preserve as open space corridors (e.g., wooded areas, and buffer edges of wetlands and other environmentally sensitive areas); and

viii. When possible, vegetative buffers between residential areas and major arterials, and between single-family and multi-family and nonresidential uses shall be preserved.

b. Active Recreational Open Space. For master plans containing residential development, at least five percent of the common open space shall be developed as active recreational open space, subject to the following conditions:

i. The active recreational open space shall be developed and available for use by residents of the development prior to occupancy of fifty percent of the housing units in the development or phase of development of which the open space is a part; and

ii. The active recreational open space shall be owned and maintained by one of the entities described in subsection (B)(1)(d) of this section and available for use by all residents of the development.

7. Landscaping and screening shall be planned for the entire proposed development. The landscaping shall meet the requirements of Chapter 17.385 (Landscaping Standards) of this code. Landscaping may be constructed in phases. Additionally, vegetated buffers shall be provided between residential areas and major arterials, and between residential areas and the village center and business park zones as necessary to effectively screen incompatible uses.

8. A plan for mixing commercial and residential uses consistent with requirements and densities proposed for the applicable zoning district.

9. As applicable, a plan for the provision of any other necessary public and private fa-

cilities, including schools and neighboring shopping and employment areas serving the sub-area.

10. A parking plan consistent with Chapter 17.435 of this code.

11. Any additional relevant information required by the director.

C. Phasing. Each phase shall support the development proposed in that phase by providing the following:

1. Adequate pedestrian, bicycle, vehicular and transit circulation.

2. Sanitary sewer system.

3. Urban water with adequate fire flow.

4. Storm management system.

5. Protection of existing environmental sensitive areas.

6. Adequate open space, parks, recreational areas, landscaping and screening.

D. The maintenance and preservation of commonly owned areas shall be guaranteed for the life of the structures and uses in the master plan through the execution of appropriate assurance devices acceptable to the county.

(Ord. 311 (2003) [Attachment 7 (part)], 2003)

#### **17.428.080 Design criteria.**

All applicable design standards and guidelines for multi-family, business park and urban center development shall apply. The master plan shall include a plan for complying with these design requirements and guidelines.

(Ord. 367 (2006) § 113, 2006; Ord. 311 (2003) [Attachment 7 (part)], 2003)

#### **17.428.090 Decision criteria.**

An application for a master plan permit may be approved or approved with modifications if all of the following requirements, as further set forth in the development standards at Section 17.428.070, above, are met:

A. The master plan demonstrates superior site design by incorporating the following:

1. Provisions for public facilities and/or amenities.

2. Clustering of development, as applicable.

3. Innovative site design that complies with the development and design standards of the master plan and underlying zoning code.

4. Preservation of critical areas, resource areas and natural features.

5. Provision for a coordinated, comprehensive, interconnected and integrated system of parks, open spaces and recreational areas.

6. Placement of structures, circulation systems and utilities that minimizes impervious surface and the alteration of the land and also responds to physical characteristics of the property.

7. Site design that reduces dependency on automobiles by providing for pedestrian, bicycle and transit uses.

B. The master plan complies with each of the applicable design criteria contained in Chapters 17.351 and 17.354, as applicable, which address site orientation, building size, scale and mass, landscaping, fences, signage, lighting, and any other adopted design criteria for urban center, multi-family and business park development.

C. If occurring within the urban village center (UVC) zoning district, the master plan provides appropriate mixing of commercial and residential uses consistent with requirements and densities proposed for the zone.

D. Adequate public services are available, including water, sewer, roads, including access roads, fire and storm drainage. Approval of the master plan should not reduce existing public service levels for surrounding properties below acceptable levels without mitigation measures.

E. The master plan is consistent with the goals and policies of the Comprehensive Plan and the ULID #6 Sub-Area Plan.

F. The master plan complies with all other applicable codes and policies of the county.

G. If development under a master plan will be phased, each phase of a proposed development must contain adequate infrastructure, open space, recreational facilities, landscaping and all other conditions of the

master plan to stand alone if no other subsequent phases are developed.

H. The master plan sets forth the terms, conditions, covenants, and agreements regarding the intended development and terms, conditions, covenants, and agreements under which the property is bound.

I. If no reasonable conditions or modifications can be imposed to ensure the application meets the criteria set forth above, then the application shall be denied.

(Ord. 311 (2003) [Attachment 7 (part)], 2003)

#### **17.428.100 Amendments.**

An approved master plan, or subsequent revision thereto, shall be binding as to the general intent and apportionment of land for buildings, sewage disposal, storm management, sensitive area protection, stipulated use, circulation pattern, urban water and landscaping. Amendments that propose to change the character, basic design, building density and intensity, open space or any conditions of approval contained in the master plan shall not be permitted without prior review and recommendation by the hearing examiner, and, if appealed, approval by the Kitsap County board of commissioners. If approved, amendments shall be clearly depicted as a revision to approved plans.

(Ord. 311 (2003) [Attachment 7 (part)], 2003)

#### **17.428.110 Duration of approval.**

The requirements of Section 21.04.110 of this code, "Timelines and Duration of Approval" shall not apply to areas subject to a master plan approved under this chapter. Instead, the following will apply:

A. Master plans approved under this chapter shall be valid for a period of ten years after approval, during which time complete applications for site development and building permits for at least one phase of the project shall be accepted by the department. If the project is to be completed in phases, the first site development activity permit application shall include a phasing plan with a timetable to complete the project within the ten-year du-

ration of the master plan. If the phasing plan is approved, then the timelines in the plan become new deadlines for the submission of subsequent complete applications for site development and building permits for later phases.

B. Approved master plan holders may receive one five-year extension from the hearing examiner in accordance with the criteria below.

1. An extension request must be filed in writing with the director at least sixty days prior to the expiration of the approval period.

2. The applicant must demonstrate to the hearing examiner tangible progress toward completion of the approved master planned development.

3. The applicant must demonstrate to the hearing examiner that there are no significant changes in conditions that would render approval of the extension contrary to the public health, safety or general welfare.

C. The hearing examiner may take either of the following actions upon receipt of a timely extension request:

1. Approve the extension if no significant issues are presented under the criteria set forth in this section.

2. Conditionally approve the extension if any significant issues presented are substantially mitigated by minor revisions to the original master plan.

3. Deny the extension if any significant issues presented cannot be substantially mitigated by minor revisions to the approved master plan.

D. A request for extension shall be processed as a Type III action.

(Ord. 311 (2003) [Attachment 7 (part)], 2003)

#### **17.428.120 Amendment of master plans.**

Master plans may be amended or changed by the hearing examiner in accordance with the criteria below.

A. The applicant must have approval of all parties to the existing master plan.

B. The amended master plan must conform to all requirements of the chapter.

C. The applicant must demonstrate to the hearing examiner that there are no significant changes in conditions that would render approval of the amendment contrary to the public health, safety or general welfare. D. An amendment request must include a revised phasing plan. E. The amendment itself will not extend the duration of the original master plan.

F. The hearing examiner may take any of the following actions upon receipt of an amendment:

1. Approve the amendment if no significant issues are presented under the criteria set forth in this section;

2. Conditionally approve the amendment if any significant issues presented are substantially mitigated by minor revisions to the original master plan: or

3. Deny the amendment if any significant issues presented cannot be substantially mitigated by minor revisions to the approved master plan.

G. A request for amendment shall be processed as a Type III action.

(Ord. 311 (2003) [Attachment 7 (part)], 2003)

### **Chapter 17.430**

#### **TRANSFER OF DEVELOPMENT RIGHTS**

##### **Sections:**

- 17.430.010 Purpose.
- 17.430.020 Authority.
- 17.430.040 General requirements.
- 17.430.050 Sending areas.
- 17.430.060 Receiving areas.
- 17.430.070 Transfer of development rights – When required.
- 17.430.080 Transfer of development rights (TDR) program – Calculations.

17.430.090 Procedures and requirements for certification and approval of transfer of development rights.

17.430.100 Reinstating development rights of a sending site.

**17.430.010 Purpose.**

The purpose of this chapter is to establish procedures for the transfer of development rights from one property (sending site) to another (receiving site). Where the applicable Comprehensive Plan policies, designated overlay zone or zoning map designation provide the option for transfer of development rights (TDRs), the rights shall be transferred consistent with the requirements of this chapter, the Kitsap County Zoning Map and other requirements of Title 17. The transfer of development rights from one property to another is allowed in order to provide the following:

A. Flexibility and efficient use of land and building techniques;

B. Preservation of rural character, resource-based industries, critical areas, watersheds, and open space;

C. Increased equalization of property values between various zones;

D. A mechanism to work toward achieving policies outlined in the Kitsap County County-wide Planning Policies, Kitsap County Comprehensive Plan, applicable sub-area plans and development regulations.

(Ord. 407 (2008) § 3, 2008; Ord. 367 (2006) § 113 (part), 2006)

**17.430.020 Authority.**

The transfer of residential development rights (“TDR”) system for Kitsap County is established. The base residential density of a sending site may be transferred and credited to a non-contiguous receiving site only when the TDR is approved in accordance with the rules and procedures in this chapter.

(Ord. 367 (2006) § 113 (part), 2006)

**17.430.040 General requirements.**

A. Development Rights. The residential development rights are considered as interests in real property.

B. Transfer of Development Rights Permitted. Notwithstanding any other provisions of this code regarding residential density, including minimum lot size, lot coverage, building setbacks, and minimum lot width and depth, the number of dwelling units permitted to be constructed on a sending parcel consistent with Section 17.430.050 may be transferred to a receiving parcel. In approving a transfer of development rights, the appropriate decision-making body must find that such a transfer is consistent with the Comprehensive Plan, the existing zoning designation of the sending parcel and the proposed zoning designation of the receiving parcel. A transfer of development rights is permitted to occur only under the circumstances, and according to procedures, set out in this chapter.

C. Transfer of Rights. In any transfer of rights, the sending parcel(s) may transfer all or a portion of its development rights to a receiving parcel or parcels, or sell its development rights to an individual, intermediate buyer, or entity.

(Ord. 367 (2006) § 113 (part), 2006)

**17.430.050 Sending areas.**

A. Designation of Sending Areas. In addition to those areas that qualify as sending areas according to the Kitsap County Comprehensive Plan, the board of county commissioners may approve additional sending areas through a change to the Kitsap County Code or a Comprehensive Plan amendment.

B. Rural Sending Areas. All parcels located within rural designated lands and zoned Rural Wooded, Rural Residential, Rural Protection, or Forest Resource are available to be certified as TDRs based on their zone’s permitted density.

(Ord. 367 (2006) § 113 (part), 2006)

**17.430.060 Receiving areas.**

A. Designation of Receiving Areas. In addition to those areas that qualify as receiving areas according to the Kitsap County Comprehensive Plan, the board of county commissioners may approve additional areas as receiving areas. Additional areas may be approved through a change to the Kitsap County Code or a Comprehensive Plan amendment. The designation of additional TDR receiving areas is based on findings that the area or site is appropriate for higher residential densities, is not limited by significant critical areas, and no significant adverse impacts to the surrounding properties would occur.

B. Designated Receiving Areas. Receiving areas or parcels must be within an urban growth area.  
(Ord. 367 (2006) § 113 (part), 2006)

**17.430.070 Transfer of development rights – When required.**

Transfer of development rights are required as described below.

A. Site-Specific Comprehensive Plan Amendments. Site-specific Comprehensive Plan amendments pursuant to Chapter 21.08 requesting a higher density or intensity designation shall require a transfer of development right. Development rights purchased for a site-specific amendment may also count towards any future rezone request within the new designation. The numbers of development rights required for each amendment are as follows:

1. Residential to Higher-Density Residential – one development right per acre
2. Residential to Urban Commercial – two development rights per acre
3. Residential to Urban Industrial – one development right per acre

B. Rezones. Rezones pursuant to Chapter 17.510 requesting a higher density or intensity zone shall require a transfer of development right. Rezones may be allowed only within the same Comprehensive Plan land use designation. Any rezone request that requires a change of Comprehensive Plan land use designation

will require a Comprehensive Plan amendment. The numbers of development rights required for each rezone are as follows:

1. Residential to Higher Density Residential – one development right per acre per zone increase, e.g., Urban Low to Urban Medium.
2. Commercial to Higher Intensity Commercial – one development right per acre per zone increase, e.g., Neighborhood Commercial to Highway Tourist Commercial.

C. Urban Growth Area Expansions. The board of county commissioners in the annual Comprehensive Plan Amendment docketing resolution may require a transfer of development right or rights as part of Comprehensive Plan or sub-area plan expansions of urban growth areas.

D. Cities. In cooperation with Kitsap County, cities may designate additional TDR receiving areas within their jurisdictional boundaries for the purpose of receiving transferred densities pursuant to this chapter. The number of development rights that a Kitsap County unincorporated rural or natural resources land sending site is eligible to send to a Kitsap County city receiving site is determined through the application of a conversion ratio established by Kitsap County and each city.

E. Except as provided in this chapter, development of a receiving site is subject to all use, lot coverage, setback and other requirements of the designated zone.

(Ord. 367 (2006) § 113 (part), 2006)

**17.430.080 Transfer of development rights (TDR) program – Calculations.**

A. The number of development rights a site within a sending area is eligible to send to a receiving site is determined as described below.

Beginning with the gross acreage of the lot(s) as determined by the Kitsap County Assessor's records and/or a recorded survey, the following areas are subtracted:

1. Any portion of the sending site in a conservation easement or other similar encumbrance (not including special tax status);
2. Any public rights-of-way or other public land;
3. The acreage required for each existing dwelling unit on the lot(s) consistent with the density table located in Chapter 17.382; and
4. Any areas of below ordinary high water of any fresh or saltwater body.

B. After these features have been subtracted, the remaining acreage is divided by the acreage required for an individual dwelling unit prescribed by their zone consistent with Section 17.200.010, e.g., twenty acres per dwelling unit in the Rural Wooded zone. If the lot(s) being calculated is divided by a zoning boundary, the acreage is calculated separately for each zoning classification.

C. The determination of the number of residential development rights a sending site has available for transfer to a receiving site is valid for transfer purposes only, is documented in a TDR certificate letter of intent and is considered a final determination, not to be revised due to changes to the sending site's zoning.

D. Development rights from one sending site may be allocated to more than one receiving site and one receiving site may accept development rights from more than one sending site.

(Ord. 415 (2008) § 205, 2008; Ord. 367 (2006) § 113 (part), 2006)

**17.430.090 Procedures and requirements for certification and approval of transfer of development rights.**

A. Certification for Future Sale or Transfer. A TDR that is not associated with a pending development application and that is not proposed for transfer to another parcel at the time of application may be certified administratively by the department as a Type I decision. Upon satisfactory application for certification of TDRs for future sale or transfer, the number

of TDRs on a sending area parcel is certified through the issuance of serially numbered individual certificates for each TDR verified for that parcel. The issuance of TDR certificates is recorded as a notice of title for the subject property(s). All certified TDRs and the value of such rights are deemed to be appurtenant to the sending area parcel until such rights are transferred by a recorded deed of transfer.

B. Intermediate Transfer. Certified TDRs may be approved administratively for transfer to another individual, intermediate buyer, or entity that may hold them for a period of time before the TDRs are transferred to a receiving area parcel. Under this provision, no certified TDR may be transferred to a receiving parcel or used in association with a development project without prior approval under the procedures established in this title and the appropriate Title 16 subdivision regulations, as applicable.

C. Initiation. An application for transfer of development rights (TDR) is initiated as follows:

1. The process is initiated by submittal of an application for a transfer of development rights permit by the owner of the receiving parcel to the department.

2. An application for a TDR permit is accepted only for filing concurrently with an application for the associated development project, site-specific Comprehensive Plan amendment or rezone application pursuant to the requirements of the Kitsap County Code.

3. Except as allowed by Chapter 17.510, the TDR permit application is reviewed concurrently with the proposed development project according to the procedures prescribed in the Kitsap County Code.

D. Submittal Requirements. All requirements for a TDR permit or certification must include the following:

1. A map showing the location and boundaries of the receiving parcel and sending parcel as applicable;

2. The acreage of the receiving parcel and sending parcel as applicable;



3. The zoning and current allowable gross density of the receiving or sending parcels as applicable;

4. A lot of record confirmation application;

5. Written and notarized consent to the transfer from all registered owners and lien holders of record of all property subject to the transfer of development rights;

6. A calculation of the number of units available to be transferred from the sending parcel and the total number of dwelling units requested to be transferred to the receiving parcel as applicable. Any fraction of a unit of 0.50 or greater shall be considered as a whole unit;

7. Except for purposes of certification or transfer under subsection (A) of this section, all other submittal requirements for an application for the associated development project pursuant to the requirements of the Kitsap County Code; and

8. The department may require the submission of other data, information, or drawings as deemed necessary to accomplish the purposes of this chapter.

E. Approval Process and Criteria.

1. The procedures for approval of a TDR permit shall be those required for the development project, Comprehensive Plan amendment or rezone pursuant to the requirements of this code.

2. The review authority may approve or approve with conditions the TDR permit upon making the finding that the purposes and requirements of this chapter have been met. If the purposes and requirements have not been met, the permit shall be denied.

F. Requirements for Final Approval. Approval of a TDR permit is finalized after the following actions:

1. Final approval of the concurrent development project according to the provisions of this code, except as allowed by Chapter 17.510.

2. Execution and recording of an instrument legally sufficient in both form and content (using a form provided by the county) to effect

the development right transfer. The instrument must include at minimum a legal description of both the sending parcel(s) and receiving parcel(s) and the serial numbers of the certified TDRs being transferred.

3. Recording of a deed restriction, as specified by the county, on all of the sending parcels from which development rights are obtained. A copy of the recorded deed restriction must be submitted to the department, which certifies the transfer of all development rights on each sending parcel. The deed restriction must be approved as to form by the department. The document notifies all owners and successors that the transfer and its concomitant restrictions run with the land and are binding on all future owners.

4. For all sending parcels, the deed restriction is sufficient to retire all transferred development rights on the sending parcel in perpetuity.

(Ord. 407 (2008) § 4, 2008: Ord. 367 (2006) § 113 (part), 2006)

**17.430.100 Reinstating development rights of a sending site.**

A. Properties that have transferred their development right(s) to an allowed receiving site may have them reinstated if a separate development right is purchased from a property within an allowed sending site. The purchase of development right must be consistent with the process established by this chapter. The reinstatement shall not create an increase in density beyond that allowed at the time of original transfer unless a subsequent code change allows.

B. Unless otherwise prohibited by the board of county commissioners in the annual Comprehensive Plan Amendment docketing resolution, properties who have transferred their development right to an approved receiving site and have been included in an urban growth area expansion through sub-area plan or similar area-wide planning effort may have their development right(s) reinstated for

development at urban densities. The reinstatement shall be automatic after review and approval of the Comprehensive Plan Amendment and associated SEPA review. (Ord. 367 (2006) § 113 (part), 2006)

## Chapter 17.435

### OFF-STREET PARKING AND LOADING

#### Sections:

- 17.435.010 Off-street parking requirements.
- 17.435.020 General provisions.
- 17.435.030 Number of spaces required.
- 17.435.040 Off-street parking lot design.
- 17.435.050 Off-street loading.
- 17.435.060 Handicapped parking.

#### **17.435.010 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. Any fractional parking space shall be rounded up to the nearest whole number. 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 title 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. If the increase exceeds fifty percent, parking shall be provided for the entire structure in accordance with the requirements of this section.

(Ord. 415 (2008) § 206, 2008; Ord. 216 (1998) § 4 (part), 1998)

#### **17.435.020 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 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 17.435.030.

B. Joint Use of Facilities. The off-street parking requirements of two 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 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-premises 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.

E. Parking in Required Front, Side, Rear Yards or Setbacks. Unless otherwise provided, required parking and loading spaces shall not be located in a required yard or setback, except for development of single-family dwellings or duplexes.

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 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 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 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 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 or more parking spaces, up to twenty-five percent of these may be compact car spaces, as identified in Section 17.435.040.

(Ord. 415 (2008) § 207, 2008: Ord. 216 (1998) § 4 (part), 1998)

**17.435.030 Number of spaces required.**

Off-street parking spaces shall be provided as follows:

Land Use	Minimum Parking Spaces Required
<b>Residential</b>	
Single-Family (attached or detached)	2 per unit + 0.5 per unit on street or set aside; 1 additional space for accessory dwelling units or accessory living quarters. Garages are not calculated towards this requirement.
Multi-Family (Condos/Townhouses/Apartments)	1.5 per unit + 0.5 per unit on street or set aside
Senior Housing	0.5 per unit; 1 per duty employee
<b>Institutional/Educational/Other</b>	
Bed and Breakfast	1 per sleeping unit
Motels and Hotels	1 per bedroom; and spaces to meet the combined requirements of the uses being conducted such as hotel, restaurants, auditoriums, etc.
Club/Lodges	Spaces to meet the combined requirements of the uses being conducted such as hotel, restaurants, auditoriums, etc.
Hospitals and Institutions	1 per bed; 1 per 2 employees; 1 per 2 guests
Places of Worship	1 per 4 seats or 8 feet of bench length in the main auditorium
Library and Gallery	1 per 250 gross square feet
Preschool-Kindergarten	1 per 3 children
Elementary/Middle or Junior High School	1 per employee; 2 per classroom
High School	1 per employee and teacher; 1 per 10 students
Colleges, Technical School	1 per 3 seats in classroom; 1 per employee and teacher
Stadium, Arena, Theater	1 per 4 seats or 8 feet of bench length in the main auditorium
Bowling Alley	6 per alley
Dance Hall, Skating Rink	1 per 20 gross square feet
Self Storage	1 per 3,000 gross square feet
Espresso Stands	1 employee parking space per 75 square feet

Land Use	Minimum Parking Spaces Required
<b>Commercial/Retail/Office</b>	
Restaurants/Bars/Taverns	If under 5,000 square feet of gross floor area – 1 per 200 square feet of gross floor area; If 5,000 or more square feet of gross floor area – 20 plus 1 per each additional 200 square feet of gross floor
Retail stores generating relatively little automobile traffic (e.g., appliance, furniture, hardware and repair stores)	1 per 400 square feet of gross floor area
Retail and personal service establishments generating heavy automobile traffic (e.g., department, drug, and auto parts stores, supermarkets, ice cream parlors, bakeries and beauty and barber shops)	1 per 200 square feet of gross floor area
Drive-In and Fast Food Restaurants	1 per 80 square feet of gross floor area
Professional Office	1 per 300 square feet of gross floor area
Shops and stores for sales, service or repair of automobile, machinery and plumbing, heating, electrical and building supplies	1 per 600 square feet of gross floor area
Mortuaries, Funeral Homes, Crematories	1 per 75 square feet of assembly area
Medical and Dental Office or Clinic	1 per 200 square feet of gross floor area
Medical and Dental Office or Clinic	1 per 200 square feet of gross floor area
Bank, Financial Institutions	1 per 400 square feet of gross floor area
<b>Industrial</b>	
Marinas and Moorage Facilities	1 per 4 moorage slips
Warehouse, Storage, and Wholesale Facilities	1 per 2 employees; 1 per company vehicle parked on site at night (if applicable); 1 per 300 square feet of office space
Manufacturing, Research, Testing, Processing and Assembly Facilities	1 per 1,000 square feet
Winery/Brewery	1 per 800 square feet of gross floor area

**A. 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 this section exceeds any likely need.

**B. 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.

2. Storage of junk motor vehicles is subject to the provisions of Section 17.455.090(I). (Ord. 419 (2008) § 13, 2008; Ord. 415 (2008) § 208, 2008; Ord. 367 (2006) § 115, 2006; Ord. 292 (2002) § 10, 2002; Ord. 216 (1998) § 4 (part), 1998)

**17.435.040 Off-street parking lot design.**

Parking spaces shall be a minimum of nine feet in width and twenty feet in length, provided, there shall be six feet between parallel parking spaces for maneuvering and, provided further, where ten or more spaces are required twenty-five percent may be eight feet in width and eighteen feet in length if designated for compact cars. (Ord. 216 (1998) § 4 (part), 1998)

**17.435.050 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 four thousand square feet to which or from which deliveries or pickups are made by trucks or truck-trailer combinations over thirty-five feet in length more frequently than monthly.

B. Design Requirements. Loading and unloading spaces shall be minimum forty-five feet in length, ten feet in width and provide for clearance of fifteen 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:

Gross Floor Area	Required Number of Spaces
4,000 – 9,999	1
10,000 – 24,999	2
25,000 – 99,999	3

Gross Floor Area	Required Number of Spaces
100,000 – 200 000	4
Additional 50,000	1

(Ord. 415 (2008) § 209, 2008; Ord. 216 (1998) § 4 (part), 1998)

**17.435.060 Handicapped parking.**

Off-street parking and access for physically disabled persons shall be provided in accordance with the regulations of the Americans with Disabilities Act (ADA) and Title 14 of this code. (Ord. 415 (2008) § 210, 2008)

**Chapter 17.445**

**SIGNS**

**Sections:**

- 17.445.010 Permit required.
- 17.445.020 Permit application.
- 17.445.030 Waiver of application requirements.
- 17.445.040 Review by director.
- 17.445.050 Sign criteria.
- 17.445.055 Measurement of sign area.
- 17.445.060 Conditions to enhance compatibility.
- 17.445.070 Prohibitions.
- 17.445.080 Exempt signs.
- 17.445.090 Conditionally exempt signs.
- 17.445.095 Master sign district.
- 17.445.100 Landscaping.

**17.445.010 Permit required.**

No sign shall be placed, erected or displayed without first obtaining a sign permit from the director except as provided for in this chapter. (Ord. 216 (1998) § 4 (part), 1998)

**17.445.020 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.

(Ord. 216 (1998) § 4 (part), 1998)

#### **17.445.030 Waiver of application requirements.**

Notwithstanding the application requirements set forth in Section 17.445.020, the director may waive one 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.

(Ord. 216 (1998) § 4 (part), 1998)

#### **17.445.040 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 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 square feet; or

C. That the proposed sign will meet the criteria which follow in Section 17.445.050 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 17.445.060, provided, if no

amount of reasonable conditions can be imposed which will make the proposed sign compatible, the director shall deny the sign permit.

(Ord. 216 (1998) § 4 (part), 1998)

#### **17.445.050 Sign criteria.**

For the purpose of determining if a proposed sign permit should be issued pursuant to Section 17.445.040(C), the following criteria shall apply:

A. Sign scale is appropriate for the size of use it serves, viewer distance and typical observation time;

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 square feet per face;

F. Total signage for the use or building does not exceed two hundred square feet;

G. Signage not to exceed seventy-five percent (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 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 17.360.050.

(Ord. 216 (1998) § 4 (part), 1998)

**17.445.055 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.

(Ord. 216 (1998) § 4 (part), 1998)

**17.445.060 Conditions to enhance compatibility.**

In order to enhance compatibility, the director may impose conditions when a sign permit is issued pursuant to Section 17.445.040(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.

(Ord. 216 (1998) § 4 (part), 1998)

**17.445.070 Prohibitions.**

A. No use or combination of uses on a single lot, or building shall have more than two freestanding or projecting signs nor more than one 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 17.445.080 or conditionally exempt pursuant to Section 17.445.090; and

G. Service station/business with canopies shall not have more than one monument (not to exceed ninety square feet per face) per street frontage, with a maximum of two; and one sign on building face (not to exceed ninety square feet or seventy-five percent lineal feet of store frontage); total square footage of all signs not to exceed two hundred square feet. No advertising or signage will be permitted on spandrels or on canopy.

(Ord. 216 (1998) § 4 (part), 1998)

**17.445.080 Exempt signs.**

The following signs are not regulated by this title:

- 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 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.

(Ord. 216 (1998) § 4 (part), 1998)

**17.445.090 Conditionally exempt signs.**

The following signs are not regulated by this title 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 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 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 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 square feet, shall bear the date when first displayed and shall be placed up to five days prior to removed within five days after the sale is completed;

D. Political campaign signs shall be subject to the following:

1. Political campaign signs must be removed fourteen days following an election with the exception that candidates or issues which will remain on the ballot for the general election following a primary election may remain until fourteen days following the general election;

2. Any political campaign signs located within county right-of-way are subject to the following requirements:

a. Use of metal signs, metal supports, metal frames, or wire frames is prohibited,

b. Political campaign signs placed within a county right-of-way are limited to a size no greater than four square feet and may not extend higher than thirty-six inches measured from the point in which they are placed in the ground to the top of the sign;

3. A political campaign sign may not be placed on a utility pole, or on any state or county regulatory or informational sign or post;

4. Any political campaign sign found to be inconsistent with the requirements contained within this subsection is subject to removal and disposal by the county, and the candidate or campaign may be held responsible for the cost of removal;

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 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 total signs may be placed for any one event and no one sign may exceed four square feet in size;

3. Signs may be placed up to twenty days prior to and removed within five 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 twenty-four inches by thirty 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;

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.

(Ord. 281 (2002) § 10, 2002: Ord. 216 (1998) § 4 (part), 1998)

**17.445.095 Master sign district.**

A. To achieve a more consistent and coordinated signage pattern in areas with high-traffic commercial zones, a property(s) meeting the following criteria may establish a master sign district:

1. Located in the regional commercial (RC) zone;
2. A minimum of twenty acres based upon net developable acreage of the property(s); and
3. Located abutting a public arterial, collector and/or sub-collector.

B. In addition to the other standards prescribed in this chapter, a master sign district may include one monument sign per main access not to exceed one per roadway and/or two in total. To include this additional signage, the district must meet the following criteria:

1. Each monument sign may not exceed two hundred square feet per face and may not have more than two faces;
2. No one business may comprise more than fifty square feet of each sign face;
3. Each face must include aesthetic features (masonry, tile or other components) which include no individual business advertising and constitute a minimum of twenty percent of the total square footage of the face;
4. No additional monument signs may be allowed within the master sign district regardless of additional existing or proposed accesses;
5. Such a monument sign(s) shall not be calculated toward the total square footage limitations prescribed by Section 17.445.050;
6. Such a monument sign(s) shall not be limited by the height requirements of Section 17.445.050(H), but shall not exceed twenty-five feet in height.

C. An application for master sign district must include the following submittals:

1. Signature of all property owners within the district boundaries;
2. A master signage plan is required including the size, location and configuration

of all proposed and/or previously approved signage.

D. A master signage district must be approved through a Type III process consistent with the requirements of Title 21 of this code. All signage approved through a previous performance based development, conditional use permit, variance or other approval that allowed greater signage quantities, square footage or configurations than allowed by this chapter must be amended as follows:

1. The approval shall be amended by the same review authority and process as the original approval;
2. As a condition of such amendment, all future redevelopment that includes a change in signage (excluding sign refacing) must meet the prescriptive requirements of this chapter.

E. To ensure compatibility with surrounding properties and existing or future traffic conditions, the director may require/recommend additional landscaping, screening or architectural features as a condition of master sign district approval.

(Ord. 415 (2008) § 211, 2008)

**17.445.100 Landscaping.**

Freestanding signs shall be landscaped in accordance with Chapter 17.385.  
(Ord. 415 (2008) § 212, 2008; Ord. 216 (1998) § 4 (part), 1998)

## Chapter 17.450

### VIEW BLOCKAGE REQUIREMENTS\*

\* **Editor's Note:** This chapter was formerly designated Chapter 18.08, *Shoreline Management*. It was renamed and relocated to this title at the time of the 2000 republication of this code.

#### Sections:

- 17.450.010 Definitions.
- 17.450.020 Shoreline structure setback line.
- 17.450.030 Accessory structures.
- 17.450.040 Appeal procedure.
- 17.450.050 Conditional waiver procedure.
- 17.450.060 (Repealed)

#### 17.450.010 Definitions.

The following definitions shall apply in the administration and enforcement of this chapter:

(1) "Accessory structure" means buildings encompassing less than one hundred fifty square feet and less than eight feet in height from grade level, structures less than eight feet in height from grade level and fences which are less than six feet in height from grade level.

(2) "Adjacent principal building" means a principal building located on a lot abutting the applicant's lot.

(3) "Building" means any structure used or intended for supporting or sheltering any use or occupancy.

(4) "Building line" means the perimeter of that portion of a principal building including decks and balconies closest to the ordinary high water mark but excluding open steps, architectural features (such as cornices), decks less than eighteen inches above grade and roof overhangs less than two feet.

(5) "Ordinary high water mark" means that mark on all lakes, streams and tidal water 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 land, in respect to vegetation as that condition existed on June 1, 1971 or as it may naturally change after; 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 tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water. (See RCW Chapter 90.58).

(6) "Principal building" means that building on a lot closest to the ordinary high water mark excluding accessory structures.

(7) "Structure" means that which is built or constructed.

(8) "Shoreline structure setback line" means the closest distance measured on a horizontal plane between the ordinary high water mark and the building line.

(Res. 240-1984 § 1, 1984)

#### 17.450.020 Shoreline structure setback line.

All principal buildings shall be so located as to maintain the minimum shoreline structure setback line. The shoreline structure setback line shall be determined as follows:

(1) No Adjacent Principal Buildings. Where there are no adjacent principal buildings, the shoreline structure setback line shall be that setback specified elsewhere in this Zoning Ordinance.

(2) Adjacent Principal Building on One Side. Where there is an adjacent principal building on one side, the shoreline structure setback line shall be a distance no less than that of the adjacent principal building to the shoreline or that setback specified elsewhere in this Zoning Ordinance, whichever is greater.

(3) Adjacent Principal Buildings on Both Sides on a Regular Shoreline. Where there are adjacent principal buildings on both sides of the proposed structure on a regular shoreline, the shoreline structure setback line shall be determined by a line drawn between the building line of the adjacent principal buildings or that setback specified elsewhere in this Zoning Ordinance, whichever is greater.

(4) Adjacent Principal Buildings on Both Sides on an Irregular Shoreline. Where there are two adjacent principal structures on a shoreline which forms a cove or peninsula, the shoreline structure setback line shall be determined by averaging the setback lines of the two adjacent principal buildings or the setback specified elsewhere in this Zoning Ordinance, whichever is greater.

(Res. 240-1984 § 2, 1984)

**17.450.030 Accessory structures.**

Accessory structures may be sited within the shoreline setback area provided that they do not substantially obstruct the view of adjacent principal buildings.

(Res. 240-1984 § 3, 1984)

**17.450.040 Appeal procedure.**

Determinations of shoreline structure setback lines are classified as Type I decisions under Title 21 of this code, the Land Use and Development Procedures Ordinance. (See Section 21.04.060, *Type I – Ministerial Decision*).

(Ord. 346 (2005) § 7, 2005; Res. 240-1984 § 4(b), 1984)\*

\* **Editor’s Note:** Prior to amendment by Ordinance 346 (2005), this section was numbered as § 17.450.050.

**17.450.050 Conditional waiver procedure.**

A. An applicant aggrieved by the strict application of this chapter may seek a conditional waiver from the director. Such a waiver shall be a Type II administrative decision. A conditional waiver may be granted after the applicant demonstrates the following:

1. The hardship which serves as the basis for granting the conditional waiver is specifically related to the property of the applicant and does not apply generally to other property in the vicinity;

2. The hardship which results from the application of the requirements of this chapter is not a result of the applicant’s own actions;

3. The conditional waiver, if granted, will be in harmony with the general purpose and intent of the Shoreline Management Act and the Kitsap County Shoreline Management Master Program in preserving the views of the adjacent shoreline residences;

4. In balancing the interest of the applicant with adjacent neighbors, if more harm will be done by granting the conditional waiver than would be done by denying it, the conditional waiver shall be denied.

B. The applicant seeking a conditional waiver of the strict application of this chapter may file an application with the department accompanied by an application fee per the *Kitsap County Development Permit Fee Schedule* (Section 21.06.100).

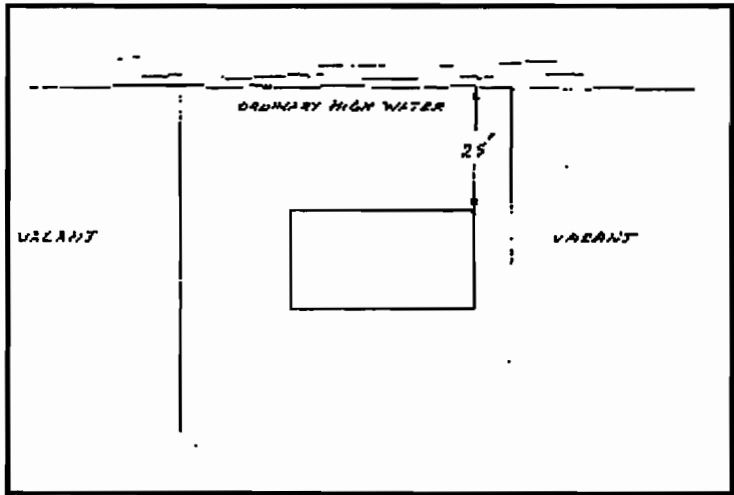
(Ord. 346 (2005) § 8, 2005; Ord. 291 (2002) § 13, 2002; Res. 240-1984 § 4(a), 1984)\*

\* **Editor’s Note:** Prior to amendment by Ordinance 346 (2005), this section was numbered as § 17.450.040.

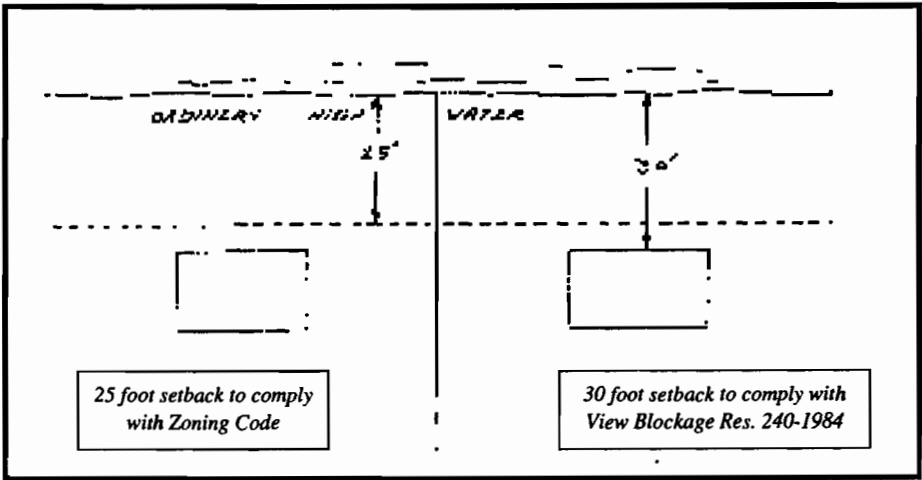
**17.450.060 (Repealed)\***

\* **Editor’s Note:** Former Section 17.450.060, *Hearings*, was repealed by Section 9 of Ord. 346 (2005). The section was originally derived from Res. 240-1984 § 4(c), 1984.

**VIEW BLOCKAGE REQUIREMENTS – ILLUSTRATIONS**



**ILLUSTRATION A**



**ILLUSTRATION B**

VIEW BLOCKAGE ILLUSTRATIONS

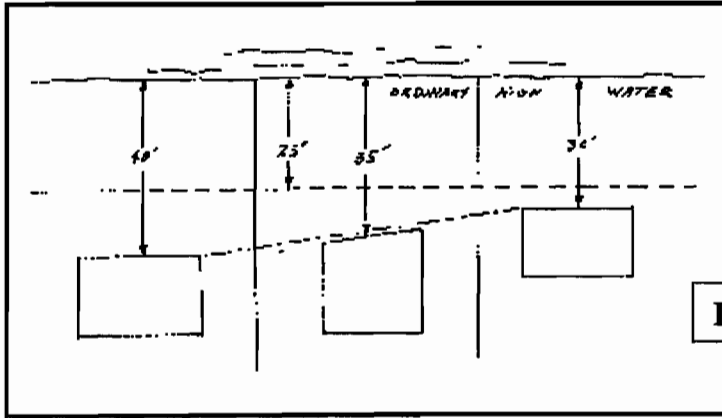


ILLUSTRATION C

ILLUSTRATION D

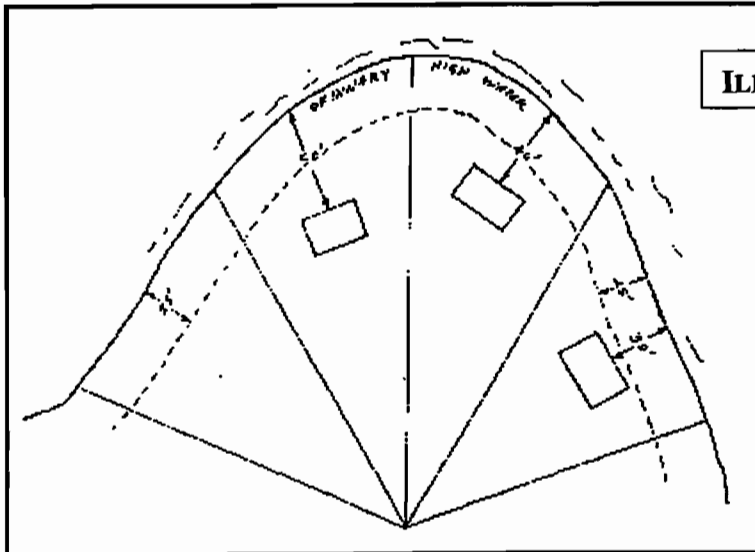
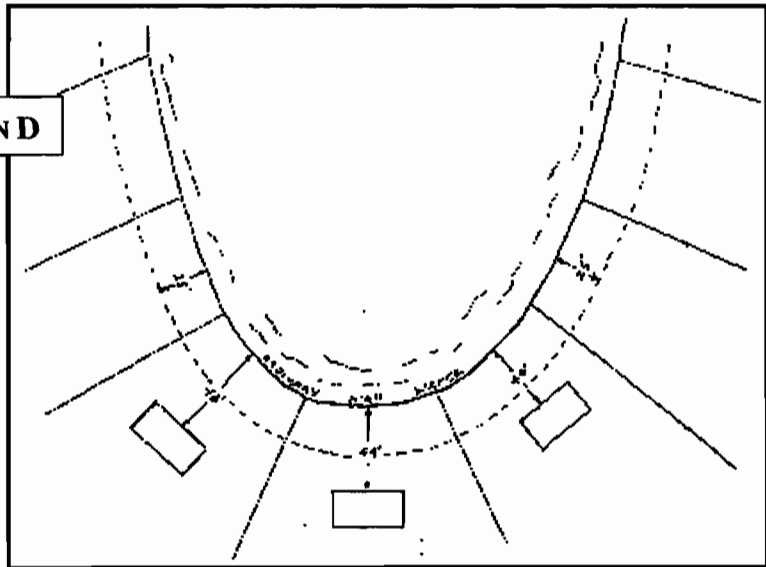


ILLUSTRATION E

## Chapter 17.455

### INTERPRETATIONS AND EXCEPTIONS

#### Sections:

- 17.455.010 Director authority to interpret code provisions and issue administrative decisions.
- 17.455.060 Existing uses.
- 17.455.080 Pending long or short subdivisions.
- 17.455.090 Temporary permits.
- 17.455.100 Number of dwellings per lot.
- 17.455.110 Obnoxious things.
- 17.455.120 Existing lot aggregation for tax purposes.

#### **17.455.010 Director authority to interpret code provisions and issue administrative decisions.**

It shall be the responsibility of the director himself/herself to interpret ambiguous and/or conflicting code and apply the provisions of this title, Kitsap County Countywide Planning Policies, Kitsap County Comprehensive Plan and applicable sub-area plans.

A. The director may initiate an administrative code interpretation without an applicant request at any time, and the interpretation will be made available pursuant to Title 21 by the department with the development code to which it applies.

B. Any person(s) may submit an application for code interpretations from the director and the interpretation will be made available by the department pursuant to Title 21 with the development code to which it applies.

C. At the request of the applicant, in writing, the director may also authorize a variation of up to ten percent of any numerical standard, except density, when unusual circumstances cause undue hardship in the strict application of this title; provided, such a variance shall be approved only when all of the following conditions and facts exist:

1. There are special circumstances applicable to the subject property, including size,

shape, topography, location or surroundings, that were not created by the applicant and do not apply to other property in the same vicinity or zone;

2. Such variance is necessary for the preservation and enjoyment of a substantial property right or use of the applicant possessed by the owners of other properties in the same vicinity or zone;

3. 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; and

4. The variance is the minimum necessary to grant relief to the applicant.

5. An approved variance shall become void in three years if a complete application has not been received. The director's response, including findings for granting the variation, shall be in writing and kept in the department files.

D. All code interpretations are binding and may be appealed by any party through the process pursuant to Title 21.

E. All code interpretations, hearings examiner decisions on such interpretations and board reviews shall be a permanent record of the department of community development and included in the Kitsap County Department of Community Development Policy Manual. Code interpretations shall be made available to the public and posted on the county website.

(Ord. 415 (2008) § 213, 2008: Ord. 256 (2001) § 2, 2001: Ord. 234 (1999) § 2 (part), 1999: Ord. 216 (1998) § 4 (part), 1998)

#### **17.455.060 Existing uses.**

A. Except as hereinafter specified, any use, building, or structure lawfully existing at the time of the enactment of this title may be continued, even though such use, building, or structure may not conform to the provisions of this title 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 or structure into greater conformity with the uses permitted within, or requirements of, the zone in which it is located.

The hearing examiner shall review and approve requests for alteration or enlargement of the use or structure through the conditional permit review procedures as set forth in Chapter 17.420. 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 title, 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.

(Ord. 415 (2008) § 214, 2008: Ord. 234 (1999) § 2 (part), 1999: Ord. 216 (1998) § 4 (part), 1998)

#### **17.455.080 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 title.

(Ord. 234 (1999) § 2 (part), 1999: Ord. 216 (1998) § 4 (part), 1998)

#### **17.455.090 Temporary permits.**

The director may approve temporary permits, with conditions to mitigate negative impacts, valid for a period of not more than one

year after issuance, for temporary structures or uses which do not conform to this title.

Upon the expiration of the temporary permit, the applicant shall have thirty days within which to remove and/or discontinue such temporary use structure.

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 hundred eighty days on an existing lot or parcel where compliance with an administrative conditional use permit 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 ninety days.

H. The occupancy of a recreational vehicle (RV) for a period not to exceed three months subject to the following conditions:

1. The subject property must be located in the Rural Wooded (RW), Rural Protection (RP), or Rural Residential (RR) zones;
2. The RV must be occupied by the property owner or family member;
3. The RV must be provided with approved utilities including septic or sewer (health district approval), water, and electrical power;
4. The location of the RV must meet all setbacks required by the underlying zone;
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 square feet; and
7. A 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.

I. Placement of a storage container on a property developed with single-family dwelling or properties with an active building permit for construction of a residential or commercial building is subject to the following conditions:

1. The container must meet all applicable setbacks for the zone; and

2. The storage container may not be placed on site for more than ninety days; however, in instances where a building permit for a single-family dwelling or commercial development is active, the container may remain on site until thirty days after the permit expires or receives final inspection/certificate of occupancy.

(Ord. 415 (2008) § 215, 2008: Ord. 234 (1999) § 2 (part), 1999: Ord. 216 (1998) § 4 (part), 1998)

#### **17.455.100 Number of dwellings per lot.**

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

(Ord. 415 (2008) § 216, 2008: Ord. 234 (1999) § 2 (part), 1999: Ord. 216 (1998) § 4 (part), 1998)

#### **17.455.110 Obnoxious things.**

In all zones, except as provided for elsewhere in this title, 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 foot candle of illumination may leave the property boundaries.

(Ord. 234 (1999) § 2 (part), 1999: Ord. 216 (1998) § 4 (part), 1998)

#### **17.455.120 Existing lot aggregation for tax purposes.**

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

(Ord. 415 (2008) § 217, 2008: Ord. 234 (1999) § 2 (part), 1999: Ord. 216 (1998) § 4 (part), 1998)

**Chapter 17.460**

**NONCONFORMING USES AND  
STRUCTURES**

**Sections:**

- 17.460.010 Purpose.
- 17.460.020 Nonconforming uses of land.
- 17.460.030 Nonconforming structures.
- 17.460.040 Nonconforming uses of structures.

**17.460.010 Purpose.**

Unless specifically stated elsewhere in this title, a use lawfully occupying a structure or site on the effective date of this title or of amendments thereto which does not conform to the use regulations for the zone in which it is located, is deemed to be a non-conforming use and may be continued, subject to the regulations hereinafter.

(Ord. 281 (2002) § 11, 2002: Ord. 216 (1998) § 4 (part), 1998)

**17.460.020 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 pre-existing uses by the zone regulations of this title. 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 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 the law, are made.

The decision of the director may be appealed to the hearing examiner.

B. Unless specifically stated elsewhere in this title, 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 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, shall be discontinued within two years from the date of passage of this title.

D. A use which is nonconforming with respect to provisions for screening shall provide screening within five years from the date of passage of this title.

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 title 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 title.

(Ord. 281 (2002) § 12, 2002: Ord. 216 (1998) § 4 (part), 1998)

**17.460.030 Nonconforming structures.**

A. A structure nonconforming to the dimensional standards of this title 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 title, 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.

(Ord. 216 (1998) § 4 (part), 1998)

#### **17.460.040 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 non-conforming 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.

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 title but which does not contain non-conforming uses, may be enlarged or expanded so long as the enlargement or expansion conforms to the requirements of this title; 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 non-conforming 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.

(Ord. 216 (1998) § 4 (part), 1998)

### **Chapter 17.470**

#### **WIRELESS COMMUNICATION FACILITIES**

##### **Sections:**

- 17.470.010 Purpose.
- 17.470.020 Exemptions.
- 17.470.030 Application requirements.
- 17.470.040 Wireless communication facilities – Permitted uses.
- 17.470.050 Wireless communication facilities – Site development standards.
- 17.470.060 Conditional use permit (CUP).

17.470.070 Notification to Kitsap County Central Communications (CENCOM).

**17.470.010 Purpose.**

In addition to the general purposes of the Kitsap County Comprehensive Plan and this title, 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;

C. Encourage and facilitate co-location of antennas, support structures and related equipment for wireless communication providers, public service communications and emergency service communications;

D. Provide for a process to locate and identify new site locations in a comprehensive manner which allows for substantial public participation; and

E. Encourage the use of alternative technology.

(Ord. 415 (2008) § 218, 2008; Ord. 281 (2002) § 13, 2002; Ord. 216 (1998) § 4 (part), 1998)

**17.470.020 Exemptions.**

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

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 radar, 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.

(Ord. 216 (1998) § 4 (part), 1998)

**17.470.030 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. Before an application for a conditional use permit is submitted, all new site locations requiring a support structure in excess of thirty-five feet in height and not implementing alternative technology must be reviewed in a manner consistent with the Kitsap County Comprehensive Plan regarding essential public facilities. This section does not apply to those applications which qualify as a co-location site where previous site approval has been granted for a support structure.

C. The department will develop and maintain a geographic information system 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.

D. 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-mile radius any portion of the proposed tower could be seen.

(Ord. 415 (2008) § 219, 2008: Ord. 281 (2002) § 14, 2002: Ord. 216 (1998) § 4 (part), 1998)

**17.470.040 Wireless communication facilities – Permitted uses.**

A. Wireless Communication Support Structures.

1. Any support structure constructed greater than thirty-five feet in height shall be subject to the provisions of Section 17.470.050(B) and (C).

2. Support structures are subject to the site development standards of Section 17.470.060. 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. All new wireless communication support structures greater than thirty-five feet in height which do not employ alternative technology must obtain a conditional use permit (CUP).

B. Wireless Communication Antenna Arrays.

1. Wireless communication antenna arrays not exceeding thirty-five feet in height are permitted on existing structures in any zone. Arrays shall not add more than thirty-five 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 administrative conditional use permit (ACUP) review, and are subject to the provisions of Section 17.470.050(C) and (D).

2. Wireless communication antenna arrays exceeding thirty-five feet in height are subject to the standards for wireless communication support structures in Section 17.470.050.

3. Mini and micro antenna arrays are allowed on existing utility poles. Furthermore, existing poles may be extended in height up to fifty percent to accommodate antennas. Ground support facilities, when existing utility poles are utilized, shall be subject to administrative conditional use permit (ACUP) review and subject to the requirements of Section 17.470.050(B).

C. Construction of equipment shelters, cabinets, and other ancillary equipment not located on or in an existing structure shall be subject to administrative conditional use permit (ACUP) review and the site development standards of Section 17.470.050.

(Ord. 367 (2006) § 120, 2006: Ord. 281 (2000) § 15, 2002: Ord. 216 (1998) § 4 (part), 1998)

**17.470.050 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 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 viewscales. The impact analysis will be accomplished within the proposed site through:

(i) the erection of a crane; (ii) a balloon (of a size not less than four feet and not to exceed six feet) in a color similar to that of the proposed structure; or (iii) similar devices used to simulate the proposed dimensions and height of the structure.

3. Ten 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 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 screening 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 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 screening 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 monopole 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 landscaping buffer. A monopole 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.

3. Flashing red, solid red, or white strobe lighting shall not be allowed on any support structure except those included in permanent 911 public safety communication facilities, including fire, police and emergency medical response services, and located at ground elevations above seven hundred feet and more than one-half mile from any residential area. 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.

4. 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 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 Commission'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 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 Chapter 17.470, \_\_\_\_\_ [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 \_\_\_\_\_ [XXX] \_\_\_\_\_ feet in height for the purpose of providing \_\_\_\_\_ [cellular, PCS, etc.] \_\_\_\_\_ service.

Please inform us whether you have any wireless facilities located within one mile of the proposed facility, that may be available for possible co-location opportunities. Please provide us with this information within ten 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] \_\_\_\_\_

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 months from the time of discontinuance. An extension to this period may be granted by the director.

(Ord. 415 (2008) § 220, 2008: Ord. 309 (2003) § 2, 2003: Ord. 216 (1998) § 4 (part), 1998)

**17.470.060 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 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 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 17.470.050; and

4. The proposed support structure location has been reviewed in a manner consistent with Section 17.470.030(B).

(Ord. 281 (2002) § 16, 2002: Ord. 216 (1998) § 4 (part), 1998)

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

A. 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 17.470.100**

	<b>Permitted</b>	<b>Administrative CUP</b>	<b>Hearing Examiner CUP</b>
<b>Whip Antennas</b> 20 feet or less in all zones	X <sup>1</sup>	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>		

1. Development shall be consistent with the design standards of Section 17.382.030.

(Ord. 367 (2006) § 121, 2006; Ord. 216 (1998) § 4 (part), 1998)

**Chapter 17.500**

**VARIANCES**

**Sections:**

- 17.500.010 Conditions for granting a variance.
- 17.500.020 Application.
- 17.500.030 Investigation and report.
- 17.500.040 Public hearing and notice.
- 17.500.050 Action by hearing examiner.
- 17.500.060 Appeal.
- 17.500.070 Effect.
- 17.500.080 Expiration.

**17.500.010 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 title only when unusual circumstances relating to the property cause undue hardship in the application of this title. 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. There are special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, that were not created by the applicant and 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 or use of the applicant possessed by the owners of other properties in the same vicinity or zone;



C. The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or zone in which property is located; and

D. The variance is the minimum necessary to grant relief to the applicant.  
(Ord. 256 (2001) § 1, 2001: Ord. 216 (1998) § 4 (part), 1998)

#### **17.500.020 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.  
(Ord. 216 (1998) § 4 (part), 1998)

#### **17.500.030 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 Title 21 of this code prior to the public hearing. The report shall also be made available for public inspection, at the department of community development, at least five working days prior to the public hearing.  
(Ord. 216 (1998) § 4 (part), 1998)

#### **17.500.040 Public hearing and notice.**

Variance applications shall be considered by the hearing examiner at public hearing as provided for in Title 21 of this code. Public notice shall be given as provided for in Title 21.  
(Ord. 216 (1998) § 4 (part), 1998)

#### **17.500.050 Action by hearing examiner.**

The hearing examiner shall render a decision on the variance application as provided for in

Title 21 of this code. The decision is final unless appealed.

(Ord. 216 (1998) § 4 (part), 1998)

#### **17.500.060 Appeal.**

The hearing examiner's decision on a variance may be appealed as provided for in Title 21 of this code.

(Ord. 216 (1998) § 4 (part), 1998)

#### **17.500.070 Effect.**

In any case where a variance is granted under the terms of this title, 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.

(Ord. 216 (1998) § 4 (part), 1998)

#### **17.500.080 Expiration.**

A variance shall become void three years after approval if no substantial construction or activity has taken place.

(Ord. 415 (2008) § 221, 2008: Ord. 216 (1998) § 4 (part), 1998)

## **Chapter 17.510**

### **CHANGES TO ZONES, REZONES, AMENDMENTS, ALTERATIONS**

#### **Sections:**

- 17.510.010 Procedures – Generally.
- 17.510.020 Application.
- 17.510.030 Public hearings.
- 17.510.040 Suggested changes.

#### **17.510.010 Procedures – Generally.**

A. This title 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 plan-

ning 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 title shall first be submitted to the planning commission and it shall, within ninety days after a hearing, recommend to the board of county commissioners approval, disapproval, or modification of the proposed amendment.

B. The zone classifications on the Kitsap County Zoning Map may be amended by a rezone. An application for a rezone may be allowed only if the proposed rezone implements and is consistent with the Comprehensive Plan land use designation, and is located within an urban growth area. Such a rezone may be proposed by the property owner or his authorized agent outside of the annual Comprehensive Plan amendment process. Any such proposed change shall be processed as set forth in Title 21 of this code.

(Ord. 415 (2008) § 222, 2008: Ord. 367 (2006) § 122, 2006: Ord. 216 (1998) § 4 (part), 1998)

#### **17.510.020 Application.**

A. 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.

B. Applications for a rezone shall contain the information required by the submittal requirements checklist established by the department as set forth in Section 21.04.045.

(Ord. 367 (2006) § 123, 2006: Ord. 216 (1998) § 4 (part), 1998)

#### **17.510.030 Public hearings.**

Before taking final action on a proposed amendment or rezone, 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 report on the rezone from the hearing examiner, the board of county commissioners shall hold a public hearing. Public hearings by the planning commission, hearing examiner and board of county commissioners shall be held in accordance with the provisions of Title 21 of this code.

(Ord. 367 (2006) § 124, 2006: Ord. 216 (1998) § 4 (part), 1998)

#### **17.510.040 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.

(Ord. 216 (1998) § 4 (part), 1998)

## **Chapter 17.520**

### **APPEALS**

#### **Sections:**

17.520.010 Procedure.

#### **17.520.010 Procedure.**

All appeals shall follow the process outlined in Title 21, Land Use and Development Procedures.

(Ord. 415 (2008) § 223, 2008: Ord. 281 (2002) § 18, 2002)

**Chapter 17.525****REVOCACTION OF PERMITS OR  
VARIANCES****Sections:**

- 17.525.010 Revocation for noncompliance with conditions.
- 17.525.020 Public hearing and public notice.

**17.525.010 Revocation for noncompliance with conditions.**

Any master plan, performance based development permit, administrative conditional use permit, hearing examiner conditional use permit, or variance granted in accordance with the terms of this title, 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.

(Ord. 415 (2008) § 224, 2008: Ord. 367 (2006) § 125, 2006: Ord. 216 (1998) § 4 (part), 1998)

**17.525.020 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 Title 21 of this code.

(Ord. 216 (1998) § 4 (part), 1998)

**Chapter 17.530****ENFORCEMENT****Sections:**

- 17.530.010 Authorization.
- 17.530.020 Penalties.
- 17.530.030 Nuisance.
- 17.530.040 Permit or license in violation.
- 17.530.050 Written assurance of discontinuance.

**17.530.010 Authorization.**

The director is authorized to enforce this title, and to designate county employees as authorized representatives of the department to investigate suspected violations of this title, and to issue orders to correct violations and notices of infraction.

(Ord. 216 (1998) § 4 (part), 1998)

**17.530.020 Penalties.**

The violation of any provision of this title 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 (Chapter 2.116 of this code).

(Ord. 216 (1998) § 4 (part), 1998)

**17.530.030 Nuisance.**

Any use, building or structure in violation of this title is unlawful, and a public nuisance. Notwithstanding any other remedy or means of enforcement of the provisions of this title, including but not limited to Kitsap County Code Chapter 9.56 pertaining to the abatement of public nuisances, the prosecuting attorney, any person residing on property abutting the property with the proscribed condition, and the owner or owners of land abutting the land with the proscribed condition may each bring an action for a mandatory injunction to abate the nuisance in accordance with the law. The costs

of such a suit shall be taxed against the person found to have violated this title.

(Ord. 292 (2002) § 11, 2002: Ord. 216 (1998) § 4 (part), 1998)

**17.530.040 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.

(Ord. 216 (1998) § 4 (part), 1998)

**17.530.050 Written assurance of discontinuance.**

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

(Ord. 216 (1998) § 4 (part), 1998)

**Chapter 17.640**

**(Repealed)\***

- \* **Editor's Note:** Former Chapter 17.640, "Application Fee Schedule," was repealed by Section 17 of Ord. 291 (2002). This chapter was originally derived from Ord. 216 (1998). Fees are now codified in Section 21.06.100 of this code.